

# Procedure file

Basic information		
SYN - Cooperation procedure (historic)	<a href="#">1994/0078(SYN)</a>	Procedure completed
Environment : effects of public and private projects (amend. Directive 85/337/EEC)		
Repealed by <a href="#">2011/0080(COD)</a>		
Subject 3.70 Environmental policy		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>ENVI</b> Environment, Public Health and Consumer Protection	V <a href="#">LANNOYE Paul A.A.J.G.</a>	27/07/1994
	Former committee responsible		
	<b>ENVI</b> Environment, Public Health and Consumer Protection	V <a href="#">LANNOYE Paul A.A.J.G.</a>	27/07/1994
	Former committee for opinion		
	<b>AGRI</b> Agriculture and Rural Development	ARE <a href="#">MAYER Christine</a>	24/05/1995
	<b>ECON</b> Economic and Monetary Affairs, Industrial Policy	EDN <a href="#">BLOKLAND Johannes</a>	04/10/1994
<b>ENER</b> Research, Technological Development and Energy	PPE <a href="#">ESTEVAN BOLEA María Teresa</a>	05/10/1994	
<b>TRAN</b> Transport and Tourism			
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Environment</a>	<a href="#">1990</a>	03/03/1997
	<a href="#">Environment</a>	<a href="#">1939</a>	25/06/1996
	<a href="#">Environment</a>	<a href="#">1895</a>	18/12/1995
	<a href="#">Environment</a>	<a href="#">1873</a>	06/10/1995

Key events			
12/03/1994	Additional information		Summary
16/03/1994	Legislative proposal published	COM(1993)0575	Summary
21/07/1994	Committee referral announced in Parliament		

18/07/1995	Vote in committee		Summary
18/07/1995	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A4-0174/1995</a>	
06/10/1995	Debate in Council	<a href="#">1873</a>	Summary
10/10/1995	Debate in Parliament		Summary
11/10/1995	Decision by Parliament	T4-0449/1995	Summary
18/01/1996	Modified legislative proposal published	COM(1995)0720	Summary
25/06/1996	Council position published	<a href="#">06014/5/1996</a>	Summary
18/07/1996	Committee referral announced in Parliament, 2nd reading		
30/10/1996	Vote in committee, 2nd reading		Summary
30/10/1996	Committee recommendation tabled for plenary, 2nd reading	<a href="#">A4-0343/1996</a>	
12/11/1996	Debate in Parliament		Summary
13/11/1996	Decision by Parliament, 2nd reading	T4-0584/1996	Summary
09/01/1997	Modified legislative proposal published	COM(1996)0723	
03/03/1997	Act adopted by Council after consultation of Parliament		
03/03/1997	End of procedure in Parliament		
14/03/1997	Final act published in Official Journal		

### Technical information

Procedure reference	1994/0078(SYN)
Procedure type	SYN - Cooperation procedure (historic)
Procedure subtype	Legislation
	Repealed by <a href="#">2011/0080(COD)</a>
Legal basis	EC before Amsterdam E 130S-p1
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/4/07989

### Documentation gateway

Legislative proposal	<a href="#">COM(1993)0575</a> <a href="#">OJ C 130 12.05.1994, p. 0008</a>	16/03/1994	EC	Summary
Economic and Social Committee: opinion, report	<a href="#">CES0996/1994</a> <a href="#">OJ C 393 31.12.1994, p. 0001</a>	14/09/1994	ESC	Summary
Committee of the Regions: opinion	<a href="#">CDR0245/1994</a> <a href="#">OJ C 210 14.08.1995, p. 0078</a>	16/11/1994	CofR	Summary
Committee report tabled for plenary, 1st reading/single reading	<a href="#">A4-0174/1995</a> <a href="#">OJ C 269 16.10.1995, p. 0008</a>	18/07/1995	EP	
Text adopted by Parliament, 1st reading/single	T4-0449/1995	11/10/1995	EP	Summary

reading		<a href="#">OJ C 287 30.10.1995, p. 0075-0083</a>			
Modified legislative proposal		<a href="#">COM(1995)0720</a> , <a href="#">OJ C 081 19.03.1996, p. 0014</a>	18/01/1996	EC	Summary
Council position		<a href="#">06014/5/1996</a> <a href="#">OJ C 248 26.08.1996, p. 0075</a>	25/06/1996	CSL	Summary
Commission communication on Council's position		SEC(1996)1224	15/07/1996	EC	Summary
Committee recommendation tabled for plenary, 2nd reading		<a href="#">A4-0343/1996</a> <a href="#">OJ C 362 02.12.1996, p. 0006</a>	30/10/1996	EP	
Text adopted by Parliament, 2nd reading		T4-0584/1996 <a href="#">OJ C 362 02.12.1996, p. 0089-0103</a>	13/11/1996	EP	Summary
Modified legislative proposal		<a href="#">COM(1996)0723</a> , <a href="#">OJ C 095 24.03.1997, p. 0031</a>	09/01/1997	EC	
Follow-up document		<a href="#">COM(2003)0334</a>	23/06/2003	EC	Summary

#### Additional information

European Commission

[EUR-Lex](#)

#### Final act

[Directive 1997/11](#)  
[OJ L 073 14.03.1997, p. 0005](#) Summary

## Environment : effects of public and private projects (amend. Directive 85/337/EEC)

PREVIOUS COMMUNITY LEGISLATION: Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment - EIA (OJ L 175/40, 5.7.1985). Under the terms of the directive, certain projects likely to have significant effects on the environment (see list in the annex to the directive) require both an environmental impact assessment and a public hearing. PREVIOUS POSITION OF EP: in its resolution on EIA (OJ C 66/82, 15.3.1982), Parliament proposed that where projects had cross-border repercussions EIAs should allow greater participation of the population of the neighbouring Member State. It also proposed that certain individual projects be added to the list of projects subject to an EIA. in its resolution of 21 November 1991 (OJ C 326/191, 16.12.1991), Parliament deplored the fact that the Commission had not so far complied with its obligation to provide information pursuant to Article 11(3) of Directive 85/337/EEC, so that it was not yet aware of any problems. in its resolution of 9 June 1992 (OJ C 176/35, 13.7.1992), Parliament called on the Commission to ensure that the EIA Directive was enforced and to exercise greater scrutiny over the quality of EIAs, for example by means of spot checks. It also called for rapid progress on the amendment of the EIA Directive, since many projects likely to have significant effects on the environment were not subject to an EIA under European law. in its resolution of 22 January 1993 (OJ C 42/239, 15.2.1993), Parliament called on the Commission to ensure that the EIA Directive was correctly transposed into national law and properly applied and to demand a reliable impact study for all projects financed by the Structural Funds. SITUATION IN THE MEMBER STATES: The Member States largely transposed Directive 85/337/EEC by means of various legal acts (see Commission report on the implementation of Directive 85/337/EEC, COM(93)0028 final). However, there are problems with the application of the Directive in the Member States because certain provisions of the Directive were not couched in sufficiently clear terms, with the result that in some cases the Member States have interpreted the text differently from the Commission, so that significant differences have arisen in the transposition (e.g. with regard to the preconditions for projects which do not require an EIA in every case, as listed in Annex II: in some countries, such as France, Greece, Ireland and the UK, all categories and nearly all subcategories are covered, in Germany nearly all categories and 49 of the 81 subcategories, but in Italy, Denmark and Spain only a few categories and subcategories. Provisions governing the obligation for project developers to provide information also differ widely: in most Member States, the information must be submitted in separate documents, while in Germany and Italy it forms part of the application for authorization). In its 11th annual report on monitoring the application of Community law - 1993 (COM(94)0500 final), the Commission reported on the inadequate application of the EIA Directive: in Spain, it had still not been completely transposed, despite the forwarding of a reasoned opinion in 1992; in 1993, Italy, Ireland and the UK likewise received reasoned opinions. Proceedings have been brought against Belgium, Luxembourg and Germany before the European Court of Justice; in the case of Germany they concerned failure to carry out an EIA before building a waste disposal facility (case C-431/92); in the case of Luxembourg (case C-313/93) and Belgium (case C-133/94, preceded in 1991 by a reasoned opinion) they concerned incomplete or incorrect transposition. concerned failure to carry out an EIA before building a waste disposal facility (case C-431/92); in the case of Luxembourg (case C-313/93) and Belgium (case C-133/94, preceded in 1991 by a reasoned opinion) they concerned incomplete or incorrect transposition.

## Environment : effects of public and private projects (amend. Directive 85/337/EEC)

The proposal was aimed at amending Directive 85/337/EEC on the assessment of the impact of certain public and private projects on the environment, in order firstly to take account of the results of the report on the implementation of the said Directive, which the Commission had presented to Parliament and the Council in 1993, and secondly to take into consideration the commitments undertaken by the Community and the Member States by the signing of the Espoo Convention on environmental impact assessment in a transboundary context. The proposal also responded to some of the recommendations contained in Parliament's resolution on agriculture and the environment, and in the Commission's communication on the same subject. In concrete terms the amendments essentially related to the following points: - the scope of those projects for which assessment was optional was to be specified at the discretion of Member States, in order to avoid both a total absence of assessment and a systematic assessment of smaller-scale projects; - the concept of defining the scope of the impact study (scoping) was introduced, in order to ensure that the information collected was more relevant; - a procedure for monitoring the environmental impact of the projects was introduced in order to allow those responsible to take the necessary reduction or compensation measures as soon as possible. ?

## Environment : effects of public and private projects (amend. Directive 85/337/EEC)

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The draft legislative resolution was adopted by 24 votes to 9. All the proposed amendments are designed to meet a dual requirement: greater legal and technical clarity and greater transparency and efficiency in terms of environmental costs and benefits. This applies to the amendments to: - reinstate Article 130r (2) of the TEU, by deleting any reference to subsidiarity; - introduce a list of activities and projects with a significant environmental impact, in the light of the recent votes by the European Parliament (Seveso directive etc.); - grant the European Environment Agency consultative and mediator status in line with its institutional objectives; - subject Community or national programmes to an environmental impact assessment; - decide on the priority of programmes (a prior definition of which has been inserted) over projects in that, because of their structural effects, programmes may have an overall effect which is greater than the sum of the impacts of specific projects; - add nuclear fuel production plants to the installations controlled; - increase publicity and the involvement of interested parties in the procedure in question (through a second expert opinion financed by a European fund).?

## Environment : effects of public and private projects (amend. Directive 85/337/EEC)

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Pending delivery of Parliament's opinion, the Council held a policy debate on certain major questions concerning the proposal for the amendment of Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment. Directive 85/337/EEC is regarded as the principal Community instrument on the prevention of environmental damage at source. The amendments advocated are based on the experience acquired in the implementation of the Directive and also take account of the commitments entered into under the Convention on Environmental Impact Assessment in a Transboundary Context, which the Community and its Member States signed at Espoo on 25 February 1991. The proposal provides, inter alia: - for clarification of the scope of this Directive as regards, in particular, the types of project for which the obligation to carry out an assessment is not automatic but is a matter for decision on a case-by-case basis by the Member State concerned (projects in Annex II to the Directive), basing that decision on selection criteria defined at Community level such as the size of the project, its precise location, the production of waste or the risks of accidents; - for the specific content of the assessment, indicating, in particular, the nature of the information that must be presented by a developer; - greater cooperation between the Member States involved in projects that have transboundary effects. Detailed examination of the main problems outstanding enabled the Council to achieve a certain degree of progress, in particular as regards the definition of the projects to be subject to environmental impact assessment. In conclusion, the Council instructed the Permanent Representatives Committee to continue its proceedings in the light of the Council's discussion and Parliament's opinion with a view to the forthcoming meeting in December.

## Environment : effects of public and private projects (amend. Directive 85/337/EEC)

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The rapporteur wanted a number of projects to be included in Annex I, which provided for a obligatory impact assessment, rather than Annex II, which left the decision to the Member States. He believed that the derogations should be limited to exceptional cases and that the public affected by projects should have the opportunity to object to a derogation. He also considered that Community programmes should be the subject of global impact assessments. As regards the content of the impact assessments, the rapporteur felt that the proposal was inadequate as it did not mention option 0 (which sought to reduce demand rather than supply). Mr LANNOYE hoped that the public would receive prior information and felt that Community funding should be used to provide the public with the opportunity to seek a second opinion. Finally, the monitoring and effects of the impact assessment should be made available to the public. Commissioner BJERREGAARD stated that the Commission could only take over part of the amendments tabled; Amendments Nos 28, 33, 35 and 36 were rejected.

## Environment : effects of public and private projects (amend. Directive 85/337/EEC)

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Adopting the report by Mr Paul LANNOYE (V, B), the European Parliament considered that the Commission's proposed amendments did not

completely fill the gaps which had come to light during the six years in which the directive being revised had been applied and the report therefore proposed a series of amendments seeking mainly to: - ensure that Community environmental policy aims at a high level of protection (rather than the adequate level proposed by the Commission); - delete the reference to the principle of subsidiarity; - subject not only public and private projects but also Community or national programmes to an environmental impact assessment, by limiting possible derogations to exceptional cases and offering the public affected by projects the opportunity to object to a derogation; - improve information for and consultation with the public affected; - involve the European Environment Agency when setting the criteria for environmental impact assessments and grant it consultative and mediator status in line with its institutional objectives; - propose a longer list of activities and projects which are subject to control. The European Parliament has mainly added major electricity distribution networks, nuclear fuel production projects and all projects financed under Community programmes (especially the Structural Funds and Cohesion Fund) to the current list; - require third countries granted subsidies by the European Union to implement public works which might have an environmental impact on a Member State to comply with the provisions of the directive.?

## Environment : effects of public and private projects (amend. Directive 85/337/EEC)

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The amended Commission proposal incorporates either all or part of 16 of the 58 amendments adopted by Parliament at first reading. These cover: - the inclusion of relevant references such as the 5th action programme on the environment and sustainable development and the conclusions of the Dublin European Council; - incorporation of the main principles of the Espoo Convention; - the stipulation that projects requiring an assessment must be made subject to a prior request for development consent; - clarification of the definition of the environmental factors covered by assessments; - reinstatement of the minimum list of information to be gathered for assessments; - insertion of a new paragraph concerning the timetable for consultations in a cross-border context; - the stipulation that the detailed arrangements for publishing development consent decisions shall be determined by the Member States; - clarification of the scope of Annex I through the inclusion of a reference to projects relating to certain activities, for example the production and enrichment of nuclear fuels, installations for the incineration of waste, ground water abstraction and certain intensive livestock installations; - clarification of the scope of Annex II by including a reference to the extraction of minerals by marine dredging, wind farms, permanent racing and test tracks, the storage of scrap iron and scrap vehicles, and cable cars. ?

## Environment : effects of public and private projects (amend. Directive 85/337/EEC)

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In its common position the Council considerably extends the list of projects subject to a compulsory assessment of their environmental impact (listed in Annex I) and lays down criteria to be used to determine whether the projects listed in Annex II should be subject to such an assessment, while tightening up the relevant procedures and, at the same time, ensuring a certain degree of flexibility. The Council also endeavours to ensure consistency with the requirements of the proposed Council Directive on integrated pollution prevention and control. The common position includes, either in full or in part, 11 of the 16 amendments which the Commission incorporated in its amended proposal. The main amendments taken over by the Council cover: - the insertion of a new provision making the projects covered by Directive 85/337/EEC subject to a prior request for development consent and an environmental impact assessment; - the inclusion of a new provision laying down general criteria for environmental impact assessments; - the reinstatement of the minimum list of information to be provided by the developer; - the extension of Annex I to Directive 85/337/EEC to cover the following categories of projects: nuclear power stations and fuels and radioactive waste; the incineration of non-hazardous waste; ground water capture schemes; works for the transfer of water between river basins; waste water treatment plants; extraction of hydrocarbons; dams and other installations for the holding back of water; and intensive livestock rearing installations; - the extension of Annex II to Directive 85/337/EEC to cover the following categories of projects: extraction of minerals by marine dredging; wind farms; certain racing and test tracks; the storage of scrap vehicles; and cable cars. The Council also inserted new provisions covering: - the option of using a single procedure for projects covered by the 1985 Directive and the Directive on integrated pollution prevention and control; - the inclusion of a clause designed to ensure that the exemption provided for in the Directive cannot be used to circumvent the strengthened cross-border consultation requirements; - the option for Member States to determine, either by means of case-by-case examinations or by setting thresholds or criteria, whether the projects listed in Annex II to the Directive should be subjected to an assessment; - a more flexible procedure for the description of impact assessments ('scoping'), providing for scoping at the request of the developer, whilst also explicitly allowing Member States to make scoping compulsory; - more stringent requirements governing the information to be supplied by the developer, including an obligation to provide information on the alternatives considered by the developer; - inclusion of the basic principles of the Espoo Convention on environmental impact assessments in a cross-border context; - information and the provision to the public of information regarding development consent decisions; - the requirement that the Commission submit a report on implementation of the Directive five years after its entry into force; - the extension of Annex I to cover the following projects: non-ferrous crude metal installations; dual carriageways; installations for the chemical treatment of non-hazardous waste; groundwater recharge schemes; gas, oil and chemical pipelines; installations for the manufacture of pulp, paper and board; quarries, open-cast mining and peat extraction; overhead electrical power lines; and storage installations for petroleum, petrochemical and chemical products; - the extension of Annex II to cover the following projects: extraction of minerals by river dredging; installations for asbestos production; groundwater extraction and groundwater recharge schemes; and works for the transfer of water between river basins; - the redrafting of new Annex III. ?

## Environment : effects of public and private projects (amend. Directive 85/337/EEC)

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The Commission considered that the common position represented a satisfactory compromise. The extension to Annex I was particularly welcome. The provisions on "scoping" could be more stringent and their efficacy needed to be studied in practice. The Commission approved of the reference to alternatives in the list of minimum information and welcomed the inclusion of the basic principles of the Espoo Convention which would be applicable to all projects evaluated under the directive.?

## Environment : effects of public and private projects (amend. Directive 85/337/EEC)

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The Committee on the Environment intends to use the system of prior authorizations for major projects in order to step up environmental

protection. The committee adopted most of the amendments proposed by the rapporteur, Mr Paul LANNOYE, albeit by a very low majority on several occasions. It wishes to: - extend the scope of the directive to national defence projects and projects approved by specific national acts of parliament; - increase the list of projects subject to compulsory assessment to manufacturers of lubricants, power stations with a heat output of 100 megawatts or more, installations manufacturing hydrocarbons at sea, large-scale deforestation projects and certain intensive livestock holdings; - have impact studies carried out by independent experts; - improve consultation with citizens on the sites for these projects and introduce efficient monitoring controls once projects have been implemented.?

## Environment : effects of public and private projects (amend. Directive 85/337/EEC)

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The rapporteur, Mr Lannoye (Greens, B), began by highlighting the positive aspects of the common position: the consultation procedure for cross-border projects and the extension of the list in Annex 1 - projects that were subject to a compulsory impact study; he then went on to criticise a number of shortcomings: in the case of high-voltage lines, for example, the choice of a 225 000 volt threshold, whereas most of the projects were set at 220 000 volts; the derogation for undertakings producing lubricants and the non-inclusion of installations manufacturing hydrocarbons at sea. As regards Annex 2, which concerned non-compulsory impact studies, the rapporteur noted that the Council had backed down in the face of the Commission's proposal on the pretext of respect for the principle of subsidiarity. This was why the Committee on the Environment had put forward a series of amendments aimed at extending the scope of the directive, in cases where the decision would be the responsibility of Member States, to include defence projects, power stations and large-scale intensive farming operations. The Commissioner, Mrs Bjerregaard, declared that she could accept a number of amendments, including those aimed at including in Annex 1 intensive livestock rearing installations with a capacity of more than 100 animals and producing more than 170 kg of nitrogen per hectare of spreading area, and those that sought to include in golf courses and related installations in Annex 2.

## Environment : effects of public and private projects (amend. Directive 85/337/EEC)

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Parliament adopted the recommendation for second reading by Mr Paul LANNOYE (Greens, B) with a view to adopting the amendment of Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment, rejecting most of the amendments proposed by the Committee on the Environment. However, Parliament proposed that: - the Directive should also concern the assessment of the environmental effects of Community or national programmes which are likely to have significant effects on the environment; - projects for thermal power stations and other combustion installations with a heat output of 100 megawatts or more should be made subject to obligatory assessment, - that there should be better consultation of the public before projects are authorized. ?

## Environment : effects of public and private projects (amend. Directive 85/337/EEC)

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OBJECTIVE: to harmonize the basic principles governing the assessment of the effects of certain public and private projects on the environment. COMMUNITY MEASURE: Council Directive 97/11/EC amending Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment. SUBSTANCE: the directive introduces provisions seeking to clarify, supplement and improve the rules on the assessment procedure in order to ensure that Directive 85/337/EEC is applied in a harmonised and efficient manner. It provides that projects for which an assessment is required must be the subject of a request for authorization, the assessment having been carried out before the authorization is granted. Information on the authorization decision must be made available to the public so that members of the public can express their opinions before the authorization is issued. The directive considerably extends the list of projects which must be subject to an environmental impact assessment (projects listed in Annex I). It specifies the criteria on the basis of which it is decided whether projects under Annex II must be subject to assessment and makes the procedures applicable more strict, while retaining a certain flexibility. Member States are able to decide either by consideration on a case by case basis or by setting thresholds and criteria if the projects listed in Annex II of the directive must be subject to an assessment. The directive specifies the minimum list of information to be provided by the developer and establishes a procedure enabling the developer to obtain the opinion of the competent authorities on the content and scope of the information to be specified and provided for the assessment. The Member States may, in the context of this procedure require the developer to submit, inter alia, alternative solutions for projects for which he intended to make an application. Lastly, it should be noted that the directive includes the fundamental principles of the Espoo Convention of 25 February 1991 on environmental impact assessment in a transboundary context. After five years of experience the Commission must present a report to the European Parliament and the Council on the implementation of the Directive. ENTRY INTO FORCE: 03/04/1997 DEADLINE FOR TRANSPOSITION: 14/03/1999 ?

## Environment : effects of public and private projects (amend. Directive 85/337/EEC)

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This document consists of the report from the Commission on the application and effectiveness of the EIA Directive (Directive (Directive 85/337/EEC as amended by Directive 97/11/EC). It deals in particular with how successful the Member States in implementing the EIA Directive. The European Commission, has prepared the following 5 Years Report fulfilling the obligation found in Article 2 of Directive 97/11/EC and Article 11 paragraph 1 and 2 of Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment (EIA Directive), which requires that "five years after the notification of the Directive, the Commission shall send the European Parliament and the Council a report on its application and effectiveness. The report shall be based on exchange of information on experience gained in applying this Directive. The report contains two parts, i.e., a summary of findings and actions to be taken and annexed the 5 Years review with detailed information on issues regarding the application of the EIA Directive prepared on the basis of answers by information provided by the Member States. The Commission's report examines key areas of the operation of the EIA Directive including screening (the determination whether an EIA is required for a specific project), scoping (, i.e., the identification of the issues to be covered by the environmental impact statement), review (the examination of environmental impact statements and other information submitted by developers to ensure it complies with the minimum information requirements of the Directive), and decision making. The report also examines the arrangements made by Member States for dealing with key EIA issues such as the consideration of alternatives, public participation and quality control. Based on the information reviewed here there is no real evidence to suggest that further amendments to the EIA Directive are required at this stage. The information provided in this report has revealed several shortcomings and weaknesses. In the Commission's view in

some Member States there are examples of very good practice, e.g. in relation to encouraging public participation or providing for clear quality control procedures. In others (and sometime in the very same Member States that have elements of good practice), there are still weaknesses. These findings need to be carefully assessed alongside other factors in order for the Commission to decide whether the EIA Directive should be further amended at this stage. It appears that the main problem lies with the application and implementation of the Directive and not, for the most part, with the transposition of the legal requirements of the Directive. Based upon the material gathered for this review and an assessment of the strengths and weaknesses and effectiveness of the EIA Directive, the Commission makes the following recommendations that help in better implementing the EIA Directive: - Member States should check their national and regional EIA legislation and subsequently remedy shortcomings (e.g. with regard to thresholds, quality control, salami-slicing, cumulation etc). The Commission urges Member States to use the coming amendment of the EIA Directive in the context of the Aarhus transposition to do so. - A precise form of annual recording and monitoring is indispensable to provide reliable annual information on the number and type of EIA projects and the outcome of key decisions. Member States should introduce such systems where they do not already exist. This will assist them, in the Commission's view, in evaluating the number of EIAs carried out, and the types of projects involved, and in assessing the performance and quality of work done. In turn, this will help them to improve their systems. - In relation to screening, those Member States that employ a system with fixed mandatory thresholds should make certain it ensures that all projects that might have significant effects are subject to an appropriate screening process. In this exercise, the Commission expects that they will particularly consider projects planned in or near sensitive areas, and the possible cumulation of projects. - The Commission urges Member States to make more widespread use of its existing guidance on screening, scoping, review and cumulative impacts. There should also be more training at national levels in the use of these quality control documents. - The quality of the EIA process, and especially the EIS, are the key for an effective EIA. The Commission urges those Member States that have yet to do so to introduce formal provisions for the review of the environmental information supplied by the developer to ensure strict compliance with the terms of the EIA Directive. Such measures could comprise the establishment of expert pools, guidelines on the co-ordination of experts, clear instructions about responsibilities, the use of independent external expert review etc. Another tool of quality control could be the introduction of an efficient post decision monitoring system. - The Commission believes that particular training needs to be introduced in certain Member States for authorities at local and regional level in order to improve their understanding of the EIA Directive and its application within the respective national system. Mechanisms for efficient administrative management should help to enhance capacity building. - In the transboundary context Member States should make more use of guidance provided by the UNECE on bi- and multilateral agreements and the practicalities of transboundary EIA. The Commission considers that this will help ensure that adequate provisions are in place, for instance for direct contact between the relevant competent authorities and other agencies for consultation on transboundary effects. As for the Commission, it will consider the need for further research into the use of thresholds and the various systems applied in screening in order to get more clarity and comparable data which would enable robust conclusions to be drawn on how to achieve improvement and greater consistency of approach in the screening process. The Commission also envisages preparing interpretative and practical oriented guidance with the involvement of experts from the Member States as well as other stakeholders like NGOs, local and regional authorities and industry. The Commission will also consider with the Member States what might be done to improve the training of officials responsible for EIA in order to improve the situation. The Commission will continue to take enforcement action in cases of incomplete or inadequate transposition, and/or poor application of the Directive. In due time, more consistent application may require further amendments to the Directive. Based on the results of the actions outlined above, the Commission will consider what further amendments should be introduced. For example, this might be the most efficient way of providing for proper quality control and consistent data collection and might also be necessary to improve the way thresholds and cumulative effects are handled.?