Measures for managing the adverse impacts of agriculture

Overview of the applicable environmental legislation

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Overview of the presentation

- Legislation relying on Environmental assessments: EIA, SEA, Natura 2000 (AA), IED

- Other legislation relying on plans and measures: WFD, Nitrates Directives, Nature Directives, SUD
LEGISLATION RELYING ON ENVIRONMENTAL ASSESSMENTS
Environmental Assessment

= Procedure that ensures that the environmental implications of decisions are taken into account before the decisions are made.

= Environmental assessment can be undertaken for individual projects, E.g: drainage, afforestation, irrigation, factories, on the basis of Directive 2011/92/EU (known as 'Environmental Impact Assessment' – EIA Directive),

= Or for public plans or programmes on the basis of Directive 2001/42/EC (known as 'Strategic Environmental Assessment' – SEA Directive). E.g: RDPs

= A Specific Assessment applies in Natura 2000 sites: (known as Appropriate Assessment (AA) under the habitats directive

= The projects and programmes co-financed by the EU (Cohesion, Agricultural and Fisheries Policies) have to comply with the EIA and SEA Directives to receive approval for financial assistance
Environmental Assessments relevant to agriculture

- **Policies**
  - CAP – Rural Development
  - 7th Environmental Action Programme
  - Habitats and Birds Directives
  - Water Framework Directive

- **Plans & Programmes**
  - covered by SEA Directive (2001/42)

- **Projects (public - private)**
  - covered by EIA Directive (codified 2011/92)

- IPPC/IED Directive
Environmental Impact Assessment Directive - EIA (1)

- The EIA Directive (Directive 2011/92/EU) is in force since 1985 and applies to a wide range of defined public and private projects, which are defined in Annexes I and II.

- Mandatory EIA: all projects listed in Annex I are considered as having significant effects on the environment and require an EIA reflect on-going environmental and socio-economic priorities and challenges.

- Discretion of Member States (screening): for projects listed in Annex II, the national authorities have to decide whether an EIA is needed.

- Directive 2011/92/EU has been amended in 2014 by DIRECTIVE 2014/52/EU (EIA review).

EIA : Outline of the procedure

- **Screening**: process of determining whether or not EIA is required for a particular project.
- **Scoping**: process of determining the content and extent of the matters which should be covered in the environmental information to be submitted to a competent authority for projects which are subject to EIA.
- **EIA Report**: the developer must provide information on the environmental impact.
- **Consultation**: environmental authorities and the public (and affected Member States) must be informed and consulted.
- **Decision**: competent authority decides, taken into consideration the results of consultations.
- **Information on decision**: public is informed of the decision afterwards and can challenge the decision before the courts.
- **Monitoring**: NEW : Requirement ONLY for projects with significant + adverse environmental effects.
Strategic Environmental Assessment

• To provide for a high level of protection of the environment.

• To contribute to the integration of environmental considerations into the preparation of plans and programmes with a view to promoting sustainable development.

• Plans, programmes and projects which are likely to have significant effects on the environment are subject to an assessment.


The SEA procedure

1. **Screening**
   - Using screening criteria

2. **Scoping**
   - Scope and level of detail
   - Obligatory under the SEA

3. **Environmental Report/Study**
   - The “Report” (including a non-Technical summary)

4. **Information and Consultation**
   - Public, environmental authorities, other MSs ...
   - Takes account of environmental report and consultations

5. **Decision**
   - End of SEA process

6. **Information on decision**

7. **Monitoring**
   - Significant environmental effects
Assesments within the Habitats Directive: The appropriate assessment in the context of plans and projects

Art. 6

- General regime for all Natura 2000 sites
  - 6(1) Positive and proactive conservation measures, Applies to SACs
  - 6(2) Avoidance of habitat deterioration and significant disturbance, Applies to SPAs, SCIs & SACs
  - 6(3) Procedures for new developments
    - 6(4) Step by step procedure for development plans and projects affecting Natura 2000 sites, Applies to SPAs, SCIs & SACs

Purpose and scope of Art.6(3)-(4):

Balance  All projects/plans

not connected with the management

likely to have significant effect

Excluded
Industrial Emissions Directive

= Directive 2010/75/EU: main EU instrument regulating pollutant emissions from industrial installations
= Aims to achieve a high level of protection of human health and the environment taken as a whole by reducing harmful industrial emissions across the EU,
= in particular through better application of Best Available Techniques (BAT).
= the industrial activities listed in Annex I of the IED are required to operate in accordance with a permit (granted by the authorities in the Member States). This permit should contain conditions set in accordance with the principles and provisions of the IED.

OTHER LEGISLATION RELYING ON PLANS AND MEASURES
Water Framework Directive - key aspects

- Adopted 2000
- Objective: “Good status” (Good ecological and good chemical status) by 2015 (article 4)
- How will good status be achieved? - Identifying pressures (article 5) and putting in place measures (Article 11) in a River Basin Management Plan, which is revised every 6 years
- Why a framework directive?

Proper planning and decision making at river basin scale should identify cost-effective solutions

WFD - POMS to achieve Good Status

- How effective are the basic measures?
- What % of the gap can be filled by basic measures?
- What budget is there for supplementary measures?

Pressures (Article 5)

Good status

Supplementary measures (e.g. wetlands paid under RDP)

Basic measures
Article 11.3 a-l
(e.g. controls on phosphate application at farm level, controls on water abstractions, etc.)
Nitrates Directive (91/676/EC)

**OBJECTIVE:** reduce water pollution caused by nitrates from agricultural sources and prevent further such pollution
The Nitrates Directive: how does it work?

1) Water monitoring
   Water courses, lakes, saline waters, groundwaters

2) Identification of polluted waters or waters at risk of pollution
   Criteria: nitrates concentrations (50 mg/l nitrates) and trophic status

3) Designation of nitrate vulnerable zones (NVZ) or "whole territory approach"
   Obligatory measures will apply to NVZ (land draining into waters identified in (2)) or to the whole territory, based on the MS' choice

4) Elaboration of codes of good agricultural practices
   Voluntary, applying to whole territory

5) Elaboration of Action Programmes (AP)
   Obligatory, applying to NVZ or to the whole territory. Reviewed/revised at least every 4 years

6) Reporting
   MSs → Commission (NVZ, AP, CGAP)
   Commission → Parliament, Council, general public (implementation of Directive)


Aims at **favourable conservation status**

Both directives have a **site protection** (Natura 2000) & a **species protection** pillar

57 habitat types, 193 species, 62 bird species are dependent on or associated with extensive agricultural practices:

Actions needed:

- Define Conservation Objectives
- Establish Conservation Measures
- Develop Management Plans, Legal, statutory or contractual arrangements
- Guidance (eg farming, forestry)
- Full stakeholder engagement

More info:
SUSTAINABLE USE DIRECTIVE in a Nutshell

1. Training
2. Sales
3. Awareness raising
4. Equipment
5. Aerial spraying
6. Aquatic environment
7. Protected areas
8. Handling, storage, disposal
9. IPM

Reducing risks and impacts of the use of pesticides on human health
And on the environment

Promoting
The use of Integrated Pest Management and
The use of alternative techniques

NATIONAL ACTION PLANS
Integrated Pest Management (IPM)

- IPM ≠ no pesticides

- IPM =
  - low pesticides input *management*
  - *pests and diseases kept at levels which are economically and ecologically justifiable*
  - *healthy crops with least possible disruption to agro-ecosystems*

THANK YOU!