



TREĆA REGIONALNA KONFERENCIJA O PROCJENI UTJECAJA NA OKOLIŠ
THIRD REGIONAL CONFERENCE ON ENVIRONMENTAL IMPACT ASSESSMENT

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**Challenges to meeting the environmental protection
requirements and the nature, for projects cofinanced from EU
funds**

Izazovi ispunjavanja uvjeta zaštite okoliša i prirode, za projekte
sufinancirane iz EU fondova

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Review of environmental protection requirements in OPP 2007-2013 and current circumstances in OPCC 2014-2020



OPP 2007-2013 and corresponding provisions regarding nature and environmental protection

- Directive 2011/92/EU of 13 December 2011
- EIA – ensures that the environmental impacts of construction projects shall be assessed and taken into consideration before competent authorities of member states reach the decision to approve the project.
- Directive 97/11/EC brought this Directive into alignment with UN/ECE Convention on Environmental Impact Assessment in a Transboundary Context (ESPOO).
- Directive 2003/35/EC – aligning provisions regarding public participation pursuant to the Aarhus Convention on access of information, public participation in decision-making and access to justice in environmental issues.
- Directive 2009/31/EC added Annex I and Annex II to the EIA Directive
- Nature Protection Act (OG 70/2005) and corresponding amendments (OG 139/2008, 57/2011)
- Ordinance on nature impact assessment (OG 89/2007)



Effects of regulatory changes on OPCC 2007-2013 projects

- EIS and EIA were conducted prior to 2011 for almost all road infrastructure projects from OPP 2007-2013 (Bridge Mainland-Čiovo with access roads, Southern Bypass of city of Osijek, Split Bypass - LOT2).
- Project preparation stage as the basis for reaching project approval decisions is taken into consideration on the day of submitting application documentation.
- In the above mentioned projects, there was an issue of compliance with the provisions of Aarhus Convention, Natura 2000, Water Framework Directive and Marine Strategy Framework Directive.



„ ... and what now?...”



Water Framework Directive, Marine Strategy Framework Directive, Natura 2000

- Act on Amendments of the Water Act (OG 53/13) has implemented Water Framework Directive (Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000).
- Measures for the application of Marine Strategy Framework Directive – Directive 2008/56/EC establishing a framework for community action in the field of marine environmental policy – have been implemented over a period of time.
- Ordinance on nature impact assessment entered into force on 27 August 2007. In cases where EIA was initiated before imposing the Ordinance, the environmental impacts were assessed within a separate administrative procedure.

OPCC 2014-2020 i regulations on environmental and nature protection

- EIA – integrated procedure (Natura 2000, Marine Strategy Framework Directive, Water Framework Directive).
- Nature Protection Act, Environmental Protection Act and Regulation on environmental impact assessment (OG 61/14) – in compliance with the Directives.
- The rules of the game are unanimously defined.

Climate changes as a regulatory novelty



- How should the issue of climate changes be covered in major projects? What is the appropriate form of tackling this issue? Should this be covered in EIS or dealt with separately?
- What forms the basis for tackling this issue and how are they provided?
- How can resilience of the project to climate changes be shown?

Climate changes as a regulatory novelty

- On 29/09/2015, the seminar entitled „Climate change requirements for major projects in the 2014-2020 period” was held in Brussels, where initial instructions on terms, methodology, form and expected outputs were presented.
- The first seminar on climate changes in RH was organized in March 2016 thanks to SAFU.
- The first Study on climate change impacts and adaptation measures for a road project was completed in May 2016, and that was the Study for the Project of Pelješac Bridge and access roads.



Conclusions

- Due to regulation compliance (including regulation related to environmental issues), the project lifecycle continues expanding.
- The preparation of major projects lasts roughly 5 years (under normal circumstances).
- At the point of considering applications, for all projects with EIS and EIA older than 5 years and more, there are certain risks related to the regulation compliance as this regulation is periodically aligned depending on new circumstances.
- It would be advisable to consider allowing amendments to EIS documentation after conducting EIA (amendments to the Decision, as with location and building permits).

Topics to consider

- To consider options of supplementing the EIS documentation in cases where regulatory changes occur after the EIA is carried out, as well as the options of conducting shorter and simpler administrative procedures and amending the Decision – as it is the case with location and building permits.

Thank you for your attention!

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