

# **APPENDIX A**

## **RELEVANT EU LEGISLATION**

This Appendix reproduces European legislation relevant to the present EIA and which was taken into account when developing the original and revised scope of the EIA (Section 1, main text).

II

*(Acts whose publication is not obligatory)*

## COMMISSION

### COMMISSION RECOMMENDATION of 7 December 1990 on the application of Article 37 of the Euratom Treaty

(91/4/Euratom)

#### THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Articles 37 and 124 thereof,

Having consulted the group of experts appointed in accordance with Article 31 of the Treaty by the Scientific and Technical Committee,

Whereas Article 37 requires that each Member State is to provide the Commission with such general data relating to any plan for the disposal of radioactive waste in whatever form as would make it possible to determine whether the implementation of such plan is liable to result in the radioactive contamination of the water, soil or airspace of another Member State. The Commission is to deliver its opinion within six months, after consulting the group of experts referred to in Article 31;

Considering the experience acquired in the application of the Commission recommendations of 16 November 1960 (\*) and 82/181/Euratom (\*\*) concerning the application of Article 37 of the Treaty;

Whereas the Court of Justice of the European Communities in its judgment in Case 187/87 (†) rules that: 'Article 37 of the Treaty of 25 March 1957 establishing the European Atomic Energy Community must be interpreted as meaning that the Commission of the European Communities must be provided with general data relating to any plan for the disposal of radioactive waste before such disposal is authorized by the competent authorities of the Member State concerned.'

Whereas in the same judgment the Court stated that: 'Consequently, it must be acknowledged that (...) where a Member State makes the disposal of radioactive waste

subject to authorization, the Commission's opinion must, in order to be rendered fully effective, be brought to the notice of that State before the issue of any such authorization.'

Whereas to ensure that the basic safety standards for the health protection of the population are uniformly applied and to appraise disposal plans in a consistent manner, it is necessary to specify the information to be supplied:

#### HEREBY RECOMMENDS:

1. That the 'disposal of radioactive waste' within the meaning of Article 37 of the Treaty should cover any form of disposal, planned or accidental, of radioactive substances from the operations listed in the three categories below.

#### CATEGORY 1 OPERATIONS

- (1) The operation of nuclear reactors
- (2) The reprocessing of irradiated nuclear fuel

#### CATEGORY 2 OPERATIONS

- (1) The mining, milling and conversion of uranium and thorium
- (2) U 235 enrichment of uranium
- (3) The fabrication of nuclear fuel
- (4) The processing and storage (†) of radioactive waste arising from category 1 and category 2 operations
- (5) The sea dumping of radioactive waste from category 1 and category 2 operations

(\*) OJ No 81, 21. 12. 1960, p. 189/60.

(\*\*) OJ No L 83, 29. 3. 1982, p. 13.

(†) Report of Cases before the Court (1988), p. 3013.

(†) Provided that the operation is not incorporated in a plan submitted under another heading.

- (6) The land or sea burial of radioactive waste from category 1 and category 2 operations
- (7) The storage (\*) of irradiated nuclear fuel on sites other than those involving category 1 operations
- (8) The dismantling (†) of installations involving category 1 operations
- (9) The handling or processing of radioactive substances on an industrial scale.

#### CATEGORY 3 OPERATIONS

All other operations giving rise to radioactive waste.

2. That 'general data' within the meaning of Article 37 of the Treaty be understood to mean:
  - for category 1 operations the information set out in Annexes 1A and 2
  - for category 2 operations other than (5) and (6) the information set out in Annex 1A and for category 2, operations (5) and (6), that set out in Annex 1B,
  - for category 3 operations the information set out in paragraph 8 (b).
3. That, for plans involving category 1 and category 2 operations, the relevant parts of the 'general data' listed in Annex 1A or 1B be submitted to the Commission whenever possible one year but not less than six months
  - before any authorization for the disposal of radioactive waste is granted by the competent authorities,
  - or
  - before start-up of those category 2 operations for which no disposal authorization is foreseen.
4. That, for plans involving category 1 operations, the preliminary 'general data' listed in Annex 2 be submitted to the Commission before permission for construction is granted by the competent authorities.
5. That, if a Member State considers it appropriate, it may request from the Commission an opinion on any plan for the disposal of radioactive waste on its own territory and not called for by the present recommendation.
6. That, if a plan for the disposal of radioactive waste, on which an opinion has already been given under the

terms of Article 37, is modified such that this could cause an appreciable increase of the exposure of the population of another Member State, the relevant 'general data' be submitted to the Commission whenever possible one year but not less than six months before any new authorization for the disposal of radioactive waste is granted by the competent authorities.

7. That, since submission of a plan for the disposal of radioactive waste is the responsibility of the relevant Member State, that Member State accept responsibility for all information submitted to the Commission in respect of such a plan.
8. That there be communicated to the Commission:
  - (a) every two years, a statement of the radioactive waste discharges from each installation involving category 1 or category 2 operations;
  - (b) every five years, an estimate of the total radioactive liquid waste discharges from all category 3 operations into any water medium (e.g. hydrographic basin, sea, etc.). This estimate may be based on the discharge data for individual installations or on measurements in the receiving water medium;
  - (c) prior to any dumping of radioactive waste in the sea, a copy of the notification communicated to other international bodies.
9. That the Government concerned informs the Commission of the actions it envisages in response to any recommendation given in an opinion of the Commission on a disposal plan.
10. That Member States communicate to the Commission for information the authorization(s) for radioactive waste disposal.

This recommendation is addressed to the Member States.  
It replaces recommendation 82/181/Euratom.

Done at Brussels, 7 December 1990.

*For the Commission*  
Carlo RIPA DI MEANA  
*Member of the Commission*

(\*) Provided that the operation is not incorporated in a plan submitted under another heading.  
(†) Stage 2 or 3, as defined by the International Atomic Energy Agency (*Safety Series No 32*, IAEA, Vienna, 1980).

ANNEX 1A

'GENERAL DATA'

applicable to category 1 operations and category 2 operations other than (f) and (g)

INTRODUCTION

General presentation of the plan

1. THE SITE AND ITS SURROUNDINGS

1.1 Geographical and topographical situation of the site with

- a map of the region showing the location of the site.
- the location of the plant in relation to other nuclear installations, existing or planned, on the same or other site(s), discharges from which may have implications for discharges from the plant in question.
- the location of the plant with regard to other Member States giving the distances from frontiers and closest consulars.

1.2 Geology — Seismology

Brief description of

- the main geological features of the region.
- the degree of seismic activity; probable maximum seismic intensity and designated plant seismic response.

1.3. Hydrology

*For a plant situated beside a watercourse*

Description of the watercourse with

- a general description of its path (major features, main tributaries, estuary, etc).
  - the average waterflow at the site.
  - the maximum and minimum waterflows stating frequency and periods of occurrence
- Where the river flows through the territory of one or more other Member States downstream of the site, corresponding information in respect of the State(s)

*For a plant situated on the coast*

General description of the coastal area with

- heights of the tides.
- direction and force of currents, both local and regional.

*In both cases*

- flood-risk and protection of the site.
- water-table level and direction of flow.

1.4 Meteorology and climatology

- regional climatology taking account of orographic features (plains, valleys, mountain ranges).
- local climatology, with frequency distributions of:
  - wind directions and speeds,
  - precipitation intensity and duration,
  - for each wind sector, atmospheric dispersion conditions and duration of temperature inversions.

1.5. **Natural resources**

**Brief description of**

- soil characteristics and ecological features of the region.
- water utilization in the region for drinking, irrigation, etc.
- principal food resources, methods and scale of production; crops, stock breeding, fishing, hunting, for discharges into the sea, data on fishing in territorial and extra-territorial waters.
- foodstuffs distribution system and particularly the export to other Member States of agricultural products, fish or game from the regions concerned.

1.6. **Other activities in the vicinity of the site**

- industrial or military sites, surface and aerial traffic, bulk transport by pipeline.
- possible influence on the plant; protective measures.
- regulations covering industrial or other development.

1.7. **Population**

- distribution of the populations of interest in other Member States.
- pattern of daily life and eating habits of these populations:

main features, the data required concern the population distribution (density), housing concentrations and any particular characteristics in so far as these are related to the risk of exposure from discharges through the significant exposure pathways.

2. **THE PLANT**

2.1. **Main features of the plant**

**Brief description of the plant, giving the type, purpose and main features**

- for reactors: main features of the reactor, the reactor building, the auxiliary installations, the fuel storage facilities, safety provisions, etc.
- for other plants or laboratories: main features of processes used; throughput of radioactive and fissile materials, installations which make up the plant, safety provisions, etc.

2.2. **Ventilation system**

**Schematic diagrams and description indicating function in normal operating conditions and in the case of an accident, air flows, relative pressures in the buildings and heights of release; data on filters, their efficiency, methods and frequency of testing.**

2.3. **Confinement**

**Brief description and main characteristics; methods and frequency of testing for leaktightness.**

2.4. **Time scale**

- commissioning period and date for routine operation of the plant.
- present stag. of licensing procedure.

2.5. **Decommissioning and dismantling of the plant**

**Outline of technical and administrative provisions**

## 3. RELEASE OF AIRBORNE RADIOACTIVE EFFLUENTS IN NORMAL OPERATION

### 3.1. Authorisation procedure in force

- outline of the general procedure involved,
- discharge limits envisaged by the authorities (if not available, maximum discharges foreseen)

### 3.2. Technical aspects

- origins of these radioactive effluents, their composition and physico-chemical forms,
- purification and holdup of these effluents, methods and paths of release.

### 3.3. Monitoring of discharges

- sampling, measurement and analysis of discharges,
- principal features of the monitoring equipment,
- alarm levels, intervention actions (manual and automatic)

### 3.4. Evaluation of transfer to man

#### 3.4.1. models and parameters used to calculate

- atmospheric dispersion of the effluents,
- ground deposition and resuspension,
- transfer via food chains,
- exposure levels via the significant exposure pathways

#### 3.4.2. evaluation of concentration and exposure levels associated with discharges cited in 3.1. above :

- in the case of continuous release : average annual concentrations of activity in the atmosphere near the ground and surface contamination levels
- in the case of intermittent release and planned special release : time integrated concentrations in the atmosphere near the ground and surface contamination levels.

These data are to be provided for the most exposed areas in the vicinity of the plant and for relevant areas in other Member States.

- corresponding exposure levels (\*) : dose equivalents to those living in the relevant areas of other Member States taking account of all significant exposure pathways.

### 3.5. Radioactive discharges to atmosphere from those installations cited under 1.1.

Where appropriate, procedures for coordination with discharges from other installations, where there may be an additive effect for the exposure levels.

## 4. RELEASE OF LIQUID RADIOACTIVE EFFLUENTS IN NORMAL OPERATION

### 4.1. Authorisation procedure in force

- outline of the general procedure involved,
- discharge limits envisaged by the authorities (if not available, maximum discharges foreseen).

(\*) The values submitted should reflect the fact that the numbers can represent little more than orders of magnitude to which it would be inappropriate to ascribe a false precision.

4.2. **Technical aspects**

- origins of these radioactive effluents, their composition and physico-chemical forms,
- treatment of these effluents, storage capacities, methods and paths of release

4.3. **Monitoring of discharges**

- sampling, measurement and analysis of discharges,
- principal features of monitoring equipment,
- alarm levels, intervention actions (manual and automatic).

4.4. **Evaluation of transfer to man**

4.4.1. **models and parameters used to calculate**

- aquatic dispersion of the effluents,
- their transfer by sedimentation and ion exchange,
- transfer via food chains,
- exposure levels via the significant exposure pathways.

4.4.2. **evaluation of the exposure levels<sup>(1)</sup> associated with the discharges cited in 4.4 above - dose equivalents to those living in relevant areas of other Member States, taking account of all significant exposure pathways**

4.5. **Radioactive discharges into the same receiving waters by other installations**

Where appropriate, procedures for coordination with discharges from other installations, where there may be an additive effect to the exposure levels.

5. **DISPOSAL OF SOLID RADIOACTIVE WASTE**

5.1. **Categories of solid radioactive wastes and estimated amounts**

5.2. **Processing and packaging**

5.3. **Intermediate storage; storage capacities and conditions, radiological risks to the environment, precautions taken**

6. **UNPLANNED RELEASES OF RADIOACTIVE EFFLUENTS**

6.1. **Review of accidents of internal and external origin which could result in unplanned releases of radioactive substances**

List of the accidents studied in the safety report.

6.2. **Reference accident(s) taken into consideration by the competent national authorities for evaluating possible radiological consequences in the case of unplanned releases**

Outline of the accident(s) considered and justification of its (their) choice.

6.3. **Evaluation of the radiological consequences of the reference accident(s)**

<sup>(1)</sup> The values submitted should reflect that the results can represent little more than orders of magnitude up which it would be inappropriate to attribute a false precision.

6.1.1 Entailing releases to atmosphere

- assumptions used to calculate the releases to atmosphere,
- release paths, time pattern of the releases,
- amounts and physico-chemical forms of those radionuclides released which are significant from the point of view of health,
- models and parameters used to calculate for the releases their atmospheric dispersion, ground deposition, resuspension and transfer via food chains and to evaluate the exposure levels via the significant exposure pathways,
- maximum time-integrated concentrations of radioactivity in the atmosphere near the ground and maximum surface contamination levels (in dry and wet weather) for the most exposed areas in the vicinity of the plant and for relevant areas in other Member States,
- corresponding exposure levels (\*) : dose equivalent to those living in relevant areas of other Member States taking account of all significant exposure pathways.

6.1.2 Entailing releases into an aquatic environment:

- assumptions used to calculate the liquid releases,
- release paths, time pattern of releases,
- amounts and physico-chemical forms of those radionuclides released which are significant from the point of view of health,
- models and parameters used to calculate for the releases their aquatic dispersion, their transfer by sedimentation and ion exchange, their transfer via food chains and to evaluate the exposure levels via the significant exposure pathways,
- corresponding exposure levels (\*) : dose equivalents to those living in the vicinity of the plant and in relevant areas of other Member States taking account of all significant exposure pathways.

6.4 Emergency plans ; agreements with other Member States

Brief description of emergency planning zones, emergency reference levels of dose, bilateral or multilateral agreements on transfrontier communications and mutual assistance, rehearsals, reviewing and updating of emergency plans

ENVIRONMENTAL MONITORING

- external radiation levels,
- radioactivity in air, water, soil and the food chains

With reference to 3.1 and 4.1 above, monitoring programmes as approved by the competent national authorities, organization, sample forms and frequency, type of monitoring instruments used in normal and accidental circumstances; where appropriate, any collaboration arrangements in this respect with neighbouring Member States.

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(\*) The values indicated should reflect that the results can represent little more than order of magnitude on which it would be inappropriate to ascribe a false precision.

## COUNCIL DIRECTIVE

85/337/EEC of 27 June 1985

### on the assessment of the effects of certain public and private projects on the environment

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 100 and 235 thereof,

Having regard to the proposal from the Commission<sup>1</sup>,

Having regard to the opinion of the European Parliament<sup>2</sup>,

Having regard to the opinion of the Economic and Social Committee<sup>3</sup>,

Whereas the 1973<sup>4</sup> and 1977<sup>5</sup> action programmes of the European Communities on the environment, as well as the 1983<sup>6</sup> action programme, the main outlines of which have been approved by the Council of the European Communities and the representatives of the Governments of the Member States, stress that the best environmental policy consists in preventing the creation of pollution or nuisances at source, rather than subsequently trying to counteract their effects; whereas they affirm the need to take effects on the environment into account at the earliest possible stage in all the technical planning and decision-making processes; whereas to that end, they provide for the implementation of procedures to evaluate such effects;

Whereas the disparities between the laws in force in the various Member States which regard to the assessment of the environmental effects of public and private projects may create unfavourable competitive conditions and thereby directly affect the functioning of the common market; whereas, therefore, it is necessary to approximate national laws in this field pursuant to Article 100 of the Treaty;

Whereas, in addition, it is necessary to achieve one of the Community's objectives in the sphere of the protection of the environment and the quality of life;

Whereas, since the Treaty has not provided the powers required for this end, recourse should be had to Article 235 of the Treaty;

Whereas general principles for the assessment of environmental effects should be introduced with a view to supplementing and coordinating development consent procedures governing public and private projects likely to have a major effect on the environment;

Whereas development consent for public and private projects which are likely to have significant effects on the environment should be granted only after prior assessment of the likely significant environmental effects of these projects has been carried out; whereas this assessment must be conducted on the basis of the appropriate information supplied by the developer, which may be supplemented by the authorities and by the people who may be concerned by the project in question;

Whereas the principles of the assessment of environmental effects should be harmonized, in particular with reference to the projects which should be subject to assessment, the main obligations of the developers and the content of the assessment;

Whereas projects belonging to certain types have significant effects on the environment and these projects must as a rule be subject to systematic assessment;

Whereas projects of other types may not have significant effects on the environment in every case and whereas these projects should be assessed where the Member States consider that their characteristics so require;

Whereas, for projects which are subject to assessment, a certain minimal amount of information must be supplied, concerning the project and its effects;

Whereas the effects of a project on the environment must be assessed in order to take account of concerns to protect human health, to contribute by means of a better environment to the quality of life, to ensure maintenance of the diversity of species and to maintain the reproductive capacity of the ecosystem as a basic resource for life;

<sup>1</sup> OJ C 169, 9.7.1980, p. 14.

<sup>2</sup> OJ C 66, 15.3.1982, p. 89.

<sup>3</sup> OJ C 185, 27.7.1981, p. 8.

<sup>4</sup> OJ C 112, 20.12.1973, p. 1.

<sup>5</sup> OJ C 159, 13.6.1977, p. 1.

<sup>6</sup> OJ C 46, 17.2.1983, p. 1.

85/337/E  
Environmental Assessment

Whereas, however, this Directive should not be applied to projects the details of which are adopted by a specific act of national legislation, since the objectives of this Directive, including that of supplying information, are achieved through the legislative process;

Whereas, furthermore, it may be appropriate in exceptional cases to exempt a specific project from the assessment procedures laid down by this Directive, subject to appropriate information being supplied to the Commission,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. This Directive shall apply to the assessment of the environmental effects of those public and private projects which are likely to have significant effects on the environment.

2. For the purposes of this Directive:

'project' means:

- the execution of construction works or of other installations or schemes,
- other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources;

'developer' means:

- the applicant for authorization for a private project or the public authority which initiates a project;

'development consent' means:

- the decision of the competent authority or authorities which entitles the developer to proceed with the project.

3. The competent authority or authorities shall be that or those which the Member States designate as responsible for performing the duties arising from this Directive.

4. Projects serving national defence purposes are not covered by this Directive.

5. This Directive shall not apply to projects the details of which are adopted by a specific act of national legislation, since the objectives of this

Environmental Assessment 85/337/EEC

Directive, including that of supplying information, are achieved through the legislative process.

Article 2

1. Member States shall adopt all measures necessary to ensure that, before consent is given, projects likely to have significant effects on the environment by virtue *inter alia*, of their nature, size or location are made subject to an assessment with regard to their effects.

These projects are defined in Article 4.

2. The environmental impact assessment may be integrated into the existing procedures for consent to projects in the Member States, or, failing this, into other procedures or into procedures to be established to comply with the aims of this Directive.

3. Member States may, in exceptional cases, exempt a specific project in whole or in part from the provisions laid down in this Directive.

In this event, the Member States shall:

- (a) consider whether another form of assessment would be appropriate and whether the information thus collected should be made available to the public;
- (b) make available to the public concerned the information relating to the exemption and the reasons for granting it;
- (c) inform the Commission, prior to granting consent, of the reasons justifying the exemption granted, and provide it with the information, made available, where appropriate, to their own nationals.

The Commission shall immediately forward the documents received to the other Member States.

The Commission shall report annually to the Council on the application of this paragraph.

Article 3

The environmental impact assessment will identify, describe and assess in an appropriate manner, in the light of each individual case and in accordance with the Articles 4 to 11, the direct and indirect effects of a project on the following factors:

85/337 Environmental Assessment

- human beings, fauna and flora,
- soil, water, air, climate and the landscape,
- the interaction between the factors mentioned in the first and second indents,
- material assets and the cultural heritage.

Article 4

1. Subject to Article 2 (3), projects of the classes listed in Annex I shall be made subject to an assessment in accordance with Articles 5 to 10.
2. Projects of the classes listed in Annex II shall be made subject to an assessment, in accordance with Articles 5 to 10, where Member States consider that their characteristics so require.

To this end Member States may *inter alia* specify certain types of projects as being subject to an assessment or may establish the criteria and/or thresholds necessary to determine which of the projects of the classes listed in Annex II are to be subject to an assessment in accordance with Articles 5 to 10.

Article 5

1. In the case of projects which, pursuant to Article 4, must be subjected to an environmental impact assessment in accordance with Articles 5 to 10, Member States shall adopt the necessary measures to ensure that the developer supplies in an appropriate form the information specified in Annex III inasmuch as:
  - (a) the Member States consider that the information is relevant to a given stage of the consent procedure and to the specific characteristics of a particular project or type of project and of the environmental features likely to be affected;
  - (b) the Member States consider that a developer may reasonably be required to compile this information having regard *inter alia* to current knowledge and methods of assessment.
2. The information to be provided by the developer in accordance with paragraph 1 shall include at least:
  - a description of the project comprising information on the site, design and size of the project,

Environmental Assessment 85/337/EEC

- a description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects,
  - the data required to identify and assess the main effects which the project is likely to have on the environment,
  - a non-technical summary of the information mentioned in indents 1 to 3.
3. Where they consider it necessary, Member States shall ensure that any authorities with relevant information in their possession make this information available to the developer.

Article 6

1. Member States shall take the measures necessary to ensure that the authorities likely to be concerned by the project by reason of their specific environmental responsibilities are given an opportunity to express their opinion on the request for development consent. Member States shall designate the authorities to be consulted for this purpose in general terms or in each case when the request for consent is made. The information gathered pursuant to Article 5 shall be forwarded to these authorities. Detailed arrangements for consultation shall be laid down by the Member States.
2. Member States shall ensure that:
  - any request for development consent and any information gathered pursuant to Article 5 are made available to the public,
  - the public concerned is given the opportunity to express an opinion before the project is initiated.
3. The detailed arrangements for such information and consultation shall be determined by the Member States, which may in particular, depending on the particular characteristics of the projects or sites concerned:
  - determine the public concerned,
  - specify the places where the information can be consulted,
  - specify the way in which the public may be informed, for example by bill-posting within a certain radius, publication in local newspapers, organization of exhibitions with plans, drawings, tables, graphs, models,
  - determine the manner in which the public is to be consulted, for example, by written submissions, by public enquiry,

**85/337** **Environmental Assessment**

- fix appropriate time limits for the various stages of the procedure in order to ensure that a decision is taken within a reasonable period.

**Article 7**

Where a Member State is aware that a project is likely to have significant effects on the environment in another Member State or where a Member State likely to be significantly affected so requests, the Member State in whose territory the project is intended to be carried out shall forward the information gathered pursuant to Article 5 to the other Member State at the same time as it makes it available to its own nationals. Such information shall serve as a basis for any consultations necessary in the framework of the bilateral relations between two Member States on a reciprocal and equivalent basis.

**Article 8**

Information gathered pursuant to Articles 5, 6 and 7 must be taken into consideration in the development consent procedure.

**Article 9**

When a decision has been taken, the competent authority or authorities shall inform the public concerned of:

- the content of the decision and any conditions attached thereto,
- the reasons and considerations on which the decision is based where the Member States' legislation so provides.

The detailed arrangements for such information shall be determined by the Member States.

If another Member State has been informed pursuant to Article 7, it will also be informed of the decision in question.

**Article 10**

The provisions of this Directive shall not affect the obligation on the competent authorities to respect the limitations imposed by national regulations and administrative provisions and accepted legal practices with regard to industrial and commercial secrecy and the safeguarding of the public interest.

- Where Article 7 applies, the transmission of information to another Member State and the reception of information by another Member State shall be subject to the limitations in force in the Member State in which the project is proposed.

**Environmental Assessment 85/337, etc**

**Article 11**

1. The Member States and the Commission shall exchange information on the experience gained in applying this Directive.
2. In particular, Member States shall inform the Commission of any criteria and/or thresholds adopted for the selection of the projects in question, in accordance with Article 4 (2), or of the types of projects concerned which, pursuant to Article 4 (2), are subject to assessment in accordance with Articles 5 to 10.
3. Five years after notification of this Directive, the Commission shall send the European Parliament and the Council a report on its application and effectiveness. The report shall be based on the aforementioned exchange of information.
4. On the basis of this exchange of information, the Commission shall submit to the Council additional proposals, should this be necessary, with a view to this Directive's being applied in a sufficiently coordinated manner.

**Article 12**

1. Member States shall take the measures necessary to comply with this Directive within three years of its notification<sup>1</sup>.
2. Member States shall communicate to the Commission the texts of the provisions of national law which they adopt in the field covered by this Directive.

**Article 13**

The provisions of this Directive shall not affect the right of Member States to lay down stricter rules regarding scope and procedure when assessing environmental effects.

<sup>1</sup> This Directive notified to the Member States on 3 July 1985

**Article 14**

This Directive is addressed to the Member States.

Done at Luxembourg, 27 June 1985.

*For the Council*

*The President*

A. BIONDI

**ANNEX I**

**Projects subject to Article 4 (1)**

1. Crude-oil refineries (excluding undertakings manufacturing only lubricants from crude oil) and installations for the gasification and liquefaction of 500 tonnes or more of coal or bituminous shale per day.
2. Thermal power stations and other combustion installations with a heat output of 300 megawatts or more and nuclear power stations and other nuclear reactors (except research installations for the production and conversion of fissionable and fertile materials, whose maximum power does not exceed 1 kilowatt continuous thermal load).
3. Installations solely designed for the permanent storage or final disposal of radioactive waste.
4. Integrated works for the initial melting of cast-iron and steel.
5. Installations for the extraction of asbestos and for the processing and transformation of asbestos and products containing asbestos: for asbestos-cement products, with an annual production of more than 20 000 tonnes of finished products, for friction material, with an annual production of more than 50 tonnes of finished products, and for other uses of asbestos, utilization of more than 200 tonnes per year.
6. Integrated chemical installations.
7. Construction of motorways, express roads<sup>1</sup> and lines for long-distance railway traffic and of airports<sup>2</sup> with a basic runway length of 2 100 m or more.
8. Trading ports and also inland waterways and ports for inland-waterway traffic which permit the passage of vessels of over 1 350 tonnes.
9. Waste-disposal installations for the incineration, chemical treatment or land fill of toxic and dangerous wastes.

<sup>1</sup> For the purposes of this Directive, 'express road' means a road which complies with the definition in the European Agreement on main international traffic arteries of 15 November 1975.

<sup>2</sup> For the purposes of this Directive, 'airport' means airports which comply with the definition in the 1944 Chicago Convention setting up the International Civil Aviation Organisation (Annex 14).

## ANNEX II

### Projects subject to Article 4 (2)

#### 1. Agriculture

- (a) Projects for the restructuring of rural land holdings.
- (b) Projects for the use of uncultivated land or semi-natural areas for intensive agriculture.
- (c) Water-management projects for agriculture.
- (d) Initial afforestation where this may lead to adverse ecological changes and land reclamation for the purposes of conversion to another type of land use.
- (e) Poultry-rearing installations.
- (f) Pig-rearing installations.
- (g) Salmon breeding.
- (h) Reclamation of land from the sea.

#### 2. Extractive Industry

- (a) Extraction of peat.
- (b) Deep drillings with the exception of drillings for investigating the stability of the soil and in particular:
  - geothermal drilling,
  - drilling for the storage of nuclear waste material,
  - drilling for water supplies.
- (c) Extraction of minerals other than metalliferous and energy-producing minerals, such as marble, sand, gravel, shale, salt, phosphates and potash.
- (d) Extraction of coal and lignite by underground mining.
- (e) Extraction of coal and lignite by open-cast mining.
- (f) Extraction of petroleum.
- (g) Extraction of natural gas.
- (h) Extraction of ores.
- (i) Extraction of bituminous shale.

- (j) Extraction of minerals other than metalliferous and energy-producing minerals by open-cast mining.
- (k) Surface industrial installations for the extraction of coal, petroleum, natural gas and ores, as well as bituminous shale.
- (l) Coke ovens (dry coal distillation).
- (m) Installations for the manufacture of cement.

#### 3. Energy Industry

- (a) Industrial installations for the production of electricity, steam and hot water (unless included in Annex I).
- (b) Industrial installations for carrying gas, steam and hot water, transmission of electrical energy by overhead cables.
- (c) Surface storage natural gas.
- (d) Underground storage of combustible gases.
- (e) Surface storage of fossil fuels.
- (f) Industrial briquetting of coal and lignite.
- (g) Installations for the production or enrichment of nuclear fuels.
- (h) Installations for the reprocessing of irradiated nuclear fuels.
- (i) Installations for the collection and processing of radioactive waste (unless included in Annex I).
- (j) Installations for hydroelectric energy production.

#### 4. Processing of metals

- (a) Iron and steelworks, including foundries, forges, drawing plants and rolling mills (unless included in Annex I).
- (b) Installations for the production, including smelting, refining, drawing and rolling, of nonferrous metals, excluding precious metals.
- (c) Pressing, drawing and stamping of large castings.
- (d) Surface treatment and coating of metals.
- (e) Boilermaking, manufacture of reservoirs, tanks and other sheet-metal containers. Manufacture and assembly of motor vehicles and manufacture of motor-vehicle engines.
- (f) Shipyards.
- (g) Installations for the construction and repair of aircraft.

- (i) Manufacture of railway equipment.
- (j) Swaging by explosives.
- (k) Installations for the roasting and sintering of metallic ores.

**5. Manufacture of glass**

**6. Chemical industry**

- (a) Treatment of intermediate products and production of chemicals (unless included in Annex I).
- (b) Production of pesticides and pharmaceutical products, paint and varnishes, elastomers and peroxides.
- (c) Storage facilities for petroleum, petrochemical and chemical products.

**7. Food industry**

- (a) Manufacture of vegetable and animal oils and fats.
- (b) Packing and canning of animal and vegetable products.
- (c) Manufacture of dairy products.
- (d) Brewing and malting.
- (e) Confectionery and syrup manufacture.
- (f) Installations for the slaughter of animals.
- (g) Industrial starch manufacturing installations.
- (h) Fish-meal and fish-oil factories.
- (i) Sugar factories.

**8. Textile, leather, wood and paper industries**

- (a) Wool scouring, degreasing and bleaching factories.
- (b) Manufacture of fibre board, particle board and plywood.
- (c) Manufacture of pulp, paper and board.
- (d) Fibre-dyeing factories.
- (e) Cellulose-processing and production installations.
- (f) Tannery and leather-dressing factories.

**9. Rubber industry**

Manufacture and treatment of elastomer-based products.

**10. Infrastructure projects**

- (a) Industrial-estate development projects.
- (b) Urban-development projects.
- (c) Ski-lifts and cable-cars.
- (d) Construction of roads, harbours, including fishing harbours, and airfields (projects not listed in Annex I).
- (e) Canalization and flood-relief works.
- (f) Dams and other installations designed to hold water or store it on a long-term basis.
- (g) Tramways, elevated and underground railways, suspended lines or similar lines of a particular type, used exclusively or mainly for passenger transport.
- (h) Oil and gas pipeline installations.
- (i) Installation of long-distance air-ports.
- (j) Yacht marinas.

**11. Other projects**

- (a) Holiday villages, hotel complexes.
- (b) Permanent racing and test tracks for cars and motor cycles.
- (c) Installations for the disposal of industrial and domestic waste (unless included in Annex I).
- (d) Waste water treatment plants.
- (e) Sludge-deposition sites.
- (f) Storage of scrap iron.
- (g) Test benches for engines, turbines or reactors.
- (h) Manufacture of artificial mineral fibres.
- (i) Manufacture, packing, loading or placing in cartridges of gunpowder and explosives.
- (j) Knackers' yards.

12. Modifications to development projects included in Annex I and projects in Annex I undertaken exclusively or mainly for the development and testing of new methods or products and not used for more than one year.

## ANNEX III

### Information referred to in Article 5 (1)

1. Description of the project, including in particular:
  - a description of the physical characteristics of the whole project and the land-use requirements during the construction and operational phases,
  - a description of the main characteristics of the production processes, for instance, nature and quantity of the materials used,
  - an estimate, by type and quantity, of expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed project.
2. Where appropriate, an outline of the main alternatives studied by the developer and an indication of the main reasons for his choice, taking into account the environmental effects.
3. A description of the aspects of the environment likely to be significantly affected by the proposed project, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the inter-relationship between the above factors.
4. A description<sup>1</sup> of the likely significant effects of the proposed project on the environment resulting from:
  - the existence of the project,
  - the use of natural resources,
  - the emission of pollutants, the creation of nuisances and the elimination of waste;and the description by the developer of the forecasting methods used to assess the effects on the environment.
5. A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.

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<sup>1</sup> This description should cover the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the project.

**A non-technical summary of the information provided for the above headings**

**An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the developer in compiling the required information.**