

PUBLIC PARTICIPATION IN PLANNING PROCESSES

Participating in
environmental
impact assessments

an environmental law
handbook for youth



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INTRODUCTION



Young people have played and continue to play a major role in putting climate and environmental topics on the agenda. Having a seat at the table and being involved is often a key demand of the youth movement.

While many real involvement opportunities are still missing, there are also decision-making processes where the public, and with that young people, have a right to sit at the table.

Big climate and biodiversity commitments, legal targets or the outcomes of climate litigation start out as words on paper. To implement these commitments, practical steps must follow to ensure the necessary change on the ground happens. Decisions on individual infrastructure projects such as a motorway or installations such as a power plant and broader plans on how to use land for different purposes are a big part of this implementation process: whether or not a permit for a motorway, a power station or a gas pipeline is granted has a big impact at the local level but also contributes to achieving bigger climate and biodiversity targets. Getting these decisions right, taking the climate and biodiversity crises, international obligations and the bigger picture into account is therefore crucial.

Making use of the right to sit at the table during those decisions can therefore have big impacts. Spatial planning, so planning how space will be distributed for e.g. infrastructure, energy provision and nature protection, and project permitting have to follow clear procedural steps that include providing the public opportunities to contribute their opinions and to participate in the planning and decision-making process.

With this handbook, we aim to raise awareness about these public participation opportunities and how you can use them. After outlining why public participation in planning processes is important (chapter 1) we will give you an overview of the EU environmental law provisions governing these processes, explaining the requirements of the Strategic Environmental Impact Assessment Directive (SEAD) and the Environmental Impact Assessment Directive (EIAD) (chapter 2). In chapter 3, we then give you an overview of where you can find more information about the specific national rules, consultation opportunities and ongoing projects. Finally, in chapter 4, we get practical: how do you participate in such processes, what are key steps along the process and what are key questions to keep in mind during the process?

The aim of this handbook is to provide a starting point to help you navigate planning processes and how you can participate in them. It is by no means a complete overview of this field. Throughout the handbook, we also provide links for further information if you would like to go deeper.

INTRODUCTION CONT.

In the box below, you can find a short glossary of some of the key terms we will be using in this handbook.

- **Spatial plan**: Documents setting out the strategic direction for how to use land in a certain area and the policies that will implement this. They may be developed at different levels so e.g. landscape planning, urban planning, regional planning or national spatial plans.
- **Project**: 'The execution of construction works or of other installations or schemes, and/or other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources.'
- **Project permit / Development consent**: the authorisation to construct or change a project, granted by governmental authorities in response to an application by a developer and required for the construction of a project.
- **Project developer**: the entity (usually a legal person) who wants to build the project and therefore applies for a permit or the public authority initiating the project if it is a public project.

01

**WHAT IS
PUBLIC
PARTICIPATION
AND WHY DOES
IT MATTER?**



WHAT IS PUBLIC PARTICIPATION AND WHY DOES IT MATTER?

Public participation is a way to empower people to be at the heart of democratic governance: it provides opportunities for communities to take action and to influence decisions which affect them by shaping the policies and plans that concern the environment they live in. Through public participation, the transparency of the decision-making process increases, different needs of the community are better communicated and different perspectives are being heard which leads to a more holistic and complete approach to handling environmental issues. In addition, problems are flagged at an early stage which leads to better planning and higher acceptance of the resulting project by the community.

At the basis of it all is, once again, the Aarhus Convention. The Aarhus Convention is an international law treaty setting out environmental democracy rights with the aim of ensuring that present and future generations can live in an adequate environment. The three pillars of the Convention are the rights of access to information, access to justice and public participation. You can find more information in our 'Understanding Aarhus - a simple handbook on access to justice at EU level' handbook.

As over 30% of the EU's population is under 30 and younger generations are particularly vulnerable to the long-term environmental impacts of today's decisions, participation from youth is crucial in making the difference. The climate and biodiversity crises are a fundamental intergenerational equity issue which creates a strong need for an active role of youth in public participation processes and for support of youth and youth organisations in those processes.

Participating in planning processes can have a big impact. While their outcomes are not binding, points made during the consultations must be heard and taken into account. It provides a space where governments at least have to listen and handle the input and is an opportunity to bring elements to the table to at least make concerns heard. Thus, raising e.g. the compatibility of a project with the Paris Agreement during the public participation process requires authorities to at least react to these points and explain how they took these into account. This means they cannot be blatantly ignored, they have to at least be spoken about. Participating also provides an opportunity to make noise beyond the consultation process by e.g. engaging in broader campaigns around a certain project in collaboration with other relevant parties or help to obtain press coverage, and so on.

Public participation in planning processes therefore provides great opportunities to bring a youth dimension into climate and biodiversity issues. Youth participation can also bring higher moral weight and fresh energy into these processes.

These planning processes often happen at a more local level as it will e.g. be the regional water administration body that is responsible for making a decision impacting on your local river. This means they are often more easily accessible and relatable though often not in the public spotlight and often lack a youth perspective. Getting involved can thus not only bring in new perspectives, energy and a new sense of urgency but also provides opportunities to bring in arguments that would otherwise likely not be made or would lack legitimacy, such as intergenerational equity arguments. In addition, climate change considerations are often lacking in planning processes, so youth involvement will also strengthen the link between local and global climate impacts.

More broadly, public participation opportunities are also crucial for identifying defects in projects and avoid that legal or other issues go unnoticed early on to then only be discovered later in the process when addressing them may be much more difficult, costly or time-consuming. In addition, participation can significantly increase the social acceptance of a project. Calls or proposals to water down public participation processes during planning are therefore misguided and fail to see the value of these processes.

Getting involved from the start can also make it easier to later challenge a decision as you will already know all the key actors, your allies, the project, the binders full of information on the project and the key issues at stake.

The following chapters will provide you with an overview on the rules and opportunities for participation during planning processes and practical information on how to do so.



02

KEY **EU** LAW TOOLS



KEY EU ENVIRONMENTAL LAW TOOLS

Public participation in spatial planning or project permitting occurs through designated processes and there are minimum requirements for how the public must be given an opportunity to be involved. These are set out in the two key Directives on spatial planning and environmental assessments, the Strategic Environmental Assessment Directive (SEAD) and the Environmental Impact Assessment Directive (EIAD).

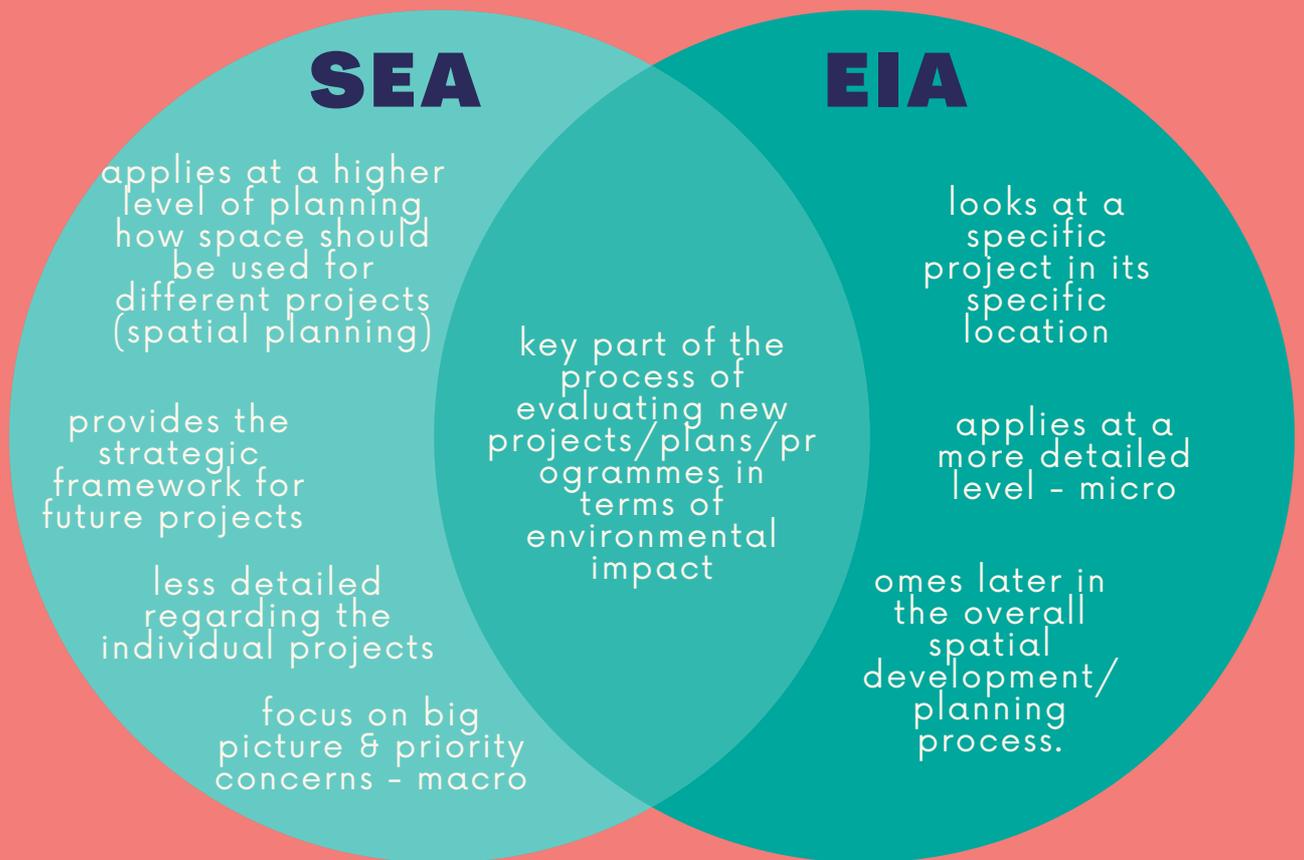
Understanding the EU law requirements for the assessment and participation processes established in these Directives is therefore helpful to know what your rights to have a say are. In addition, knowing what governments should be doing also means you can more easily identify when they are not following these requirements and should be challenged for this non-compliance. The EU law requirements are 'transposed' at national level, meaning that Member States have to adopt national legislation to integrate the obligations into national law. As a result, the details of each national process on e.g. the duration for different parts may be a little bit different but the Directives set out the basic framework that all have to comply with. For more details on what a Directive is and how it works, please have a look at our handbook on EU environmental law.

There are two main types of assessment, a Strategic Environmental Impact Assessment (SEA) and an Environmental Impact Assessment (EIA). The main distinction is that the SEA applies at a higher level of planning how space should be used for different projects (spatial planning). It provides the strategic framework for future projects but is less detailed regarding the individual projects. An example of such a plan would be developing a map to identify areas for renewable energy installations (go-to areas) and those where these installations should not go (no-go areas) – this would be strategic spatial planning.

An EIA on the other hand looks at a specific project in its specific location. It therefore applies at a more detailed level and comes later in the overall spatial development/planning process. Following the example of renewable energy planning, a project would be e.g. building a new windmill for energy generation.

If you would like to voice your opinions on a plan, programme or project, a first relevant question is therefore whether the SEAD or EIAD apply and whether an SEA or EIA is required.

WHAT'S THE DIFFERENCE BETWEEN AN SEA AND EIA?



THE STRATEGIC ENVIRONMENTAL IMPACT ASSESSMENT DIRECTIVE

The Strategic Environmental Impact Assessment Directive (SEAD) (2001/42) applies to public plans and programmes that are prepared or adopted by a public authority and are required by legislative, regulatory or administrative provisions (Art.2(a)). This can be at national, regional or local level. Where such a plan or programme is likely to have significant environmental effects, a Strategic Environmental Assessment (an SEA) is required.

The SEAD sets out types of plans that will always require an SEA while leaving it up to the Member States to come up with their own rules for how to identify other plans that are likely to have significant environmental effects and therefore require an SEA. According to the Directive, plans and projects with the following two elements require an SEA:

- 1.They are prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use; and
- 2.They set the framework for projects listed in Annex I and II of the EIAD.

In addition, plans and programmes that are likely to impact on conservation obligations under the Habitats Directive require an SEA (Art.3(2)). For other plans, a screening process is required during which criteria listed in Annex II must be taken into account (Art.3(3) – (7)).

Where an SEA is required, this means that an environmental report must be prepared and a consultation carried out (Art.2(b)). The report must identify, describe and evaluate the likely significant environmental effects and reasonable alternatives. Annex I outlines the information that must be provided for this purpose (Art5(1)). Member States are required to ensure that the report and consultation input is then taken into account during the decision-making process and that the outcomes are made public (Art.2(b)).

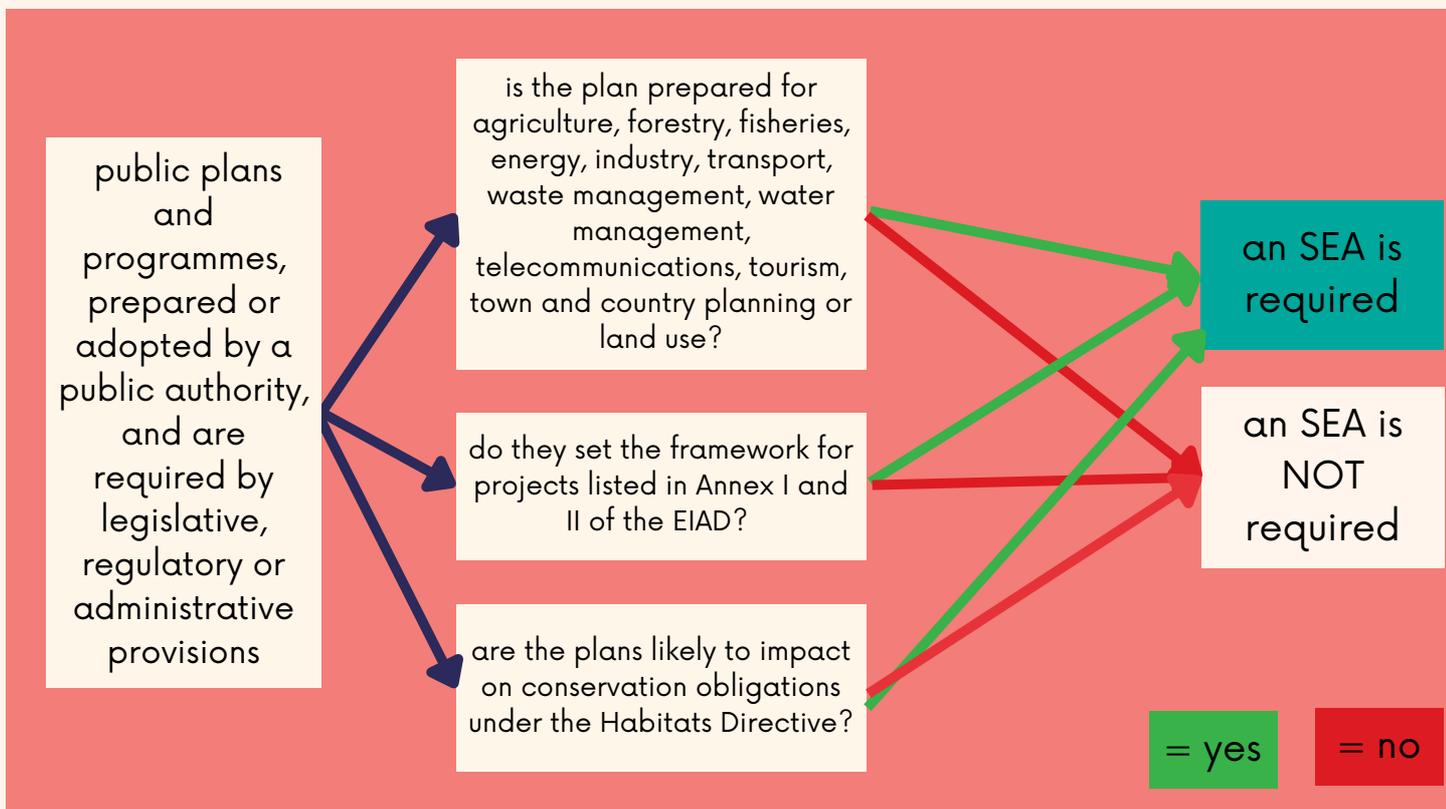
How the public must be consulted is governed by Art.6. This first of all entails an obligation on the relevant authority to publish the plan or programme and the environmental report (Art.6(1)). The Directive does not specify where this must be published or how, so this is up to the Member States. However, it must be effective in reaching the relevant public.

In a second step, the authorities must identify the public to be consulted which includes the public affected or likely to be affected or those having an interest in the decision (Art.6(4)). Environmental NGOs are deemed to have an interest. The public must then be given an 'early and effective' opportunity to give their opinion on the draft plan and environmental report. This consultation must take place 'within appropriate time frames'.

When making a decision about the plan or programme and before adopting it, the environmental report, the opinions expressed during the public consultation must then be taken into account (Art.8). The outcome, including the final plan or programme, how environmental considerations have been integrated, how the opinions have been taken into account and the reasons for choosing the plan in light of possible alternatives must be made public (Art.9(1)).

The report and the consultation outcomes are not binding. The points raised in them must however be taken into account and addressed in the decision-making process. The requirement to take the feedback 'into account' is vague so this also depends on how the Member States interpret this. As a minimum, it would seem to require the relevant authority to consider the points raised and react to them, explaining if/how they influenced the outcome.

IS AN SEA REQUIRED?



THE ENVIRONMENTAL IMPACT ASSESSMENT DIRECTIVE

Under the Environmental Impact Assessment Directive (EIAD) (2011/92, amended by Directive 2014/52), projects with a likely significant environmental impact must be subject to an EIA (Art.2(1)). The aim of the EIA is to assess the impact on a range of factors set out in Art.3, including human health, biodiversity, water, air and climate. A project can be a public or private project (Art.1) and is defined as a construction, installation or other intervention in the landscape (Art.1(2)(a)).

Whether or not an EIA is required is partially determined through a list in the Annexes of the Directive.

Projects listed in Annex I always require an EIA (Art.4(1)) which includes projects such as oil refineries, motorways, waste disposal sites, dams, intensive pig farming, and open-cast mining. Projects listed in Annex II must undergo a screening process to assess whether they need an EIA or not (Art.4(2)). This includes projects like agricultural land use change, different mining projects, renewable energy installations, gas storage, industrial food factories, theme parks and some smaller versions of projects that are also listed in Annex I.

For the screening, the developer must provide information on the project's likely impact (listed in Annex IIA) and the public authority is then required to assess whether or not an EIA is required based on criteria listed in Annex III, assessing the characteristics of the project, its location and the potential impact. The authority responsible for the screening process must publish the outcome and explain the reasons behind it. Art.4(5). This whole screening process must be carried out in 90 days, unless the case is exceptional in which case an extension may be granted (Art.4(6)). The Commission has developed guidance on the screening process which also includes a checklist of elements to consider.

An EIA consists of five elements/stages (Art.1(2)(g)):

1. An EIA report prepared by the developer. This must e.g. include information on the likely significant environmental effects, any mitigation measures and a description of reasonable alternatives as well as a non-technical summary of the main issues. The details of what must be included in this report are set out in Art.5(1).
2. A consultation process. This is the opportunity for the public concerned to give their input to the process. The details are set out in Art.6 and we will go into further details below.
3. The examination of the EIA report and the consultation outcomes by the authority.
4. The 'reasoned conclusions' of the report and consultation outcomes - in other words the outcome of the process.
5. The integration of the outcome into the development consent or refusal as detailed in Art.8a. This may include environmental conditions and monitoring measures.

The rules on public participation are set out in Art.6 EIAD. The 'public concerned' is defined as the public (likely to be) affected or having an interest in the decision (Art.1(2)(e)). Environmental NGOs are deemed to have an interest.

Right at the beginning, at the latest 'as soon as the information can be reasonably provided', the authority must inform the public about the process, including the details of who is responsible, how comments can be submitted, the type of decision that is at stake or a draft thereof, details about when and where more information will be made available and how the public participation process will work (Art.6(2)). The EIA report and any accompanying reports must also be made available within a reasonable time-frame (Art.6(3)).

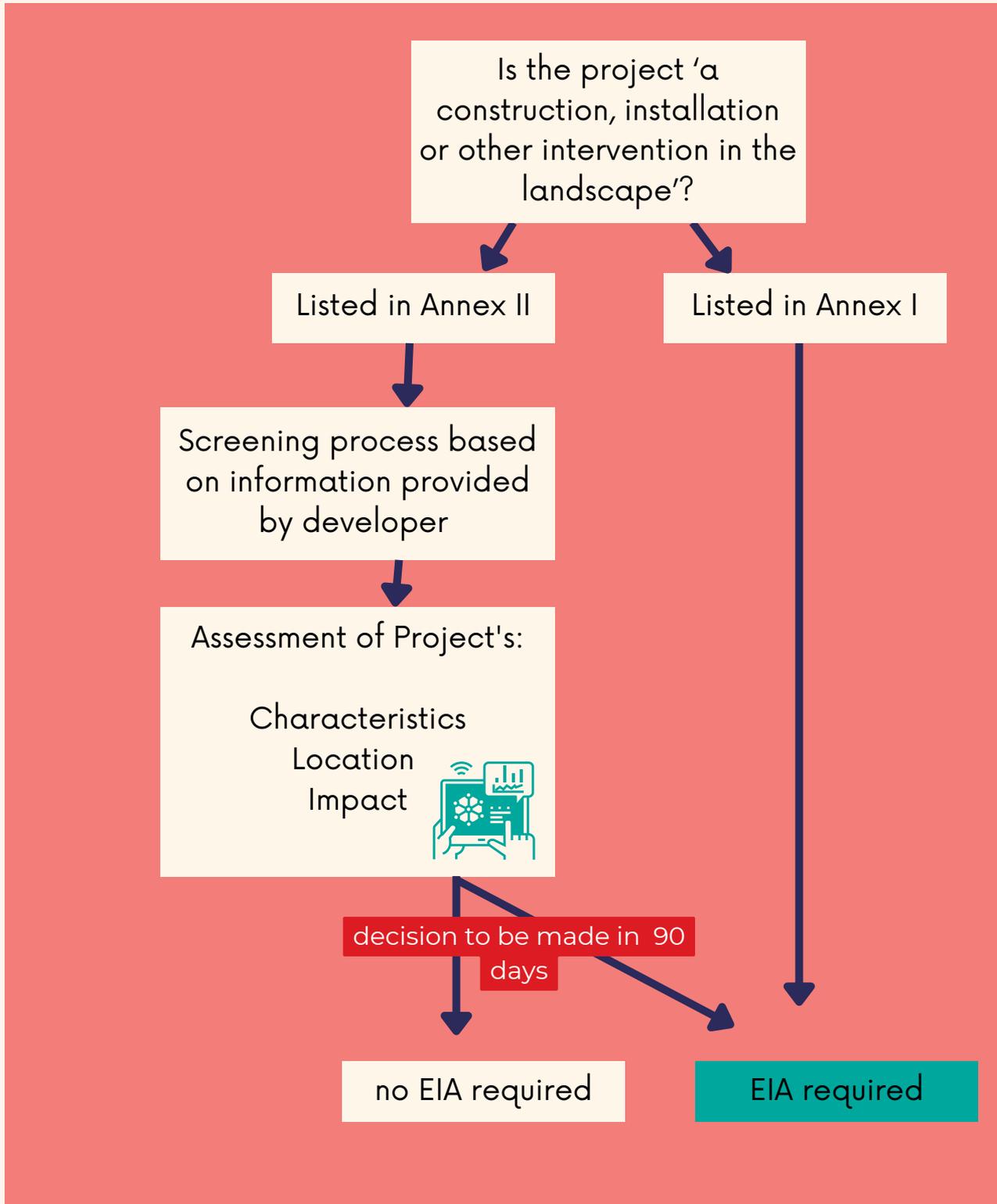
The public must then be given 'early and effective' opportunities to participate in the decision-making process by providing their opinion at a point when all options are still open (Art.6(4)). This consultation opportunity must be at least 30 days (Art.6(7)). Besides this time requirement, the Directive only provides that 'reasonable time-frames' shall be provided for informing the public and allowing enough time for effective participation (Art.6(6)). It is up to the Member States how they share information about such public participation opportunities. The Directive only specifies that the information must be accessible 'electronically' through an easily accessible platform.

The outcome of the EIA process is not binding. The report, the information and opinions gathered through the public consultation 'shall be duly taken into account' in the development consent process (Art.8). Should a decision be made to grant development consent to the project, this decision must incorporate the 'reasoned conclusions' summarising the outcome of the process as well as any environmental conditions and monitoring measures that may be required.

When making a decision, the public authority must also proactively inform the public and share the content and conditions of the decision as well as the main reasons on which the decision is based (Art.9(1)). This must also include a summary of the consultation process and results and explanations how these points have been incorporated or addressed. This can also give indications as to whether the opinions of the process have been taken into account as required or just superficially brushed off.

Art.11 contains a requirement for Member States to establish a review process where the public can challenge the decision should there be procedural or substantive legal problems. This access to justice provision ensures that there is a direct right to challenge the outcome or any omissions of the process even where this does not already implicitly form part of the national legal system.

IS AN EIA REQUIRED?



03

**INFORMATION
ABOUT
PUBLIC
PARTICIPATION
OPPORTUNITIES**



INFORMATION ABOUT PUBLIC PARTICIPATION OPPORTUNITIES

Now that you know how the EIA and SEA process should work according to EU law, you might be wondering where you can find information about the details at national level as well as about ongoing assessment procedures and opportunities to participate.

It is up to each Member State to ensure it publishes information on public participation opportunities in a proper way. As a result, it can be a bit challenging to know where to find information on public participation opportunities as part of upcoming or ongoing EIAs or SEAs.

The below table tries to provide an overview of where to find information about EIAs and SEAs in the different Member States. Where available, it includes links to general information about EIA and SEA processes and then links to portals for ongoing procedures that include public participation opportunities.

Country	EIA / SEA information
Austria	Information on EIAs: https://www.usp.gv.at/umwelt-verkehr/umweltvertraeglichkeitspruefung.html Information on SEAs: https://www.strategischeumweltpruefung.at Database of past EIAs, including a map: https://www.umweltbundesamt.at/umweltthemen/uvpsup/uvpoesterreich/uvp-dokumentation#c1690
Belgium	https://www.health.belgium.be/fr/environnement/bienvenue-sur-le-portail-national-sur-la-convention-daarhus Flanders: https://omgeving.vlaanderen.be/omgevingsvergunning/milieuffectrapportage
Bulgaria	https://www.moew.government.bg/bg/prevantivna-dejnost/ovos/
Croatia	https://mzoe.gov.hr/puo-spuo-4012/puo-4014/4014
Cyprus	SEAs: http://www.moa.gov.cy/moa/environment/environmentnew.nsf/page48_gr/page48_gr?OpenForm EIAs: http://www.moa.gov.cy/moa/environment/environmentnew.nsf/page49a_gr/page49a_gr?OpenDocument
Czechia	https://portal.cenia.cz/eiasea/view/eia100_cr
Denmark	EIA / SEA information: https://planinfo.dk Participation portal: https://hoeringsportalen.dk/Hearing
Estonia	https://keskkonnaamet.ee
Finland	https://www.ymparisto.fi/fi-FI/Asiointi_luvat_ja_ymparistovaikutusten_arviointi/Ymparistovaikutusten_arviointi/YVAhankkeet?n5=1

France	EIA / SEA information: https://www.ecologie.gouv.fr/evaluation-environnementale Consultations database: http://www.consultations-publiques.developpement-durable.gouv.fr/spip.php?page=sommaire
Germany	Information: https://www.bmvv.de/themen/bildung-beteiligung/beteiligung/umweltpruefungen-uvp-sup EIA portal: https://www.uvp-portal.de/de/vorhaben Links to portals of the Bundesländer: https://www.uvp-portal.de/de/node/422
Greece	http://www.opengov.gr/home/category/users/enviromentandenergy
Hungary	https://kornyezetvedelem.hu/kornyezetvedelmi-eljarasok-khv
Ireland	Information: https://www.epa.ie/our-services/monitoring--assessment/assessment/ EIA portal: https://housinggov.ie/maps.arcgis.com/apps/webappviewer/index.html?id=d7d5a3d48f104ecbb206e7e5f84b71f1
Italy	Information: https://www.isprambiente.gov.it/it/attivita/autorizzazioni-e-valutazioni-ambientali/valutazione-di-impatto-ambientale-via EIA/SEA portal: http://www.va.minambiente.it/it-it
Latvia	Information: https://www.vvd.gov.lv/lv/tehniskie-noteikumi-ietekmes-uz-vidi-novertejums?utm_source=https%3A%2F%2Fwww.google.com EIA portal: https://www.vpvb.gov.lv/lv/ietekmes-uz-vidi-novertejumu-projekti?utm_source=https%3A%2F%2Fwww.google.com
Lithuania	Information: https://am.lrv.lt/lt/veiklos-sritys-1/planuojamos-ukines-veiklos-poveikio-aplinkai-vertinimas?_x_tr_sl=lt&_x_tr_tl=en&_x_tr_hl=en&_x_tr_pto=sc EIA portal: https://am.lrv.lt/lt/veiklos-sritys-1/planuojamos-ukines-veiklos-poveikio-aplinkai-vertinimas?_x_tr_sl=lt&_x_tr_tl=en&_x_tr_hl=en&_x_tr_pto=sc
Luxembourg	Information: https://environnement.public.lu/fr/support/faqs/faq-eie-new.html EIA portal: https://environnement.public.lu/fr/emweltprozeduren/evaluation-incidences-eie/projets_eie.html
Malta	Information: https://era.org.mt/era-topic-categories/environmental-assessment/ EIA portal: https://era.org.mt/public-consultations/
Netherlands	General consultations: https://www.internetconsultatie.nl
Poland	Information: https://www.gov.pl/web/gis/ocena-oddzialywania-na-srodowisko-oos-oos-przedswiezecia
Portugal	Information: https://siaia.apambiente.pt EIA portal: https://participa.pt
Romania	Information: http://www.anpm.ro/acordul-de-mediu EIA portal: http://www.mmediu.ro/categorie/evaluare-impact-asupra-mediului-pentru-proiecte/62 SEA portal: http://www.mmediu.ro/categorie/evaluare-de-mediu-pentru-strategii-planuri-programa/60
Slovakia	EIA portal: https://www.enviroportal.sk/sk/eia
Slovenia	EIA information: https://www.gov.si teme/presoja-vplivov-na-okolje/ SEA information: https://www.gov.si teme/presoja-vplivov-na-okolje/
Spain	Information: https://www.miteco.gob.es/es/calidad-y-evaluacion-ambiental/temas/evaluacion-ambiental/ EIA portal: https://www.miteco.gob.es/es/ministerio/servicios/participacion-publica/listado.aspx
Sweden	https://www.naturvardsverket.se/vagledning-och-stod/miljobalken/miljobedomningar/specifik-miljobedomning/

This table builds on work done under the EEB's Implement for LIFE project.

04

HOW TO PARTICIPATE



HOW TO PARTICIPATE

The theory of how the law should work is one thing, having an idea of how to actually participate is another. This section therefore provides you with an overview of key steps for how to participate in planning processes and key questions to ask when actually looking at EIA documents. This builds upon a guidebook by the Environmental Law Alliance Worldwide (ELAW) on mining project EIAs. The guidebook explains how to follow an EIA process in general terms and particularly chapters 3 and 4 are useful for practical information on how to participate.

Participating in planning processes can be broken down into a few main steps. While this is not a complete list and other aspects or elements are relevant, we identified 10 key elements for how to participate. They all build upon each other and broadly follow the main points of the EIA process. The 10 elements are:

- 
1. Understanding the rules and processes
 2. Understanding your participation rights and opportunities
 3. Joining forces with others
 4. Identifying responsible authorities
 5. Obtaining the relevant documents
 6. Getting involved early in the process
 7. Submitting effective written comments
 8. Participating effectively during public hearings
 9. Challenging procedural or substantive problems of the EIA process
 10. Ensuring compliance with requirements in permit

Now let's go through them in turn to understand what we mean with each of these steps.

1. Understanding the rules and processes



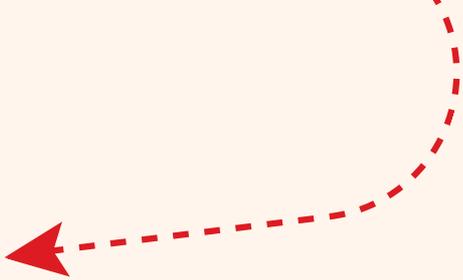
We hope that chapter 3 gave you an overview of the EU law rules for EIAs and SEAs. However, these are only the EU rules and the details of the process are different in every Member State as they are determined through national laws.

In chapter 3 you can find links with more information about the rules in your Member State. There is no need to know every article of the law but it helps to have an overview of the process and timelines for each step.

2. Understanding your participation rights and opportunities



Similarly, you need to know where you have a right to participate and when such opportunities may arise. Familiarising yourself with the national rules, the national platforms for when and where such opportunities are publicised and the ways in which participation is done can help to know where and when to look. The links in chapter 3 can hopefully be a good starting point for where to find information on EIA and SEA procedures.



3. Joining forces with others

Look out for groups, individuals or organisations who are already following certain developments or have done so in the past and see if you can join them or learn from them. There may be a citizen initiative that has already been protesting against a certain project for months and can fill you in on the issues, explain the process and the political context. You may be able to join them, bringing in a youth angle to the group.

Even if there is not already an existing group, you may find others who have similar concerns and who you could join forces with to get involved in the planning process. EIAs often involve many lengthy documents so sharing the work of going through them can be extremely helpful.

It may also be helpful to reach out to other environmental groups, also in other regions, simply to learn from them. They may have a lot of experience with EIA processes in general even though they may not be involved in the specific project you are interested in. Nonetheless, they may be able to share a lot of useful information with you about how the EIA process works, advice on how to participate or how to navigate the process.



4. Identifying responsible authorities

For every project or plan/programme, there will be one main responsible authority. They will be the key contact point for information on the process, provide the relevant documents and are the point to submit comments to. Depending on the point in the process, you can identify them through the EIA report, the announcement of the consultation stage or through your national or regional EIA/SEA portal. If it is very early days or if you should be able to find information but are not, you could also consider reaching out to them to ask.

5. Obtaining the relevant documents and information



To participate and comment, you need to know the details about the project and the process. How documents are made available to the public depends on the national and sometimes also regional system. In some countries, you can simply find them through a big online database, sometimes even with a map showing ongoing EIA processes. We linked some of them in chapter 4 above. In other countries, there may be a public notice that you can go and have a look at documents in the town hall during certain times or another way of making them available. In any case, information about how to access documents, where, when, for how long and details about the consultation process, including any relevant deadlines should be easily accessible. If you cannot find them, reach out to the responsible authority.



6. Getting involved early in the process

The earlier you get involved, the higher the chances that you can influence decisions about the project. By getting involved at the screening stage, you can e.g. raise key points as to why an EIA is needed and try to influence the type of information that should be included in the EIA report.

However, your opinions should also be heard at a later stage in the consultation process. The process must happen at a time when all options are still open so your input should still be able to influence the decision at a later stage.

In some countries, participating in the process from the start is a requirement to then be able to challenge the outcomes. However, this 'preclusion' is not legal under EU law as the Court of Justice of the EU has held that it would be incompatible with the Aarhus Convention. Nonetheless, from a practical perspective, it will be easier to challenge the decision if you participated earlier on as you will already be more familiar with the project, the data and the key problems.



7. Submitting effective written comments

The more specific your comments are, the stronger they will be. Instead of stating in general terms that you think the project is a bad idea because it will e.g. have negative impacts on the climate and air pollution, refer to specific international, EU and national law provisions. If you are highlighting the climate impacts, e.g. refer to the provisions of the Paris Agreement, any national legislation implementing the 1.5/2 degree commitment and resulting carbon budgets as well as current trajectories by e.g. using tools such as the Climate Action Tracker. This could provide a basis on which to then highlight the big climate impact of the project in question which will need to be weighed against other carbon budget needs and the intergenerational equity implications thereof. You may not have to start from scratch on these points as you may be able to build upon similar argumentation done in national climate litigation submissions or work of other organisations that has already set out the relevant provisions and figures.

You may also wish to highlight certain fundamental rights, how the project may interfere with them, the particular impacts on younger generations, possible uncertainties about long-term effects and intergenerational equity concerns.



8. Participating effectively during public hearings

A public hearing may also be a part of the consultation process, providing a dedicated space for the authority to explain the project and for the public to provide feedback. While some similar considerations as for written submissions apply, you may also want to consider who your target audience is for a public hearing.

9. Challenging procedural or substantive problems of the EIA process

As outlined above, Member States have to establish a review procedure to enable members of the public to challenge procedural and substantive issues of the EIA process. Possible grounds on which to challenge the process or the decision may be that there was no or inadequate notice of the public participation process, that key documents or impacts were not disclosed, that some key aspects required by the EIAD were missing from the EIA report or that there was no or an inadequate public participation procedure.

10. Ensuring compliance with requirements in permit

If a project permit is granted at the end of the EIA process, this permit may come with certain conditions or requirements attached to the permit. The project developer may be required to adopt certain mitigation measures to reduce the impact, it may need to take compensation measures and it may also need to monitor the impacts to ensure they stay underneath a certain threshold. Depending on your national jurisdiction, some of these requirements may be enforceable in court so keeping an eye on how the developer is meeting them by e.g. looking at reports from the project or other environmental data you can find, could be another way to ensure that the impacts do not exceed the thresholds of the permit.

ELEMENTS TO LOOK OUT FOR IN AN EIA REPORT



An EIA process can be overwhelming. The report may involve many different lengthy documents full of technical information and it can feel daunting to even start. Therefore, in this section, we aim to outline some elements to look out for to help you navigate your way around an EIA or SEA.

An EIA report should be accompanied by an executive summary or a non-technical summary that should provide you with an overview of what the project is about and what the main issues are. However, this summary is likely to not be neutral and may omit key information or paint a certain picture that glosses over some potential problems. After reading the summary, you may however have a better idea which sections of the report and the accompanying documents you may be interested to look into to see what is behind the summary.

Of course the relevant questions to keep in mind when looking through these documents depend a lot on the project. Nonetheless, there are some general elements and questions that are worth keeping in mind as they can give indications as to the quality of the report and can be starting points for ways to challenge a project.

Some questions that could be useful to keep in mind for the EIA report are:

- Is what is essentially one project (e.g. a motorway, one industrial park etc) split up into smaller projects? This so-called 'salami-slicing' is sometimes done to avoid having to carry out an EIA in the first place or to avoid assessing the cumulative impacts of one big development by only assessing separate parts one by one. This would be something to raise already during the screening phase as it might influence whether or not a full EIA will follow or not.
- How are the existing environmental conditions, the environmental baseline, described? Does it reflect the actual conditions or is something key missing?
- Does the report truly consider alternative options for the project? Does it provide adequate information about the environmental impact of alternatives? Does it provide explanations as to why they may not be practical or why less damaging alternatives are not pursued?
- Does the report consider a no-project scenario, so what would happen if the project simply was not built?
- Does it adequately describe the impacts on different environmental aspects such as water, air, soil, biodiversity, climate as well as human health? Does it cover both the extent and the significance of the impacts?
- Is the climate crisis and the contribution of this project to the national GHG budget (based on the Paris Agreement commitments) taken into account? Does it integrate key principles stemming out of recent climate litigation decisions?
- Does it adequately define the area that the project will directly or indirectly impact? Does it address the duration of the impacts and potential long-term effects or uncertainties?
- Are adequate references or sources for the data and the conclusions provided?
- Does it describe measures for how to minimise and mitigate the impacts?
- Does it describe monitoring measures to monitor the actual impacts?

For further information, please also have a look at our other handbooks:

- [EU Environmental Law - a simple introduction](#)
- [Understanding Aarhus - a simple handbook on access to justice at EU level](#)



