The Texts of the Regulations on environmental impact assessment in the Netherlands

March 2000

With Environmental Impact Assessment more and better information about environmental impacts and alternatives is available before deciding on projects and plans with potential significant negative impacts. So damage to the environment can be prevented.

The text of the Regulations on environmental impact assessment in the Netherlands

Contents

1. INTRODUCTION

1. Introduction

The implementation of the European Directive on EIA (97/11/EC) amending the Directive of 1985 (85/337/EEC) on the environmental assessment of certain public and private projects has required several changes in the regulations on environmental impact assessment in the Netherlands.
In this book the results of this implementation with the unchanged sections are brought together in the form of consolidated texts of the law and the decree. A transposition table, showing where the directive is implemented in the Dutch regulation is also included.

Added to this set of regulation is a general scheme of the EIA-procedure in the Netherlands to show how the regulation takes the form of a procedure.

The consolidated texts are prepared with the necessary care, but it cannot be garanteed that there are no mistakes or omissions. The legal binding texts are of course the Dutch versions of the legislation. The texts of the regulations can also be found on the website of the ministry: www.minvrom.nl, in dutch and in english translation. Also changes will be published on this website.
This version was completed march 31th 2000.

The consolidated text of the European Directive on environmental impact assessment was kindly provided by the Directorate-general Environment of the European Commission.

2. General scheme of the E.I.A.-procedure in the Netherlands

2. General scheme of the E.I.A.-procedure in the Netherlands

Environmental Impact Assessment (EIA)	what happens?
inception memorandum	The proponent presents the inception memorandum (also called: notification of intent or starting note) with a brief description of the proposed activity. The competent authority makes the memorandum public. The procedure begins.
public participation comment and advising advising	In a public participation period of 4 weeks, the public and the advisers on the memorandum to the competent authority. This participation and aims at the guidelines for the contents of the EIS. Especially the advice of the EIA Commission on the guidelines is important.
guidelines	13 weeks after the publication of the inception memorandum the competent authority draws up the guidelines. The guidelines define the environmental effects and alternatives to be assessed in the Environmental Impact Statement.
production of the Environmental Impact Statement (EIS)	The proponent is responsible for drawing up the Environmental Impact Statement There is no maximum time limit. In this phase an intensive interaction between the EIS process and the development of the project or plan is recommended. As soon as the EIS is ready, the proponent sends it with the permit request or draft plan to the competent authority.
acceptation of the Environmental Impact Statement	The competent authority checks the Environmental Impact Statement on the basis of the guidelines and legal requirements within 6 weeks.
publication of the Environmental Impact Statement and permit request or the draft plan	The competent authority publishes the Environmental Impact Statement within 8 weeks after recieving it. The EIS is published simultaneously with the permit request for public comment and advising. An EIS for a plan is published together with the draft plan.
public participation, advising and hearing	The public and the advisers give their comments on the Environmental Impact Statement and on the permit request or draft plan. The public participation period is at least 4 weeks. A hearing is included.
review of the Environmental account	Within 5 weeks after the public participation period, the EIA Commission reviews the EIS both for completeness and scientific quality, taking into the comments from the advisers and public participation.
decision	The competent authority decides on the basis of the EIS and the received comments and advices. It motivates in the decision how the EIS (impacts and alternatives) and comments were taken into account. The competent authority must also formulate an evaluation programme.
evaluation	In cooperation of the proponent, the competent authority evaluates the environmental impacts on the basis of the evaluation programme. If necessary, the competent authority may order extra mitigating measures to reduce the environmental effects.

3. ENVIRONMENTAL MANAGEMENT ACT

The Environmental Impact Assessment parts

Consolidated text

1-1-2000

(…)

CHAPTER 2. ADVISORY BODIES

(…)

§ 2.2 The Committee for Environmental Impact Assessment

Section 2.17

1. There shall be a Committee for Environmental Impact Assessment.
2. The duties of the Committee shall be:
   a. to make recommendations to Our Minister and Our Minister of Agriculture, Nature Management and Fisheries in accordance with Section 7.5, subsection six, with respect to applications for exemption from the obligation to draw up an environmental impact statement;
   b. to make recommendations to the competent authority in accordance with Section 7.14, subsection one, and Section 7.26 with respect to environmental impact statements.

Section 2.18

The Committee shall submit an annual report on its activities to Our Minister and Our Minister of Agriculture, Nature Management and Fisheries. Our Ministers shall publish the report.

Section 2.19

1. The Committee shall consist of experts on such matters as the description, protection, pollution and impairment of the environment and on activities designated in accordance with Sections 7.2 and 7.6.
2. The chairman, one or more deputy chairmen and other members of the Committee shall be appointed and discharged by Us, on the joint recommendation of our Minister and Our Minister of Agriculture, Nature Management and Fisheries. The chairman shall be nominated in accordance with the wishes of the Cabinet.
3. With the exception of the chairman and the deputy chairmen, the members shall be appointed for a period of five years. They shall be eligible for immediate reappointment.
4. The chairman and deputy chairmen shall be discharged from this office with effect from the calender year following the year in which they reach the age of seventy.
5. The members may resign at any time by giving notice in writing to our Minister and Our Minister of Agriculture, Nature Management and Fisheries.

Section 2.20

The legal position of the chairman, the deputy chairmen and the other members shall, as far as necessary, be further regulated by order in council.

Section 2.21

1. As soon as the Committee is invited to make recommendations with respect to an application for exemption or an environmental impact statement, the chairman shall, after consulting the deputy chairmen, form a working party from among the members of the Committee, which shall make recommendations to the competent authority. The chairman or the deputy chairman of the Committee appointed by him shall be the chairman of the working party.
2. Only those members of the Committee who are not or have not been directly involved in the activity or the alternatives thereto, as referred to in Section 7.10, subsection one, under

b, or in a decision in the preparation of which an environmental impact statement is being or must be drawn up may be appointed as members of a working party.

3. If a member of a working party no longer meets the requirement laid down in subsection two, the chairman of the working group shall, after consulting the chairman of the Committee, relieve him of his membership of the working party.
4. The working party may call upon experts who are not members of the Committee. Subsections two and three shall apply mutatis mutandis.
5. The chairman of the Committee shall inform the competent authority and the person who is drawing up or has to draw up the environmental impact statement which members of the Committee make up the working party and what experts it will call upon.

Section 2.22

1. The recommendations shall be made in accordance with the views of the majority of the members of the working party.
2. At the request of the members of the working party who have advocated a standpoint which deviates from the views of the majority, the said standpoint shall be stated in the recommendations. These members may add a separate memorandum concerning such a standpoint to the recommendations.

Section 2.23

The Committee shall have a secretary, who shall be appointed and discharged by Us on the joint recommendation of Our Minister and Our Minister of Agriculture, Nature Management and Fisheries, having heard the Committee. The Committee shall have an office which shall be managed by the secretary.

Section 2.24

The committee shall draw up further rules concerning its procedures and shall forward them to Our Minister.

(…)

CHAPTER 7. ENVIRONMENTAL IMPACT ASSESSMENT

§ 7.1. General

Section 7.1

1. In this chapter and the provisions based thereon the following definitions shall apply: Our *Ministers:* Our Minister and Our Minister of Agriculture, Nature Management and Fisheries; *the Committee:* the Committee for Environmental Impact Assessment.
2. In this Chapter and the provisions based thereon the following shall be considered advisers in so far as they should not already be regarded as such on the basis of other statutory provisions:
   a. if the competent authority is a central government body: a government body designated by Our Minister and a government body designated by Our Minister of Agriculture, Nature Management and Fisheries;
   b. if the competent authority is another government body: the inspector and a government body designated by Our Minister of Agriculture, Nature Management and Fisheries.
3. It may be laid down by order in council, with respect to an activity or decision designated therein, who or what body shall for the purposes of this chapter be considered as the person undertaking the activity or as the competent authority. Different persons or bodies may be designated for different Sections or parts thereof.

§ 7.2. Activities and decisions for which an environmental impact statement is obligatory

Section 7.2

1. Those activities which may have serious, adverse effects on the environment shall be designated by order in council. One or more decisions made by government bodies concerning the said activities shall be designated therein, in the preparation of which an environmental impact statement must be drawn up.
2. The activities referred to in subsection one may include activities which, in connection with other activities, may have serious, adverse effects on the environment.
3. It may be laid down in the order in council that the designation of an activity or a decision shall only apply in cases designated therein.
4. The date from which the obligation referred to in subsection one shall take effect with respect to a designated decision shall be laid down by or pursuant to the order in council.
5. The order in council shall be revised once every five years after it has been issued.

Section 7.3

1. If one of Our Ministers intends to undertake an activity which is not included in an order in council pursuant to Section 7.2 and which may have serious, adverse effects on the environment, he shall inform Our Minister of that intent forthwith.
2. Our Ministers shall each submit an annual report for his own ministry on the application of subsection one, in the Explanatory Memorandum to the relevant chapter of the National Budget.

Section 7.4

1. The activities in respect of which, pursuant to sections 7.8b and 7.8d, the competent authority must decide whether an environmental impact statement must be drawn up because of the special circumstances in which they are to be undertaken, shall be designated by order in council. One or more decisions from administrative authorities with regard to those activities shall be required, in preparation for which the environmental impact statement referred to in the first sentence must be drawn up, should the competent authority so decide.

2. Section 7.2, subsections two to five, shall apply mutatis mutandis.

Section 7.5

1. Our Ministers may jointly grant exemption from the obligation to draw up an environmental impact statement when preparing one or more decisions designated pursuant to Section 7.2, subsection one, in cases where:
   a. the person who is to undertake the activity to which the said decisions relates will be repeating or continuing an activity for which an environmental impact statement has already been drawn up previously and a second environmental impact statement is not reasonably likely to contain any new information concerning possible serious, adverse effects of the said activity on the environment, and the activity cannot have any serious adverse effects on the environment in another country;
   b. an environmental impact statement has previously been drawn up for the same activity in accordance with or pursuant to the provisions of Sections 7.9 to 7.26 and a second environmental impact statement is not reasonably likely to contain any new information concerning possible serious, adverse effects of the said activity on the environment, and the activity cannot have any serious adverse effects on the environment in another country;
   c. the general interest requires that the activity to which the decisions relate be undertaken forthwith.
2. Our Ministers may also grant exemption from the obligation to draw up an environmental impact statement when preparing a decision designated pursuant to Section 7.2, subsection one, if on the date on which the designation is to take effect the preparation of the activity or the decision is so far advanced that in the view of Our Ministers it is no longer reasonable to require that an environmental impact statement be drawn up.
3. An exemption pursuant to subsections one or two may be granted at the written request of the person undertaking the activity or of the competent authority.
4. In cases as referred to in subsection two, the application shall be submitted within four weeks of the date on which the obligation to draw up an environmental impact statement for the decision concerned takes effect.
5. Our Ministers shall note the date of receipt of the application on the letter of application and send the applicant a confirmation of receipt, stating the said date.
6. Except in cases as referred to in subsection one, under c, Our Ministers shall, before reaching a decision about an application invite the competent authority, if the application does not originate from the said authority, to make recommendations concerning the application. In cases as referred to in subsection one, under a or b, they shall at the same time invite the Committee to do the same. If this invitation is accepted, the recommendations shall be sent to Our Ministers within five weeks of the date on which they were requested.
7. A decision regarding the application shall be taken no more than nine weeks after the date of receipt. The duly substantiated decision shall be communicated forthwith to the applicant, the Committee and the competent authority.
8. Rules may be laid down by order in council concerning:
   a. the manner in which the application for exemption shall be made and the information that may be required from the applicant;
   b. depositing the application and the information submitted with it for public inspection, and giving notice of such deposition;
   c. the manner in which and the period within which any person may lodge an objection with Our Ministers to exemption being granted.

Section 7.6

1. With a view to protecting the environment in areas within the province which are of special significance or in which the environment has already been seriously polluted or impaired,

the Provincial Council may designate in the provincial environmental ordinance activities not included in an order in council pursuant to Section 7.2 and which may have serious, adverse effects on the environment in those areas. At the same time the Provincial Council shall designate the decisions of government bodies concerning the said activities in the preparation of which an environmental impact statement for must be drawn up, if the said activities are to be carried out within its province. Section 7.2, subsections two and three, shall apply mutatis mutandis.

2. When preparing a decision containing a designation pursuant to subsection 1, the Provincial Executive shall apply the procedure laid down in part 3.4 of the General Administrative Law Act; any person may make his views known within eight weeks of the date on which the draft is deposited for public inspection. The Provincial Executive shall consult the municipal authorities and water-boards in its province regarding the draft. The Provincial Executive shall invite the authorities referred to in Section 7.1, subsection two, under b, to make recommendations concerning the said draft.
3. The Provincial Executive shall present to the Provincial Council, together with the draft of the decision, a report on the consultations conducted, the recommendations made and the comments submitted, in which it shall indicate to what extent these have been taken into account, stating the reasons therefor.
4. The Provincial Executive shall forward a copy of a decision as referred to in subsection one to each of Our Ministers and to the Committee.

Section 7.7

Rules may be laid down by order in council regarding the content of decisions containing the designation of activities as referred to in Section 7.6.

Section 7.8

1. The Provincial Executive may grant exemption from an obligation to draw up an environmental impact statement pursuant to a designation of activities as referred to in Section 7.6 in cases as referred to in Section 7.5, subsections one and two. Section 7.5, subsections three, four and five, shall apply mutatis mutandis.
2. Except in cases as referred to in Section 7.5, subsection one, under c, the Provincial Executive, before granting exemption, shall invite the competent authority, if the application does not originate from the said authority, and the authorities referred to in Section 7.1, subsection two, the opportunity to make recommendations. Section 7.5, subsection seven, shall apply mutatis mutandis.
3. Rules may be laid down pursuant to a decision containing the designation of activities as referred to in Section 7.6, subsection one on the matters mentioned in Section 7.5, subsection eight.

§ 7.3 Procedure to be followed when undertaking activities designated pursuant to section 7.4

Section 7.8a

1. If a person undertaking an activity designated pursuant to section 7.4 intends to submit a request that a decision required pursuant to that section be taken, he shall notify the competent authority in writing of his intention.
2. A notification as referred to in subsection one shall at any rate specify the special circumstances referred to in section 7.8b, subsection one, under which the activity is to be undertaken.
3. The person undertaking an activity designated pursuant to section 7.4 may state in the notification referred to in subsection one that he is to draw up an environmental impact statement in preparation for the decision required pursuant to section 7.4.

Section 7.8b

1. Unless section 7.8a, subsection three has been applied, the competent authority shall conclude, within six weeks of the date of receipt, whether, in view of the special circumstances under which the activity in question is to be undertaken, an environmental impact statement must be drawn up in preparation for the relevant decision.
2. If desirable, consultations shall be held with the person who has submitted the notification before the competent authority reaches its conclusion.
3. If, pursuant to section 7.4, more than one decision is required, the competent administrative bodies shall reach the conclusion referred to in subsection one jointly.
4. Special circumstances as referred to in subsection one shall be taken to mean the serious adverse effects which the activity may have on the environment, in view of:
   a. the nature of the activity;
   b. the site where the activity is carried out;
   c. other activities at the site;
   d. the nature of those effects.
5. The competent authority shall make its conclusion known by:
   a. giving notice in one or more daily or non-daily newspapers, or free local papers and, if it has been decided that no environmental impact statement is required in the Government Gazette;
   b. depositing it for public inspection;
   c. giving notice in a publication in another country if the activity is likely to have serious adverse effects on the environment in that other country.
6. In notifications as referred to in subsection five the competent authority shall state at least:
   a. the time at which a copy of the conclusion is to be deposited for public inspection, and the hours during which and place at which it will be available for inspection;
   b. the import of the conclusion.

Section 7.8c

1. The person who undertakes an activity designated pursuant to 7.4 shall be obliged to draw up an environmental impact statement if:
   a. the competent authority has decided that an environmental impact statement must be drawn up in preparation for the decision;
   b. he has submitted a statement as referred to in section 7.8a, subsection three.
2. In cases as referred to in subsection one, under a and b, section 14.5 to 14.16 and 7.9 to 7.43 shall apply mutatis mutandis.

Section 7.8d

1. If the competent authority intends to undertake an activity designated pursuant to section 7.4, it shall at the earliest possible stage conclude whether, because of the special circumstances in which the said activity is to be undertaken, an environmental impact statement must be drawn up in preparation for the decision required pursuant to that section. Section 7.8b, subsections three and four shall apply mutatis mutandis.
2. The earliest possible stage shall be taken to mean:
   a. the stage preceding the deposition for public inspection of the initial draft if it is a decision whose initial draft must, pursuant to statutory regulations, be deposited for public inspection, or
   b. the stage preceding the deposition for public inspection of the draft decision, if this obligation does not apply.
3. The competent authority shall reach its conclusion after consultation with the bodies which, by or pursuant to an Act of Parliament, must be involved in the preparation of the decision required pursuant to section 7.4.
4. The competent authority shall make its conclusion known by:
   a. depositing it for public inspection;

b. giving notice in a publication in another country if the activity is likely to have serious adverse effects on the environment in that other country;
c. giving notice in the Netherlands Government Gazette if it has been decided that no environmental impact statement is required.

5. In the notification and publication of its conclusion, the competent authority shall state at least:
   a. the time at which a copy of the conclusion is to be deposited for public inspection, and the hours during which and place at which it will be available for inspection;
   b. the import of the conclusion.
6. If the competent authority has determined that an environmental impact statement is to be drawn up as part of the preparations for the decision, sections 14.5 to 14.16 and 7.9 to 7.43 shall apply mutatis mutandis.

Section 7.8e

Sections 7.8a to 7.8d shall not apply to activities designated by order in council pursuant to section 7.4 in so far as the activity has been designated by a provincial ordinance pursuant to section 7.6, subsection one, in accordance with the description in the said order in council and the decision relating to the said activity is required under the said ordinance in accordance with the said order.

§ 7.4. The environmental impact statement

Section 7.9

1. In cases where a decision, in the preparation of which an environmental impact statement must be drawn up, is taken at the request of the person undertaking the activity concerned - irrespective of whether such a request is made pursuant to a statutory provision or not - the said person shall draw up the environmental impact statement.
2. In cases other than those referred to in subsection one the competent authority shall draw up the environmental impact statement.

Section 7.10

1. An environmental impact statement shall contain at least:
   a. a description of the purpose of the proposed activity;
   b. a description of the proposed activity and the manner in which it will be carried out, and of the alternatives which should reasonably be taken into consideration, and the reasons for choosing the alternatives to be taken into consideration;
   c. an indication of the decisions in the preparation of which the environmental impact statement is to be drawn up, and a review of the decisions previously taken by government bodies relating to the proposed activity and the alternatives described;
   d. a description of the current state of the environment in so far as the proposed activity or the described alternatives may affect it, and the expected developments in the said environment in the event that neither the said activity nor the alternatives are undertaken;
   e. a description of the effects which the proposed activity or the described alternatives may have on the environment, and an explanation of the manner in which the said effects have been determined and described;
   f. a comparison of the expected developments in the environment, as described under d, with the described effects of the proposed activity on the environment and with the describe l effects on the environment of each of the alternatives considered;
   g. a review of the omissions in the descriptions referred to under d and e, due to lack of the necessary information;

h. a summary providing sufficient information for the general public to be able to evaluate the environmental impact statement and the effects on the environment of the proposed activity and of the alternatives described therein.

2. The environmental impact statement shall be drawn up in the Dutch language, unless the competent authority, when issuing the guidelines referred to in Section 7.15, gives the person undertaking the activity permission to draw up the report in another, specified language. The summary referred to in subsection one, under h, shall always be written in the Dutch language. If an activity, in preparation for which an environmental impact statement must be drawn up, may have serious adverse effects on the environment in another country, the person undertaking the activity shall send the competent authority of that country, at its request and within a period to be stipulated in that request, a summary of the statement in the national language of that country.
3. The alternatives to be described in accordance with subsection one, under b, shall in any case include an alternative which prevents the adverse effects on the environment or, in so far as this is not possible, reduces them as far as possible using the best means available of protecting the environment.
4. The competent authority may stipulate that, if it is not possible to limit all adverse effects on the environment, the description of the alternatives in accordance with subsection one, under b, must include a description of the possible arrangements which may be made or measures which may be taken elsewhere to compensate for the remaining adverse effects.
5. Rules may be laid down by order in council with respect to the manner in which the information referred to in subsection one shall be determined and described.

Section 7.11

1. Information which, in the interests of proper decision-making, an environmental impact statement should contain in addition to that referred to in Section 7.10 may be designated by order in council. Rules may also be laid down as to how the said information shall be determined and described.
2. It may be laid down by order in council pursuant to subsection one that a piece of information shall be required or a rule shall apply only in the categories of **cases** stipulated.
3. Our Ministers may jointly lay down rules with respect to the form of an environmental impact statement.

§ 7.5. The preparation of an environmental impact statement

Section 7.12

1. If a person who undertakes an activity designated pursuant to Sections 7.2 or 7.6, subsection one, intends to submit an application requiring a decision to be taken, in the preparation of which an environmental impact statement must be drawn up, the said person shall notify the competent authority of such intent in writing.
2. The competent authority shall note the date of receipt of the notification on the letter of notification and forward confirmation of receipt to the sender forthwith, stating the said date.
3. It shall at the same time forward a copy of the notification to the Committee and to the advisers, stating the date of receipt.

4. It shall also at the same time publish the receipt of the notification by:
   a. giving notice in one or more daily or non-daily newspapers, or free local papers;
   b. giving notice in the Netherlands Government Gazette, in cases where We, one or more of Our Ministers or the Provincial Executive are the competent authority;
   c. giving notice in a publication in another country if the activity is likely to have serious adverse effects on the environment in that other country.

5. If in accordance with Section 14.6, subsection one, a request is made that Section 14.5 be applied, subsections three and four shall not apply until after a decision has been taken regarding the said request.
6. Our Ministers shall lay down rules regarding the content of a notification as referred to in subsection one and of the notice referred to in subsection four.
7. If an activity, in preparation for which an environmental impact statement must be drawn up, may have serious adverse effects on the environment in another country, the person undertaking the activity shall send the competent authority of that country, at its request and within a period to be stipulated in that request, a notification in the national language of that country.

Section 7.13

1. If the competent authority intends to take a decision in the preparation of which it must draw up an environmental impact statement, it shall notify the Committee and the advisers of its intention in writing.
2. It shall at the same time publish its intention, whereby Section 7.12, subsection four, shall apply mutatis mutandis.
3. Section 7.12, subsection five, shall apply mutatis mutandis.

Section 7.14

1. The competent authority shall invite the Committee and the advisers to make recommendations on the issuing of guidelines regarding the content of an environmental impact statement.
2. The Committee shall make its recommendations within nine weeks of publication of the notification referred to in Section 7.12, subsection one, or of the intention referred to in Section 7.13, subsection one. If there is a possibility of serious transboundary effects on the environment, the Committee shall discuss these in its recommendations.
3. If the competent authority does not draw up the environmental impact statement itself, it shall also discuss the issuing of guidelines regarding the content of the said statement with the person who is to undertake the activity.
4. The competent authority shall give any person who so wishes the opportunity to make comments about the issuing of guidelines regarding the content of the environmental impact statement.

Section 7.15

1. The competent authority shall issue guidelines regarding the content of an environmental impact statement no more that thirteen weeks from the date of publication of a notification as referred to in Section 7.12, subsection one, or of an intention as referred to in Section 7.13, subsection one. In cases as referred to in Section 7.13, subsection one, the competent authority may extend the period referred to in the first sentence once by a maximum of eight weeks.
2. The guidelines referred to in subsection one may:
   a. relate to the manner in which the provisions of or pursuant to Sections 7.10 or 7. 11 shall be complied with;
   b. designate information as referred to in Sections 7.10 or 7.11 which the environmental impact statement must in any case contain, if necessary after research has been carried out.
3. Where the guidelines relate to an environmental impact statement which must be drawn up in the preparation of a decision to which Part 3.5 of the General Administrative Law Act applies, no research as referred to in subsection two, under b, may be requested to obtain information as referred to in Section 7.10, subsection one, under d.
4. The guidelines shall be sent to the person undertaking the activity, the Committee, the advisers and anyone who has submitted comments to the competent authority in

accordance with Section 7.14, subsection four. Section 4:33, subsection three, of the General Administrative Law Act shall apply mutatis mutandis.

Section 7.16
Sections 7.12 to 7.15 shall not apply if the person who would have to draw up the environmental impact statement can already produce an environmental impact statement, drawn up in accordance with the provisions laid down by or pursuant to this Chapter, in which the activity to which the decision relates, in the preparation of which the environmental impact statement has to be drawn up, is described as an alternative.

§ 7.6. Evaluation of the environmental impact statement

Section 7.17
1. An environmental impact statement that has not been drawn up by the competent authority shall be submitted to the competent authority.
2. The competent authority shall note the date of receipt of the statement on the said statement. It shall send the person who submitted it confirmation of receipt, stating the said date.

Section 7.18
1. If the competent authority is of the opinion that, while having regard to the relevant guidelines issued in accordance with Section 7.15, an environmental impact statement submitted to it fails to comply with the rules laid down by or pursuant to Sections 7.10 and 7.11, or that it contains inaccuracies, the said authority shall notify the person who drew up the statement thereof, stating the reasons, no more than six weeks from the date referred to in Section 7.17, subsection two.
2. If the competent authority is of the opinion that the environmental impact statement is inadequate on minor counts only, notification as referred to in subsection one need not be given.
3. An environmental impact statement to which subsection one has been applied shall not be subject to the provisions of the remaining Sections of this Division.

Section 7.19
The competent authority may designate a body to take its place for the application of Sections 7.20 to 7.24, 7.25, subsection two, and 7.26, subsection four.

Section 7.20
1. The competent authority shall forward a copy of the environmental impact statement forthwith to the Committee and to the advisers, stating the date referred to in Section 7.17, subsection two.
2. It shall publish the environmental impact statement. An environmental impact statement that has not been drawn up by the competent authority shall be published no more than eight weeks from the date referred to in Section 7.17, subsection two.
3. Publication as referred to in subsection two shall take place at least by:
   a. giving notice in one or more daily or other newspapers or free local newspapers;
   b. depositing the statement for public inspection in accordance with Section 7.22;
   c. giving notice in the Netherlands Government Gazette in cases where We, one or more of Our Ministers or the Provincial Executive are the competent authority;
   d. giving notice in a publication in another country if the activity is likely to have serious adverse effects on the environment in that other country.

Section 7.21

1. In notices as referred to in Section 7.20, subsection three, the competent authority shall at least state:
   a. the activity to which the environmental impact statement relates;
   b. the date on which a copy of the environmental impact statement will be deposited for public inspection, with the times at which and the place where it will be available for inspection;
   c. the body to whom and the period within which any person may submit written comments regarding the environmental impact statement;
   d. that in accordance with Section 7.23, subsection five, any person who submits comments may request that his personal particulars are not made public.
2. The competent authority shall communicate the information referred to in subsection one, b to d, to the person who submitted the environmental impact statement, to the Committee and to the advisers.

Section 7.22

1. The competent authority shall deposit for public inspection, together with the environmental impact statement, a copy of the guidelines issued in accordance with Section 7.15 concerning the content of the said statement and of the recommendations and comments which have been submitted in respect thereof in accordance with the provisions laid down by or pursuant to Section 7.14.
2. The said authority shall always as soon as possible add to the documents deposited for public inspection all other documents which are required to be deposited for public inspection under the provisions of this chapter.
3. From the date on which the environmental impact statement is deposited for public inspection, any person may inspect the deposited documents free of charge until such time as the decision, for the preparation of which the environmental impact statement has been drawn up, becomes irrevocable. The competent authority shall determine the times at which and the place where the documents may be inspected, with the proviso that for four weeks from the date on which the documents are deposited for public inspection, they may in any case be inspected during office hours, and if requested for at least three consecutive hours per week outside office hours. The competent authority shall wherever possible provide anyone, against payment of costs, with a copy of the documents on request.

Section 7.23

1. During a period to be laid down by the competent authority, of at least four weeks from the date on which an environmental impact statement is deposited for public inspection, any person may submit comments in writing concerning the environmental impact statement.
2. Having regard to the guidelines issued in accordance with Section 7.15 concerning the content of the environmental impact statement, the comments may only relate to the failure of the statement to comply with the rules laid down by or pursuant to Sections 7.10 and 7.11 or to inaccuracies contained in the statement.
3. The comments shall be submitted to the competent authority. The date of receipt shall be noted on the document whereby the said comments have been submitted. If the comments have been submitted to a body other than the competent authority, the said body shall forward the document forthwith to the competent authority.
4. The competent authority shall forward a copy of any such document as soon as possible to the person who submitted the environmental impact statement, to the Committee and to the advisers. The said authority shall deposit a copy for public inspection.
5. The person who submitted the comments may request that his personal particulars are not made public. The request shall be submitted to the competent authority in writing, together with the comments, stating the particulars referred to in the first sentence.

Section 7.24

1. Any person may make comments on an environmental impact statement during a public hearing, which shall be held at a time and place fixed by the competent authority for that purpose. The competent authority shall publish the time and place of the public hearing at least two weeks beforehand, Section 7.20, subsection three, under a and c, shall apply mutatis mutandis. The said authority shall communicate the information referred to in the preceding sentence to the person who submitted the environmental impact statement, to the Committee and to the advisers. Section 7.23, subsection two, shall apply mutatis mutandis.
2. The competent authority shall ensure that a report on what occurred at the hearing is drawn up as soon as possible.
3. The competent authority shall forward a copy of the report as soon as possible to the person who submitted the environmental impact statement, to the Committee, to the advisers and to those persons who were present and who gave their names and addresses at the hearing. The said authority shall at the same time deposit a copy of the report for public inspection.

Section 7.25

1. An adviser who accepts an invitation by the competent authority to make recommendations on the environmental impact statement shall forward his report to the competent authority before the end of the period referred to in Section 7.23, subsection one. Section 7.23, subsection two, shall apply mutatis mutandis.
2. The competent authority shall forward a copy of each report as soon as possible to the person who submitted the environmental impact statement and to the Committee, and shall deposit a copy for public inspection.

Section 7.26

1. The Committee shall be invited to make recommendations within five weeks at most from the end of the period referred to in Section 7.23, subsection one, or if a public hearing as referred to in Section 7.24 takes place after the said period has elapsed, within five weeks at most from the date on which the public hearing is held. Section 7.23, subsection two, shall apply mutatis mutandis.
2. The Committee shall take the comments and recommendations submitted in accordance with Sections 7.23, 7.24 and 7.25 into consideration in its report.
3. If there is a possibility of serious transboundary effects on the environment, the Committee shall discuss this in its recommendations.
4. Section 7.25, subsection two, shall apply mutatis mutandis.

§ 7.7. The decision

Section 7.27

1. The competent authority shall not take a decision, in the preparation of which an environmental impact statement must be drawn up, until after Sections 7.12 to 7.26 have been applied.
2. Neither shall the competent authority take such a decision if the information included in the environmental impact statement can no longer reasonably be used as a basis for the decision due to a significant change in the circumstances on which the environmental impact statement was based.
3. The competent authority shall reach a conclusion on an activity designated in an order in council pursuant to section 7.4, to which no provincial ordinance pursuant to section 7.6, subsection one applies, only after sections 7.8a to 7.8d have been applied.

Section 7.28

1. The competent authority shall not consider an application for a decision as referred to in Section 7.27 if:
   a. no environmental impact statement was submitted with the application;
   b. Section 7.18, subsection one, has been found to apply with respect to the environmental impact statement submitted;
   c. in cases where, pursuant to Section 14.5, one environmental impact statement has been drawn up for more than one decision, the applications which should have been submitted by the applicant with regard to the other decisions involved were not submitted at the same time.
2. The competent authority shall not take a decision on the application if a decision as referred to in section 7.8a is taken on request pursuant to statutory regulations and
   a. no copy of the conclusion pursuant to section 7.8b, subsection one stating that no environmental impact statement has to be drawn up is enclosed with the application;
   b. no environmental impact statement was submitted with the application.

Section 7.29

If an application as referred to in Section 7.28, subsection one, is published, the environmental impact statement - if necessary notwithstanding Section 7.20, subsection two, second sentence - shall in any case be published simultaneously with the said application.

Section 7.30

1. If pursuant to a statutory provision the provisional draft or draft of a decision as referred to in Section 7.27, subsection one is published, the environmental impact statement shall, except in cases as referred to in Section 7.29, be published simultaneously with the said provisional draft or draft. If pursuant to a statutory provision both a provisional draft and a draft decision are published, the environmental impact statement shall be published simultaneously with the provisional draft.
2. If an application for or a provisional draft of a decision has been published, the draft decision shall not be published until after Sections 7.17 to 7.26 have been applied.

Section 7.31

If an application as referred to in Section 7.28, subsection one, or pursuant to a statutory provision the provisional draft or draft of a decision as referred to in Section 7.27, subsection one, is deposited for public inspection, the environmental impact statement shall in any case be deposited for public inspection together with the said documents.

Section 7.32

1. If comments may be submitted or objections lodged with respect to an application as referred to in Section 7.28, subsection one, or the provisional draft or draft of a decision as referred to in Section 7.27, subsection one, then comments on the environmental impact statement may in any case be submitted at the same time as comments or objections regarding the document with which the said statement has been simultaneously published.
2. If comments and objections with respect to such an application or such a provisional draft or draft pursuant to a statutory provision may be submitted or lodged during a period of four weeks or more, the competent authority may not fix a longer period pursuant to Section 7.23, subsection one.

Section 7.33

1. If in the preparation of a decision as referred to in Section 7.27, subsection one, a public hearing is held, the said hearing shall also serve to implement Section 7.24, save in cases as referred to in Section 3:25 of the General Administrative Law Act.

2. If in the preparation of a decision as referred to in Section 7.27, subsection one, the opportunity must be provided to raise objections verbally, the said opportunity shall in any case be provided during the hearing to implement Section 7.24.

Section 7.34

1. If with respect to the matters referred to in Section 7.28, subsection one, and Sections 7.29 to 7.33 the relevant periods pursuant to the present Act and other statutory provisions are not of equal length, the longest of the said periods shall apply with respect to the taking of a decision.
2. If pursuant to a statutory provision a decision as referred to in Section 7.27, subsection one, must be taken within a given period, the said period shall be extended by five weeks and if, pursuant to subsection one, longer periods replace the periods that would otherwise apply to the taking of the decision, it shall be extended by the total of the differences between the latter period and the periods that apply pursuant to subsection one.

Section 7.35

1. When taking a decision as referred to in Section 7.27, the competent authority shall take into account all the effects which the activity to which the decision relates may have on the environment.
2. Except in so far as provisions laid down by or pursuant to subsections three to six determine otherwise, subsection one shall apply only if this does not conflict with the statutory provisions on which the decision is based.
3. If, pursuant to Sections 7.2, 7.4 or 7.6, only one decision relating to an activity has been designated to which Part 3.5 of the General Administrative Law Act applies, irrespective of the restrictions applicable under the statutory provisions on which the decision is based, the competent authority may:
   a. include in the decision any conditions, regulations and restrictions necessary to the protection of the environment, in addition to the conditions, regulations and restrictions which it is entitled under statutory provisions to include;
   b. make a decision to the effect that the activity will not be undertaken if it would lead to inadmissible adverse consequences for the environment.
4. If Part 3.5 of the General Administrative Law Act is applicable to the drawing up of more than one of the decisions made applicable under Sections 7.2, 7.4 or 7.6 to the same activity, one of the said decisions shall be designated as the decision to which subsection three applies. Such designation may be made applicable to specific cases only which are mentioned in the order so designating. Such cases shall be designated by order in council.
5. Subsection three shall be applicable with respect to a decision made under subsection four, with the proviso that only conditions, regulations and restrictions are applied concerning matters regarding which no conditions, regulations and restrictions may be applied under the other decisions referred to in subsection four.
6. Rules may be laid down by order in council concerning the application of subsection three.

Section 7.36
A decision made pursuant to another statutory provision shall be deemed to have been taken pursuant to that provision, even in cases where Section 7.35 is applied.

Section 7.37
1. The statement of the grounds on which the decision is based, as referred to in Section 7.27, subsection one, shall in any event indicate:
   a. how account has been taken of the environmental impact of the activity to which the decision refers, described in the environmental impact statement;
   b. what consideration has been given to the alternatives described in the environmental impact statement;
   c. what consideration has been given to the comments and recommendations submitted concerning the environmental impact statement, in accordance with Sections 7.23 to 7.26.
2. The competent authority shall stipulate in the decision the relevant period or periods, and the way in which it shall carry out the investigation referred to in Section 7.39.

Section 7.38
1. The competent authority shall as soon as possible forward a copy of the decision referred to in Section 7.27, subsection one, to those persons who submitted comments pursuant to Sections 7.23 or 7.24, to the Committee and to the advisers. Section 3:44, subsections three and five, of the Gereral Administrative Law Act, shall apply mutatis mutandis.
2. The said authority shall also publish its decision as soon as possible; Section 7.20, subsection three, under a and c shall apply mutatis mutandis. It shall attach a copy of the decision to the documents deposited for public inspection in accordance with Section 7.22.
3. Our Ministers may jointly lay down further rules concerning publication of the decision.

§ 7.8 Activities with potential transboundary environmental effects

Section 7.38a
1. If an activity, in preparation for which an environmental impact statement must be drawn up, may have serious adverse effects on the environment in another country, the information gathered in the framework of this chapter, together with the application referred to in Section 7.28, or the draft of the decision in the preparation of which the environmental impact statement must be drawn up and the decision referred to in Section 7.27 shall be supplied to the government or to an authority to be designated by that government in that country at the same time they are made as public in the Netherlands. The information and documents shall also be sent to the bodies designated for that purpose by the competent authority of that country on the basis of their specific responsibility for the environment. Section 7.14, subsection one and Section 7.25, subsection one shall apply to those bodies mutatis mutandis.
2. The documents to be supplied pursuant to subsection one shall serve as the basis for negotiations with the administrative authorities in that country concerning any serious adverse effects the activity may have on the environment in that country, and the measures being considered to prevent or limit those effects.
3. Our Minister shall be responsible for the duties arising from the application of subsections one and two, in so far as they concern the provision of information to and negotiations with the government of the other country. The competent authority shall also be responsible for these duties.
4. Further rules concerning the provisions of subsections one and two may be laid down by ministerial order.

Section 7.38b

Without prejudice to the provisions of section 7.38a, subsection one, Our Minister or the competent authority shall, as soon as possible after it has become clear from the information gathered in the framework of this chapter that there may be serious adverse effects on the environment of another country, inform the government of that country or an authority designated by that government. Section 7.38a, subsection two, shall apply mutatis mutandis.

Section 7.38c

1. In the event of a possibility of serious adverse effects on the environment in another country, the competent authority shall send to Our Minister:
   a. a copy of the notification referred to in Section 7.12;
   b. a copy of the guidelines referred to in Section 7.15;
   c. a copy of the environmental impact statement referred to in Section 7.20;
   d. a copy of the application referred to in Section 7.28 or of the draft of the decision in the preparation of which the environmental impact statement must be drawn up;
   e. a copy of the decision referred to in Section 7.27.
2. When sending these documents, the competent authority shall request Our Minister to apply Section 7.38a, subsection one.

Section 7.38d

In the event that another country suspects that it may suffer serious adverse environmental effects as the result of an activity in the Netherlands, in preparation for which an environmental impact statement must be drawn up, Our Minister or the competent authority shall apply section 7,38a, subsections one and two, at the request of that country.

Section 7.38e

In the event that another country may suffer serious adverse environmental effects as the result of an activity in the Netherlands, in preparation for which an environmental impact statement must be drawn up, Our Minister may stipulate that the competent authority must take the decision, in preparation for which the environmental impact statement must be drawn up, only after Our Minister has had the opportunity, for thirteen weeks after the end of the period referred to in section 7.26, of forwarding to the competent authority the outcome of the negotiations referred to in section 7.38a, subsection two.

Section 7.38f

The statement of the grounds on which the decision is based, as referred to in Section 7.27, subsection one, shall in any event indicate:

a. what consideration has been given to any possible major adverse transboundary environmental effect mentioned in the environmental impact statement or recommendations referred to in Section 7.26;
b. what consideration has been given to the results of the negotiations referred to in Section 7.38a, subsection two.

Section 7.38g

1. In the event that a planned activity in another country may have serious adverse effects on the environment in the Netherlands, Our Minister shall be responsible for maintaining contacts with that country.
2. Our Minister may ask the Committee for its advice in the implementation of subsection one.

§ 7.9. Evaluation

Section 7.39
The competent authority that has taken a decision, in the preparation of which an environmental impact statement was drawn up, shall investigate the effects of the activity concerned on the environment, either during or after its completion.

Section 7.40
The person who undertakes the activity shall be obliged to give the competent authority on request any assistance or information which the said authority may reasonably require to carry out the investigation referred to in Section 7.39.

Section 7.41
The competent authority shall compile a report on the investigation and forward a copy of it as soon as possible to the person undertaking the activity, to the Committee and to the advisers. The said authority shall at the same time publish the report; Section 7.20, subsection three, under a and c, shall apply mutatis mutandis.

Section 7.42
1. If it appears from the investigation referred to in Section 7.39 that the effects of the activity are considerably more damaging to the environment than was anticipated when the decision was taken, the competent authority shall take such measures at its disposal as it sees fit in order to limit the said effects as much as possible or to remedy them.
2. Sections 7.35 and 7.36 shall apply mutatis mutandis with respect to amendment or rescission of the decision.

Section 7.43
Rules may be laid down by or pursuant to order in council concerning the investigation referred to in Section 7.39, the report to be compiled in respect thereof and publication of the report and of the measures referred to in Section 7.42.

(…)

CHAPTER 13. PROCEDURES FOR LICENCES AND EXEMPTIONS

Part 13.1 General

Section 13.1
1. If Part 3.5 of the General Administrative Law Act is applied with respect to the taking of decisions pursuant to the Acts referred to in subsection two, Part 13.2 shall be taken into account if this is required by or pursuant to the Act in question.
2. The Acts referred to in subsection one are:
   the Mining Act 1903,
   the Dry Rendering Act,
   the Nuclear Energy Act,
   the Noise Abatement Act,
   the Groundwater Act,
   the Air Pollution Act,
   the Pollution of Surface Waters Act,

the Seawater Pollution Act,
the Environmentally Hazardous Substances Act,
the Soil Protection Act,
The Earth Removal Act.

Part 13.2 Special provisions

Section 13.2

1. If the preparation of the decision on a licence or exemption application requires the drawing up of an environmental impact statement, notice shall be given of this application within ten weeks of the receipt thereof. Section 3:19, subsection 2, Section 3:20, subsection one, parts a and b, and subsection 2, Section 3:21 and Section 3:22 of the General Administrative Law Act and Sections 13.4 and 13.6 shall apply mutatis mutandis to this notification.
2. If subsection one applies, Section 3:19, subsection one, second sentence, of the General Administrative Law Act shall not apply.

Section 13.3

Section 3:18, subsection one of the General Administrative Law Act shall not apply in cases as referred to in Section 7.28.

(…)

CHAPTER 14. COORDINATION

(…)

§ 14.2 Coordinating the drawing up of an environmental impact statement

Section 14.5

1. If, with regard to an activity or several related activities, more than one decision has been designated in the preparation of which an environmental impact statement must be drawn up by virtue of the provisions laid down by or pursuant to this Act and the issue of which is subject to the provision of Part 3.5 of the General Administrative Law Act, a single environmental impact statement shall be drawn up for the preparation of the said decisions.
2. In cases other than those referred to in subsection one, if more than one decision has to be taken with respect to an activity or several related activities, in the preparation of which an environmental impact statement must be drawn up on the basis of the provisions laid down by or pursuant to this Act, it may be decided that a single environmental impact statement will be drawn up for the preparation of the said decisions.
3. A decision pursuant to subsection two shall be taken:
   a. if the power to take the decisions referred to in subsection two rests with a single government body: by the said body;
   b. if the said decisions are being taken on request pursuant to statutory provisions and the applications concerned may be prepared or dealt with in a coordinated manner pursuant to Section 14.1: by the Provincial Executive of the province concerned;
   c. in other cases: jointly by the government bodies empowered to take the decisions concerned.
4. A decision pursuant to subsection two can be taken ex officio or on request. In cases as referred to in subsection three, under b, the decision may, if the Provincial Executive is not empowered to take one of the decisions concerned, be taken on request only.

Section 14.6

1. Any person undertaking an activity in a case as referred to in Section 14.5 may, at the same time as notifying the competent authority as referred to in Section 7.12, subsection one, request that Section 14.5, subsection two, be applied.
2. In cases as referred to in Section 14.5, subsection three, under b and c, such a request may also be made by a government body empowered to take a decision as referred to in subsection two of the said Section. The request shall be submitted within two weeks of the date of publication relating to the environmental impact statement, pursuant to or with the application mutatis mutandis of Section 7.12, subsection four.
3. The request - stating all the decisions to which it relates - shall be submitted in writing to the body which must make a decision regarding it. In a case as referred to in Section 14.5, subsection three, under c, the request shall be submitted to one of the competent government bodies which shall send the request forthwith to the other competent bodies.
4. The body to which the request has been submitted shall note the date of receipt on the document whereby the request was made and shall send the applicant confirmation of receipt, stating the said date.

Section 14.7

1. A request shall be granted unless this conflicts with the interests of proper decision-making.
2. A decision regarding a request shall not be taken before the person undertaking the activity concerned and the government bodies empowered to take the decisions concerned have been given the opportunity to give their views thereon.
3. The decision on the request shall be taken within four weeks of the date of receipt.

Section 14.8

In cases as referred to in Section 14.5, subsection three, under c, the decision regarding the request shall designate on of the competent government bodies to take responsibility for coordination as referred to in Section 14.9, subsection one.

Section 14.9

1. If, by virtue of Section 14.5, subsection one, an environmental impact statement must be drawn up or if it has been decided in accordance with Section 14.5, subsection two, to draw up a single environmental impact statement, the said statement shall be prepared and dealt with in a coordinated manner.
2. Coordination shall be entrusted to:
   a. if the power to take the decisions concerned rests with a single government body: the said body;
   b. if the said decisions are being taken on request pursuant to statutory provisions and the applications concerned may be prepared or dealt with in a coordinated manner pursuant to Section 14.1: by the Provincial Executive of the province concerned;
   c. in other cases: the government body designated pursuant to Section 14.8.

Section 14.10

1. The body charged with coordination shall take measures to ensure that when the guidelines referred to in Section 7.15 are issued, the relationship between the said guidelines shall be taken into account and that when the decisions are taken, in the preparation of which an environmental impact statement has been drawn up, the correlation between the said decisions shall be taken into account.
2. The body charged with coordination shall in any case ensure that as far as possible:
   a. the notifications of the intention to submit requests, as referred to in Section 7.12, subsection one, and of the intention to take decisions as referred to in Section 7.13,

subsection one, are published simultaneously in accordance with Section 7.12, subsections four and five;
   b. the guidelines to be issued pursuant to Section 7.15 shall be sent together to the person drawing up the environmental impact statement;
   c. the environmental impact statement shall be sent to each of the competent bodies and, in accordance with Section 7.20, subsection one, to the advisers and the Committee for Environmental Impact Assessment;
   d. the environmental impact statement shall be published pursuant to Section 7.20, subsections two and three;
   e. the comments and recommendations submitted with respect to the environmental impact statement shall, in accordance with Section 7.22, be deposited for public inspection and forwarded to each of the competent bodies and, in accordance with Section 7.23, subsections three and four, Section 7.25, subsection two, and Section 7.26, subsection three, to the person who submitted the statement, the Committee for Environmental Impact Assessment and the advisers;
   f. one public hearing as referred to in Section 7.24 shall be held on the environmental impact statement;
   g. a report on the hearing shall be drawn up in accordance with Section 7.24, subsection two, sent to each of the competent bodies and the persons and bodies referred to in Section 7.24, subsection three, and deposited for inspection.
3. Section 14.4 shall apply mutatis mutandis.

Section 14.11

1. In cases where a body has been charged with coordination of the preparation and handling of an environmental impact statement:
   a. Notwithstanding Section 7.17, subsection one, the statement may be presented to the said body;
   b. the Committee for Environmental Impact Assessment and the advisers may submit their recommendations on the guidelines to be issued with respect to the content of the statement and on the statement itself to the said body;
   c. a person who make us of the opportunity provided in accordance with Section 7.14, subsection three, to comment on the issuing of guidelines regarding the content of the said statement may submit the said comments to the said body;
   d. a person who makes use of the opportunity provided in accordance with Section 7.23, subsection one, to comment on the said statement may submit the said comments to the said body;
2. If documents as referred to in subsection one are submitted or presented to another competent authority, it shall forward these forthwith to the body charged with coordination.

Section 14.12

1. In the event that a decision, in the preparation of which an environmental impact statement must be drawn up by virtue of the provisions laid down by or pursuant to this Act, has been designated with respect to an activity, and one or more decisions, with respect to which Section 14.1 cannot be applied, must be taken with respect to the said activity, it may be decided at the request of the person undertaking the activity to coordinate the preparation of the said decisions.
2. A decision pursuant to subsection one shall be taken:
   a. if power to take the decisions referred to in subsection one rests with one government body: by the said body;
   b. in other cases: jointly by the government bodies empowered to take the decisions concerned.

Section 14.13

1. A request as referred to in Section 14.12, subsection one, shall be submitted in writing at the same time as the notification referred to in Section 7.12, subsection one. The request shall state all the decisions to which it relates.
2. Section 7.12, subsection two, shall apply mutatis mutandis. The competent authority shall send a copy of the request forthwith to the other competent bodies.
3. A request as referred to in Section 14.12, subsection one, shall be granted only if the competent authority and the other competent bodies agree thereon. Section 14.7, subsections two and three, shall apply mutatis mutandis.

Section 14.14

1. If a request as referred to in Section 14.12, subsection one, is granted, the body empowered to take the decision in the preparation of which an environmental impact statement must be drawn up, shall act as the coordinating body. The other bodies concerned shall for the purposes of Sections 7.12 to 7.26 be considered as advisers.
2. If with respect to the activity to which the request relates, more than one decision must be taken in the preparation of which an environmental impact statement must be drawn up by virtue of the provisions laid down by or pursuant to this Act, the decision regarding the request shall designate one of the government bodies empowered to take the said decisions to take responsibility for coordination.
3. The body charged with coordination shall in any case ensure that as far as possible:
   a. when guidelines as referred to in Section 7.15 are issued, the relationships of the decisions to which the request relates shall be taken into account;
   b. the competent government bodies shall consult one another in good time to promote the greatest possible harmonisation of the decisions to be taken.
4. Section 14.4 shall apply mutatis mutandis.

Section 14.15

Section 7.34 shall apply mutatis mutandis with respect to the period within which the decisions concerned must be taken.

Section 14.16

Further rules may be laid down by order in council with respect to the tasks of the body charged with coordination.

(…)

CHAPTER 19. PROVISIONS IN CONNECTION WITH PUBLIC ACCESS

(…)

Section 19.2

A government body which has information which may reasonably be assumed to be relevant to the drawing up or evaluation of an environmental impact statement shall supply this information to any person who requests it and in the form requested, in so far as this is reasonably possible and with due observance of the provisions laid down by or pursuant to the Government Information (Public Access) Act.

(…)

CHAPTER 21. FURTHER PROVISIONS

(…)

section 21.6

(…)

3. A recommendation for an order in council pursuant to Division 2.2, Chapter 7 or Division 14.2 shall be made to Us by Our Minister and Our Minister of Agriculture, Nature Management and Fisheries. (…)
4. A draft order in council pursuant to (…) Section 7.1, subsection 3, Section 7.2, subsection 1, Section 7.7 (…) shall be presented to both Chambers of the States General and published in the Netherlands Government Gazette. All person shall be given the opportunity to submit written comments on the draft to Our Minister within a period to be stated therein of at least four weeks.
5. An order in council as referred to in subsection four shall be sent to both Chambers of the States General after it has been drawn up. It shall take effect no sooner than four weeks from the date of issue of the Bulletin of Acts, Orders and Decrees in which it is published. (…)

(…)

4. Environmental Impact Assessment Decree 1994 as amended by Decree of 7 May 1999: *Staatsblad* (Bulletin of Acts and Decrees) no. 224

Consolidated text

4. Environmental Impact Assessment Decree 1994 as amended by Decree of 7 May 1999: *Staatsblad* (Bulletin of Acts and Decrees) no. 224

Consolidated text

CHAPTER 1. Definitions

Article 1

For the purposes of this Decree the following definitions shall apply:
the Act: the Environmental Management Act;
the Annex: the annex to this Decree.

CHAPTER 2. Activities and decisions in relation to which an environmental impact statement is mandatory or in relation to which Sections 7.8a to 7.8d of the Act must be applied

Article 2

1. The activities referred to in Section 7.2, subsection one, of the Act shall be those which belong to a category described in Part C of the Annex.
2. The activities referred to in Section 7.4, subsection one, of the Act shall be those which belong to a category described in Part D of the Annex. If an activity belongs to a category of activities described in both Part C and Part D of the Annex and it also meets the criteria set forth therein for the said categories of cases, it shall belong to the category of activities described in Part C.
3. The decisions of government bodies concerning activities, in the preparation of which an environmental impact statement must be drawn up or Sections 7.8a to 7.8d of the Act must be applied, shall be the decisions listed in Part C or Part D of the Annex for the relevant category of activities.
4. Where categories of cases are indicated in the Annex for a category of activities, the obligation to draw up an environmental impact statement or the obligation to apply Sections 7.8a to 7.8d of the Act shall apply only in the said cases.

Article 3

An environmental impact statement shall be drawn up or Sections 7.8a to 7.8d of the Act shall be applied in cases in which, with a view to taking a decision in principle regarding the location of an activity belonging to a category described in Part C or Part D of the Annex:
a. a plan as referred to in Section 2a, subsection one, of the Town and Country Planning Act,
b. a complete or partial revision or revocation of a plan as referred to in Section 2b, subsection one,
of the Town and Country Planning Act, or
c. a policy document to be sent by one or more of Our Ministers to the Second Chamber of the Dutch Parliament is being prepared.

CHAPTER 3. Further rules on the submission and processing of a request for exemption from the obligation to draw up an environmental impact statement

Article 4

1. A request for exemption pursuant to Section 7.5 of the Act shall be directed to Our Ministers.
2. It shall be submitted in duplicate to Our Minister, who shall arrange for one copy to be forwarded to Our Minister of Agriculture, Nature Management and Fisheries.

Article 5

1. A request for exemption pursuant to Section 7.5, subsection one, of the Act shall in any case contain:
   a. a description of the intended activity;
   b. a description of the circumstances in which the activity will be carried out;
   c. the reasons for the request, and
   d. where the exemption is being requested pursuant to Section 7.5, subsection one, at c, of the Act, a specification of the possible adverse effects on the environment.
2. A request for exemption pursuant to Section 7.5, subsection two, of the Act shall in any case contain the information referred to in subsection one, at a and c, as well as information relating to the current stage of preparation of the activity or of the decision to be taken about this activity.
3. If a request as referred to in subsection one or two refers to any documents then the request shall be accompanied by a copy of these documents.

Article 6

1. Our Ministers shall without delay publicise a request as referred to in Article 5, paragraph one or two, by means of :
   a. an announcement in one or more dailies, newspapers or free local papers such that the intended purpose is best achieved;
   b. an announcement in the *Staatscourant* (Government Gazette).
2. An announcement as referred to in paragraph one shall at least state:
   a. the purport of the request;
   b. the time from which a copy of the request will be made available for inspection, and the place where and times when it can be inspected;
   c. the period within which written objections can be made to Our Ministers against the granting of the exemption requested;
   d. that a person submitting written objections to Our Ministers can request that his personal details are not made public.
3. A copy of the request shall in any case be made available for inspection at the Ministry of Housing, Spatial Planning, at the Ministry of Agriculture Nature Management and Fisheries, at the Office of the Clerk (*griffie*) of the province containing the municipality or municipalities in which the activity will be carried on, and at the Municipal Clerk's Department (*secretarie*) of this municipality or these municipalities.
4. A copy of all documents which might reasonably be needed to adjudge the request shall be made available for inspection along with a copy of the request, in so far as these documents are known to Our Ministers.
5. With effect from the date on which the request is made available for inspection, any person shall be able to consult the documents concerned free-of-charge during working hours and, on request, for at least three consecutive hours per week out of working hours, until the end of the period during which objections can be made against the granting of the exemption.

6. Our Ministers, the provincial executive and the municipal executive shall as far as possible provide anyone, on request and on payment of the costs, with a copy of the documents made available for inspection.
7. Any person can, for at least two weeks and at most four weeks from the day on which the request is made available for inspection, make a written objection to Our Ministers against the granting of an exemption.
8. Our Ministers shall as quickly as possible send a copy of any document in which objections have been raised to the applicant, the competent authority and the Committee, where the latter has been invited pursuant to Section 7.5, subsection six, of the Act to make recommendations concerning the application. Where possible, a copy of a document as referred to above shall always be appended to the documents already made available for inspection.
9. The personal details of a person raising written objections shall, if he so requests, not be made public.
10. A copy of recommendations made pursuant to Section 7.5, subsection six, of the Act shall be lodged as quickly as possible with the documents already made available for inspection.

Article 7

No more than two weeks after the communication referred to in Section 7.5, subsection seven, of the Act, Our Ministers shall simultaneously communicate their decision on the request referred to in Article 5, paragraph one or two, by:

a. announcing the purport of their decision in accordance m*utatis mutandis* with Article 6, paragraph one;
b. making a copy of the decision available for inspection in accordance m*utatis mutandis* with Article 6, paragraph three;
c. sending a copy of the decision to those who raised objections in writing pursuant to Article 6, paragraph five.

CHAPTER 4. Designation of decisions to which Section 7.35, subsection three, of the Act applies

Article 8

In cases in which, for an activity category listed in Part C or Part D of the Annex, more than one decision to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply is specified as a decision in the preparation of which an environmental impact statement must be drawn up, and these decisions include:

a. the decision regarding the granting of a licence, as referred to in Sections 15 and 29 of the Nuclear Energy Act,
b. the decision regarding the granting of a licence, in accordance with Section 8.1 of the Act,
c. the decision regarding the granting of a licence, as referred to in Section 3 of the Pollution of Surface Waters Act,

then Section 7.35, subsection three, shall apply exclusively to the first-named of the decisions listed at a to c which is necessary in the case concerned.

CHAPTER 5. Transitional and concluding provisions

Article 9

deleted

Article 10

deleted

Article 11

deleted

Article 12

deleted

Article 13

A request as referred to in Article 5, paragraph one or two, of the Environmental Impact Assessment Decree which was submitted before the time the present Decree enters into force shall be treated as being a request submitted by virtue of Article 5, paragraph one or two, of this Decree.

Article 14

deleted

Article 15

The Environmental Impact Statement Decree is hereby revoked[1].

Article 16

This Decree shall enter into force on 1 September 1994[2].

Article 17

This Decree may be cited as: Environmental Impact Assessment Decree 1994.

We order and command that this Decree and the explanatory memorandum pertaining to it shall be published in the Bulletin of Acts and Decrees (*Staatsblad*).

[1] Refers to EIA Decree of 1987

[2] The amendment was published in the *Staatsblad* no. 224 of 8 June 1999 and entered into force on 7 July 1999.

Other articles from the Decree amending the Environmental Impact Assessment Decree 1994

ARTICLE II [Transitional provision]

If, in relation to an activity as referred to in Section 7.2 or 7.4 of the Environmental Management Act,

a. an application as referred to in Section 7.28 of the Environmental Management Act was submitted or the competent authority made its conclusion known pursuant to Section 7.8d, subsection four, of the Environmental Management Act, or
b. a draft or initial draft was communicated of a decision in the preparation of which an environmental impact statement must be drawn up and this draft or initial draft was deposited for public inspection,

before 14 March 1999, the law applying before that time shall remain applicable.

ARTICLE III [Amendment to scope of Infrastructure (Planning Procedures) Act]

To the extent that an environmental impact statement must be drawn up by virtue of the EIA Decree 1994 in relation to a change of a trunk road, national railway line or main waterway, Section 2, subsection one, of the Infrastructure (Planning Procedures) Act shall apply *mutatis mutandis*.

ARTICLE IV [Consequences of entry into force of Nature Protection Act 1998]

At the time when Title 1 of chapter III of the Nature Protection Act 1998 enters into force, the following changes shall be made to the Annex to the EIA Decree 1994:

a. in the definition of 'sensitive area' in point 1 of Part A "Section 10, subsection one, of the Nature Protection Act" shall be replaced by "Section 10, subsection one, or Section 12, subsection one, of the Nature Protection Act 1998";
b. in category 28 of Part C, "The decision referred to in Section 11, subsection one, or the decision referred to in Section 21, subsection one, of the Nature Protection Act" shall be replaced by "The decision referred to in Section 15, subsection one, of the Nature Protection Act 1998".

ARTICLE V [Consequences of entry into force of amendment to Town and Country Planning Act]

1. If the bill of law submitted to the Second Chamber of the Dutch Parliament by Royal Message of 17 April 1997 amending the Town and Country Planning Act becomes law, the following changes shall be made to the Annex to the EIA Decree 1994 at the time of entry into force of Section I, point A, of the said Act:
   a. in the definitions of 'trunk road', 'national railway line' or 'main waterway' in point 1 of Part A "a currently operative plan as referred to in Section 2a, subsection one, of the Town and Country Planning Act" shall in each case be replaced by "a currently operative key planning decision";
   b. in the definition of 'spatial plan' in point 1 of Part A "a plan as referred to in Section 2a, subsection one, of the Town and Country Planning Act" at b shall be replaced by "a key planning decision";
   c. in Part C:
      1. in category 6.1 "the plan referred to in Section 2a, subsection one, of the Town and Country Planning Act" shall be replaced by "the key planning decision";
      2. in category 22.1 "the plan referred to in Section 2a, subsection one, of the Town and Country Planning Act" shall be replaced by "the key planning decision".

2. If the bill of law submitted to the Second Chamber of the Dutch Parliament by Royal Message of 17 April 1997 amending the Town and Country Planning Act becomes law, the

following change shall be made to the Annex to the EIA Decree 1994 at the time of entry into force of Section I, point D, of the said Act: in the definition of 'spatial plan' in point 1 of Part A "Section 4a, subsection 8" at b, at 2, shall be replaced by "Section 4a, subsection 10";

3. If the bill of law submitted to the Second Chamber of the Dutch Parliament by Royal Message of 17 April 1997 amending the Town and Country Planning Act becomes law, the following change shall be made to the Annex to the EIA Decree 1994 at the time of entry into force of Section I, point O, of the said Act: in the definition of 'spatial plan' in point 1 of Part A "19, subsection one," at a, at 2, shall be replaced by "19, subsections one, two and three,";

ARTICLE VI [Alteration to buffer zones]

At the time the Partial Revision of the Key Planning Decision on National Spatial Planning Policy (Parliamentary Documents II 1997/98, 25 180, nos. 3-4), submitted by letter of 27 November 1997 to the Speaker of the Second Chamber of the Dutch Parliament from the Minister-President, the Minister for General Affairs and the Minister of Housing, Spatial Planning and the Environment, comes into force in accordance with Section 2a of the Town and Country Planning Act, the definition of 'buffer zone' in point 1 of Part A of the Annex to the EIA Decree 1994 shall be replaced by: *buffer zone*: a zone depicted on a key planning decision buffer zone map belonging to the Key Planning Decision on National Spatial Policy;.

Annex to the EIA Decree 1994 as amended

Part A. Definitions

1. For the purposes of this Decree the following definitions shall apply:

trunk road: a road depicted on a map of indicative and limitative trunk roads belonging to a currently operative plan as referred to in Section 2a, subsection one, of the Town and Country Planning Act;

express road:

a. a road intended for motor traffic which can only be accessed via interchanges or crossings regulated by traffic lights and on which stopping and parking are prohibited, or

b. a road as referred to in Article 1, at d, of the Traffic Rules and Traffic Signals Regulations 1990;

national railway line: a railway line depicted on a map of indicative and limitative railway lines belonging to a currently operative plan as referred to in Section 2a, subsection one, of the Town and Country Planning Act;

waterway: a surface water body designated for navigational purposes;

main waterway: a waterway depicted on a map of indicative and limitative main waterways belonging to a currently operative plan as referred to in Section 2a, subsection one, of the Town and Country Planning Act;

spatial plan:

a. a land-use plan, as well as:
   1. an elaboration or amendment as referred to in Section 11, subsection one, of the Town and Country Planning Act;
   2. an exemption as referred to in Section 17, subsection one, Section 19, subsection one, or Section 40, subsection one, of the Town and Country Planning Act;
   3. a designation as referred to in Section 37, subsection two or five, of the Town and Country Planning Act;

b. a structure plan, regional structure plan, regional plan or a plan as referred to in Section 2a, subsection one, of the Town and Country Planning Act, as well as:
   1. a revision as referred to in Section 2b, subsection one, of the Town and Country Planning Act;
   2. an elaboration or deviation as referred to in Section 4a, subsection eight, of the Town and Country Planning Act;
   3. a designation as referred to in Section 6, subsection two, or Section 36k, subsection two or five, of the Town and Country Planning Act;

sensitive area:

a. an area designated:
   1. a protected national park in accordance with Section 10, subsection one, of the Nature Protection Act;
   2. a Wetland of International Importance in accordance with the Convention on Wetlands of International Importance especially as Waterfowl Habitat made in Ramsar on 2 February 1971, (*Traktatenblad* 1975, 84);
   3. a Special Protection Area in accordance with EC Council Directive no. 79/409/EEC of 2 April 1979 on the conservation of wild birds (OJ L 103);

4. a Special Area of Conservation in accordance with EC Council Directive no. 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206);

b. a core area, delineated nature development area or delineated corridor which forms part of the national ecological network as laid down in a current land-use plan (*bestemmingsplan*) or, where such a plan is lacking, in a current regional plan (*streekplan*) or, where such a plan is lacking, as this network is depicted on the National Ecological Network map belonging to part 4 of the Green Space Structure Plan (Ministry of Agriculture, Nature Management and Fisheries GRR-95194);

c. an area designated for conservation and rehabilitation of the existing landscape quality in a current land-use plan or, where such a plan is lacking, in a current regional plan or, where such a plan is lacking, as this area is depicted on the Landscape map belonging to part 4 of the Green Space Structure Plan;

d. an area designated by provincial ordinance in accordance with Section 1.2, subsection two, at a, of the Act, with the exception of the zones where drilling is prohibited in order to protect the deep groundwater;

e. an area designated for protection in accordance with Section 3, subsection one, of the Monuments and Historic Buildings Act 1988;

buffer zone: a zone depicted on a Key Planning Decision Buffer Zone map belonging to the Partial Revision of the Key Planning Decision on National Spatial Policy, Part 3, Government Statement (Parliamentary Documents II 1997/98, 25 180, nos. 3-4);

meadow-bird habitat: a meadow-bird habitat as depicted on the map Important Habitats for Meadow-Birds belonging to part 4 of the Green Space Structure Plan;

primary flood defence: as defined in Section 1 of the Flood Defences Act;

dam: a primary flood defence situated in surface waters;

storm surge barrier: a hydraulic engineering structure situated in surface waters which is closed when the water is high and then acts as a primary flood defence;

sea or delta dike: the Barrier Dam (*Afsluitdijk*) or a primary flood defence

a. along or in the national waterways of Zeeland;

b. along the coast in the provinces of Zeeland, South Holland, North Holland, Friesland or Groningen;

c. along or in the Grevelingenmeer, Krammer-Volkerak, Hollandsch Diep or Haringvliet;

d. in the tidal sections of rivers, in so far as not mentioned in part a of the definition of a 'river dike';

e. around the Friesian islands;

river dike:

a. a primary flood defence along or in the tidal section of the Hollandsche Ijssel, the Lek, the Upper Merwede, the Lower Merwede, the New Merwede, the Biesbosch, the Steurgat, the Bergsche Maas, the Amer, the Noord, the Dordtse Kil, the Wantij, the Oude Maas, the Nieuwe Maas or the Spui;

b. a primary flood defence other than listed at a, with the exception of sea or delta dikes;

river basin: the basin of the Eems, Rhine, Maas/Meuse or Scheldt rivers;

surface mineral: a mineral which occurs in the ground and can be extracted without underground mining;

Continental Shelf: as defined in Section 1 of the Continental Shelf Mining Act.

2. For the purposes of this Annex the term:

change shall include a reconstruction or other change in structures, equipped areas or existing establishments;

extension shall include the resumption of use of structures, equipped areas or existing establishments;

creation of an establishment shall include an extension of an establishment by the creation of a new installation;

capacity shall include an extension of capacity reasonably expected to be carried out within a foreseeable period;

area shall include an extension of an area reasonably expected to be carried out within a foreseeable period;

[Part B. Special provisions, is deleted]

Part C. Activities and decisions for which an environmental impact statement is mandatory

	Column 1 Activities	Column 2 Cases	Column 3 Decisions
1.1	The construction of a trunk road.		The formal adoption of the route by the Minister of Transport, Public Works and Water Management, or of the spatial plan if that is the first to provide for the possible construction.
1.2	The construction of a motorway or express road, not being a trunk road.		The formal adoption of the route or plan by the Minister of Transport, Public Works and Water Management, the provincial executive or the municipal executive, or of the spatial plan if that is the first to provide for the possible construction.
1.3	The construction of a road of four or more lanes, not being a trunk road, motorway or express road.	In cases where the activity relates to a road 10 kilometres or more in length.	The formal adoption of the route or plan by the provincial executive or the municipal executive, or of the spatial plan if that is the first to provide for the possible construction.
1.4	The change or extension of a trunk road.	In cases where the activity relates to: 1. the widening of a road by one or more lanes and the section to be widened connects two interchanges or junctions, or 2. the upgrading of a road to a trunk road.	The formal adoption of the route or plan by the Minister of Transport, Public Works and Water Management, or of the spatial plan if that is the first to provide for the possible construction.
1.5	The change or extension of : a. a motorway or express road, not being a trunk road, or b. a road as referred to in category 1.3 of part C of this Annex.	In cases where the activity relates to: 1. a road 10 kilometres or more in length, 2. the widening of a road by one or more lanes and the section to be widened connects two interchanges or junctions, or 3. the upgrading of a road to a motorway or express road.	The formal adoption of the route or plan by the provincial executive or the municipal executive, or of the spatial plan if that is the first to provide for the possible construction.

	Column 1 Activities	Column 2 Cases	Column 3 Decisions
2.1	The construction, change or extension of a national railway line	In relation to a change or extension of a railway line, in cases where the activity relates to: 1. the addition of two or more tracks, which for a length of 5 kilometres or more lies in a buffer zone or a sensitive area delineated in a land-use plan or regional plan as referred to in point 1, at a or b, of Part A of this Annex, 2. an entirely new rail track which for a length of 500 metres or more lies a distance of 25 metres or more from the boundary of land designated for railway purposes, 3. the construction of railway structures and ancillary equipment on land not designated for railway purposes, where these are situated entirely within a buffer zone or a sensitive area delineated in a land-use plan or regional plan as referred to in point 1, at a or b, of Part A of this Annex, or 4. the resumption of use of a railway line already constructed which for a length of 5 kilometres or more lies in a buffer zone or a sensitive area delineated in a land-use plan or regional plan as referred to in point 1, at a or b, of Part A of this Annex.	The formal adoption of the route or plan by the Minister of Transport, Public Works and Water Management, or of the spatial plan if that is the first to provide for the possible construction, change or extension.
2.2	The construction of a tramway, an elevated or underground railway, a free-standing bus lane, a hover-railway or other special construction.	In cases where the activity relates to a tramway, an elevated or underground railway, a free-standing bus lane, a hover-railway or other special construction 5 kilometres or more in length outside the built environment in a sensitive area or a buffer zone.	The formal adoption of the route or plan by the Minister of Transport, Public Works and Water Management, the provincial executive or the municipal executive, or of the spatial plan if that is the first to provide for the possible construction.

	Column 1 Activities	Column 2 Cases	Column 3 Decisions
2.3	The change or extension of a facility as referred to in category 2.2 of Part C of this Annex.	In cases in which the activity relates to: 1. the addition of two or more tracks to a railway, which for a length of 5 kilometres or more lies in a buffer zone or a sensitive area delineated in a land-use plan or regional plan as referred to in point 1, at a or b, of Part A of this Annex, 2. an entirely new railway which for a length of 500 metres or more lies a distance of 25 metres or more from the boundary of land designated for railway purposes, or 3. the construction of railway structures and ancillary equipment on land not designated for railway purposes, in so far as these are situated entirely within a buffer zone or a sensitive area delineated in a land-use plan or regional plan as referred to in point 1, at a or b, of Part A of this Annex.	The formal adoption of the route or plan by the Minister of Transport, Public Works and Water Management, the provincial executive or the municipal executive, or of the spatial plan if that is the first to provide for the possible change or extension.
3.1	The construction of a waterway.	In cases where the activity relates to a waterway which permits the passage of vessels of 1350 tonnes or more.	The formal adoption of the route or plan by the Minister of Transport, Public Works and Water Management, or of the spatial plan if that is the first to provide for the possible construction.
3.2	The enlargement or deepening of a main waterway.	In cases where the activity relates to: 1. an increase in the surface area of a main waterway by 20% or more, or 2. a structural deepening of a main waterway involving the removal of more than 5 million cubic metres of earth.	The formal adoption of the plan for enlarging or deepening the main waterway by the Minister of Transport, Public Works and Water Management.
3.3	A diversion of the summer bed of a waterway	In cases where the activity relates to: 1. a waterway which permits the passage of vessels of 1350 tonnes or more, and 2. an area of 50 hectares or more.	The formal adoption of the plans for rerouting the summer bed of the waterway by the Minister of Transport, Public Works and Water Management.
4	The construction of: a. a naval port, b. a port for civilian use by inland waterway traffic, c. a commercial seaport, d. a pier for loading and unloading connected to land and outside a port (excluding ferry piers).	In cases where the activity relates to: 1. a port which can take vessels of 1350 tonnes or more, or 2. a pier capable of taking vessels of 1350 tonnes or more.	The formal adoption of: 1. the plan to construct a port, as referred to at a, by the Minister of Defence, or 2. the decision or, where such a decision is lacking, the spatial plan which is the first to provide for the possible construction of a port, as referred to at b or c, or a pier, as referred to at d.

	Column 1 Activities	Column 2 Cases	Column 3 Decisions
5	The fixing in any manner of installations to the bed or the raising of the bed of major rivers, lakes and canals, such that the waterbed rises above the high water level.	In cases where the activity relates to an area of 200 hectares or more.	The formal adoption of the construction plan by the Minister of Transport, Public Works and Water Management or another minister or, where such a construction plan is lacking, the decision to grant a concession referred to in Section 1 of the Act of 14 July 1904 laying down provisions concerning the drainage and poldering of land (*Staatsblad* 147).
6.1	The construction, equipment or use of an airfield as referred to in Section 1, point g, of the Aviation Act.		The formal adoption of the plan referred to in Section 2a, subsection one, of the Town and Country Planning Act.
6.2	The construction, equipment and use of an airfield as referred to in Section 1, point g, of the Aviation Act.	In cases where the activity relates to an airfield possessing a runway 1800 metres or more in length.	The designation referred to in Section 18, subsection one, of the Aviation Act, or the decision to amend this designation referred to in Section 27, subsection one, of the Aviation Act.
6.3	A change in the position of a runway, its lengthening or widening, or an intensification or change in the use of the airfield.	In cases: 1. where the activity relates to a runway 1800 metres or more in length, and 2. in respect of which a noise zone as referred to in Section 25a, a variant noise zone as referred to in Section 25b, subsection one, or a temporary noise zone as referred to in Section 25c, subsection one, of the Aviation Act, is adopted or amended, unless the amended zone falls completely within the original noise zone or the zone is abrogated.	The decision, referred to in Section 27, subsection one, of the Aviation Act, to amend the designation referred to in Section 18, subsection one, of this Act.
7	The construction of a military practise ground.	In cases where the activity relates to an area for actual development of 100 hectares or more.	The formal adoption of the development plan by the Minister of Defence.
8	The construction of a pipeline for the transportation of gas, oil or chemicals.	In cases where the activity relates to a pipeline with a diameter greater than 800 millimetres and a length of more than 40 kilometres.	The formal adoption of the route or plan by or on behalf of the Minister of Economic Affairs or of the spatial plan if that is the first to provide for the possible construction, or the decision, referred to in Article 70a, paragraph one, of the Continental Shelf Mining Regulations.
9.1	Rural development.		The formal adoption of the structure scheme referred to in Section 6, subsection one, of the Rural Development Act.

	Column 1 Activities	Column 2 Cases	Column 3 Decisions
9.2	Rural development projects using the rural development instrument, with the exception of land consolidation of a purely administrative nature, and of infrastructure-compensation packages (*aanpassingsinrichting*)	In cases where the activity relates to a change in the function of land designated for nature conservation, recreation or agriculture with an area of 500 hectares or more.	The formal adoption of the spatial plan which is the first to provide for the possible change of function or, where such a plan is lacking, of the rural land-use plan referred to in Section 81, subsection one, of the Rural Development Act.
10.1	The construction of a leisure or tourist facility.	In cases where the activity relates to a facility which: 1. attracts 500,000 or more visitors per year, 2. occupies an area of 50 hectares or more, or 3. occupies an area of 20 hectares or more in a sensitive area.	The formal adoption of the spatial plan which is the first to provide for the possible construction or, where such a plan is lacking, of the rural land-use plan referred to in Section 81, subsection one, of the Rural Development Act.
10.2	The construction of a golf course.	In cases where the activity relates to land designated for a non-agricultural use, and where the golf course: 1. occupies an area of 50 hectares or more, 2. occupies an area of 20 hectares or more in a sensitive area, or 3. has 18 or more holes.	The formal adoption of the spatial plan which is the first to provide for the possible construction or, where such a plan is lacking, of the rural land-use plan referred to in Section 81, subsection one, of the Rural Development Act.
10.3	The construction of a marina.	In cases where the activity relates to a marina with: 1. 500 berths or more, or 2. 250 berths or more in a sensitive area as referred to in point 1, at a, b or c, of Part A of this Annex.	The formal adoption of the spatial plan which is the first to provide for the possible construction.
11.1	The construction of housing.	In cases where the activity relates to a joined area comprising: 1. 2000 or more dwellings outside the built environment, or 2. 4000 or more dwellings in the built environment.	The formal adoption of the spatial plan which is the first to provide for the possible construction.
11.2	The construction of an industrial site.	In cases where the activity relates to an industrial site with an area of 150 hectares or more.	The formal adoption of the spatial plan which is the first to provide for the possible construction.
11.3	The construction of glass horticulture facilities.	In cases where the activity relates to glass horticulture facilities with an area of 100 hectares or more.	The formal adoption of the spatial plan which is the first to provide for the possible construction.
12.1	The construction of a primary flood defence.		The approval by the provincial executive of the plan referred to in Section 7, subsection one, of the Flood Defences Act.

	Column 1 Activities	Column 2 Cases	Column 3 Decisions
12.2	The change or extension of: a. a sea or delta dike, or b. a river dike.	In cases where the activity relates to: 1. a change or extension of a sea or delta dike of 5 kilometres or more and a change to the cross-sectional area of the dike by 250 m^2 or more, or 2. a change or extension of a river dike of 5 kilometres or more.	The approval by the provincial executive of the plan referred to in Section 7, subsection one, of the Flood Defences Act.
12.3	The execution of works as referred to in Section 1, at I or IIc, of the Delta Act.	In cases where the activity relates to: 1. a change or extension of 5 kilometres or more, and 2. a change to the cross-sectional area of the sea or delta dike by 250 m^2 or more.	The formal adoption of the conceptual plan or, where such a plan is lacking, the decision referred to in Section 2, subsection three, of the Delta Act.
13	Land reclamation, land drainage and poldering.	In cases where the activity relates to an area of 200 hectares or more.	The formal adoption of the plan or, where such a plan is lacking, the decision referred to in a water board ordinance or, where such ordinance is lacking, the decision to grant a concession for land reclamation, marsh drainage or poldering referred to in the Act of 14 July 1904 laying down provisions concerning the drainage and poldering of land (*Staatsblad* 147).
14	The creation of an establishment for the breeding, fattening or keeping of poultry or pigs.	In cases where the activity relates to an establishment with more than: 1. 85,000 places for broilers, 2. 60,000 places for hens, 3. 3000 places for production pigs, or 4. 900 places for sows.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
15.1	The construction or extension of infrastructure for domestic or industrial water supply.		The formal adoption of the plan referred to in Section 47 of the Water Supply Act or, where such a plan is lacking, a comparable plan.
15.2	A scheme for artificial groundwater recharge or for groundwater abstraction, with the exception of the drainage of construction excavations, the remediation of contaminated land and pilot water abstraction projects.	In cases where the activity relates to a volume of water of 3 million cubic metres per year or more.	The decision referred to in Section 14, subsection one, of the Groundwater Act.
15.3	The construction of a reservoir or barrage.	In cases where the activity relates to a reservoir or barrage with a capacity of 10 million cubic metres or more.	The formal adoption of the spatial plan which is the first to provide for the possible construction.

	Column 1 Activities	Column 2 Cases	Column 3 Decisions
16.1	The extraction of surface minerals or a change or extension of such extraction, with the exception of surface minerals as referred to in categories 16.2, 16.3 or 16.4 of part C of this Annex.	In cases where the activity relates to: 1. a site of 100 hectares or more, or 2. a number of sites together occupying 100 hectares or more and situated close to one another.	The decision designating the site or a number of sites or, where such a decision is lacking, the decision referred to in Section 3 of the Earth Removal Act.
16.2	The extraction of surface minerals or a change or extension of such extraction, from the Continental Shelf, with the exception of surface minerals as referred to in categories 16.3 or 16.4 of part C of this Annex.	In cases where the activity relates to: 1. a site of 500 hectares or more, or 2. a number of sites together occupying 500 hectares or more and situated close to one another.	The decision designating the site or a number of sites or, where such a decision is lacking, the decision referred to in Section 3 of the Earth Removal Act.
16.3	The exploitation or the change or extension of the exploitation of quarries or open-cast mines.	In cases where the activity occupies an area of 25 hectares or more.	The decision designating the site or a number of sites or, where such a decision is lacking, the decision referred to in Section 3 of the Earth Removal Act.
16.4	Peat extraction or a change or extension of such activity.	In cases where the activity relates to a land area of 150 hectares or more.	The decision designating the site or a number of sites or, where such a decision is lacking, the decision referred to in Section 3 of the Earth Removal Act.
17.1	Exploration for petroleum or natural gas.	In cases where the activity takes place in a sensitive area as referred to in point 1, at a, b or d, of Part A of this Annex, up to three nautical miles from the coast.	The approval by the Minister of Economic Affairs of the plan to carry out the drilling or, where such a plan is lacking, the formal adoption of the spatial plan which is the first to provide for the carrying out of the drilling.
17.2	The extraction of petroleum or natural gas.	In cases where the activity relates to extractions of: 1. more than 500 tonnes of petroleum per day, or 2. more than 500,000 cubic metres of natural gas per day.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply or the decision referred to in Article 30a, paragraph one, of the Continental Shelf Mining Regulations.
18.1	The formal adoption of policy for waste disposal.	In cases where the activity relates to: 1. the method of processing, transforming or destroying waste, 2. the permanent deposition of waste on or in the ground, or 3. the choice of the location or the facilities to be created for waste disposal.	The decision of the Minister of Housing, Spatial Planning and the Environment, of the Provincial Executive, having heard the provincial planning committee or the provincial environment committee, or of the municipalities which cooperate by virtue of Section 10.14 of the Act, which is the first to provide for the waste disposal.
18.2	The creation of an establishment or the incineration, chemical treatment, landfill or deep subterranean burial of hazardous waste.		The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.

	Column 1 Activities	Column 2 Cases	Column 3 Decisions
18.3	The creation of an establishment for the dumping of dredging spoil, in so far as not described in category 18.2 of part C of this Annex.	In cases where the activity relates to: 1. dredging spoil of category 3 or 4, and 2. an establishment in which 500,000 cubic metres or more of dredging spoil is dumped or stored.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
18.4	The creation of an establishment for the incineration or chemical treatment of non-hazardous waste.	In cases where the activity relates to an establishment with a capacity of 100 tonnes per day or more.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
18.5	The creation of an establishment for the landfill or deep subterranean burial of non-hazardous waste other than dredging spoil.	In cases where the activity relates to an establishment in which 500,000 cubic metres or more of non-hazardous waste is landfilled or stored.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
18.6	The creation of a waste water treatment plant.	In cases where the activity relates to a plant with a capacity of 150,000 inhabitant-equivalents or more.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
19.1	The execution of works for the transfer of water resources between river basins where this transfer aims at preventing possible shortages of water.	In cases where the activity relates to an amount of water transferred of 100 million cubic metres per year or more.	The decision of the water management agency.
19.2	The execution of works for the transfer of water resources between river basins not aimed at preventing possible shortages of water.	In cases in which: 1. the multi-annual average flow of the basin of abstraction exceeds 2000 million cubic metres per year, and 2. the amount of water transferred exceeds 5% of this flow.	The decision of the water management agency.
20.1	The creation of an establishment for the production of pulp from timber or other fibrous materials.		The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
20.2	The creation of an establishment for the production of paper or board.	In cases where the activity relates to an establishment with a production capacity of 200 tonnes per day or more.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
21.1	The creation of an establishment for the refining of petroleum, with the exception of establishments manufacturing only lubricants from crude oil.		The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.

	Column 1 Activities	Column 2 Cases	Column 3 Decisions
21.2	The extension of an establishment for the refining of petroleum, with the exception of establishments manufacturing only lubricants from crude oil.	In cases where the activity relates to the creation of: 1. a plant for the manufacture of gasoline components by catalytic conversion with a production capacity of 500,000 tonnes per year or more, 2. a thermal or catalytic cracker for fractions with a boiling point greater than 370 ºC with a processing capacity of 1 million tonnes per year or more, with the exception of plant for the reduction of viscosity, or 3. a plant for the gasification of residual oils with a processing capacity of 100,000 tonnes per year or more.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
21.3	The creation of an establishment for the production of pig iron or steel.		The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
21.4	The creation of an establishment for the production of non-ferrous crude metals from ore, concentrates or secondary raw materials by metallurgical, chemical or electrolytic processes.		The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
21.5	The creation of an establishment for the extraction, manufacture, processing or transformation of asbestos or products containing asbestos.	In cases where the activity relates to an establishment for: 1. the manufacture, processing or transformation of asbestos cement with a capacity of 20,000 tonnes of finished products per year or more, 2. the manufacture of brake linings with a capacity of 50 tonnes of finished product per year or more, or 3. the manufacture, processing or transformation of products containing asbestos which utilise 200 tonnes of asbestos per year or more.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.

	Column 1 Activities	Column 2 Cases	Column 3 Decisions
21.6	The creation of an integrated chemical installation, i.e. an installation for the manufacture on an industrial scale of substances using chemical conversion processes, in which several units are juxtaposed and are functionally linked to one another, for the production of:: a. basic organic chemicals, b. basic inorganic chemicals, c. phosphorus-, nitrogen- or potassium-based fertilisers (simple or compound fertilisers), d. basic plant health products and biocides, e. basic pharmaceutical products using a chemical or biological process, or f. explosives.		The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
22.1	The designation of sites for power stations.	In cases where the activity relates to power stations with a capacity of 500 megawatts (electric) or more.	The formal adoption or revision of the plan referred to in Section 2a, subsection one, of the Town and Country Planning Act.
22.2	The creation of an establishment for the production of electricity, steam or heat, with the exception of nuclear power stations.	In cases where the activity relates to an establishment with a capacity of 300 megawatts (thermal) or more.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
22.3	The creation of an establishment in which nuclear energy can be released, including the decommissioning or dismantling of such power stations or reactors.	In cases where the activity relates to an establishment with a constant capacity of more than 1 kilowatt (thermal).	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
22.4	The creation of an establishment for the processing of irradiated nuclear fuel.		The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
22.5	The creation of an establishment for the production or enrichment of nuclear fuel.		The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.

	Column 1 Activities	Column 2 Cases	Column 3 Decisions
23	The creation of an establishment: a. for the treatment of irradiated nuclear fuel or high-level radioactive waste, b. for the final disposal of irradiated nuclear fuel, c. solely for the final disposal of radioactive waste, or d. solely for the storage of irradiated nuclear fuels or radioactive waste from another establishment.	In relation to the activity described at d, in cases where the activity relates to the storage of waste for a period of 10 years or longer.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
24	The construction of overhead high-tension power lines.	In cases where the activity relates to lines with: 1. a voltage of 220 kilovolts or more, and 2. a length of 15 kilometres or more.	The decision to approve the route by the Minister of Economic Affairs or, where such a decision is lacking, the formal adoption of the spatial plan which is the first to provide for the possible construction.
25	The creation of an establishment for the storage of petroleum, petrochemical or chemical products.	In cases where the activity relates to an establishment with a storage capacity of 200,000 tonnes or more.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
26	The creation of an establishment for the gasification or liquefaction of coal.	In cases where the activity relates to an establishment with a processing capacity of 500 tonnes of coal or bituminous shale per day or more.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
27.1	A change to the reference water level which triggers closure of the Eastern Scheldt storm surge barrier.	In cases where the activity relates to a change of 16 centimetres or more.	The decision of the Minister of Transport, Public Works and Water Management.
27.2	A change to the actual or target water level in: a. the Veerse Meer, b. the Grevelingen, c. the Haringvliet, or d. the Ijsselmeer, the Markermeer and the Randmeren.	In cases where the activity relates to a change of 16 centimetres or more.	The decision of the Minister of Transport, Public Works and Water Management.

	Column 1 Activities	Column 2 Cases	Column 3 Decisions
27.3	A structural lowering of the actual or target level of a surface water body.	In so far as the activity is not a consequence of a decision as referred to in Section 81, subsection one, of the Rural Development Act or Section 44, subsection one, of the Reconstruction (Central Delfland) Act in cases where the activity 1. relates to a lowering of 16 centimetres or more, 2. occurs in a sensitive area or a meadow-bird habitat, and 3. relates to an area of 200 hectares or more.	The decision of the Minister of Transport, Public Works and Water Management or, where such a decision is lacking, of the water management agency.
28	An activity in regard to which the designation of nature reserve is withdrawn.	In cases where the activity relates to an area of 1 hectare or more.	The decision referred to in Section 11, subsection one, or the decision referred to in Section 21, subsection one, of the Nature Protection Act.

Part D. Activities and decisions to which the procedure referred to in Sections 7.8a to 7.8d of the Act applies

	Column 1 Activities	Column 2 Cases	Column 3 Decisions
1.1	The construction of a road of four or more lanes, not being a trunk road, motorway or express road.	In cases where the activity relates to a road 5 kilometres or more in length.	The formal adoption of the route or plan by the provincial or municipal administration, or of the spatial plan if that is the first to provide for the possible construction.
1.2	The change or extension of: a. a motorway or an express road, not being a trunk road, or b. a road referred to in category 1.3 of Part C of this Annex.	In cases where the activity relates to a road 5 kilometres or more in length.	The formal adoption of the route or plan by the provincial or municipal administration, or of the spatial plan if that is the first to provide for the possible change or extension.
2	The construction, change or extension of intermodal terminals or intermodal transshipment facilities.	In cases where the activity relates to an area of 25 hectares or more.	The formal adoption of the spatial plan which is the first to provide for the possible construction, change or extension.
3	The construction, change or extension of a waterway.	In cases where the activity relates to a waterway which permits the passage of ships of 900 tonnes or more.	The formal adoption of the spatial plan which is the first to provide for the possible construction, change or extension.
4.1	The construction of: a. a naval port, b. a port for civilian use by inland waterway traffic, c. a commercial seaport, d. a fishing harbour.	In cases where the activity relates to a port/harbour which permits the passage of ships of 900 tonnes or more.	The formal adoption of: 1. the construction plan for a port referred to at a by the Minister of Defence, or 2. the decision to construct the port/harbour or, if there is no such decision, the spatial plan which is the first to provide for the possible construction of a port/harbour referred to at b, c or d.
4.2	The change or extension of: a. a naval port, b. a port for civilian use by inland waterway traffic, c. a commercial seaport, d. a fishing harbour.	In cases where the activity relates to an area of 100 hectares or more.	The formal adoption of: 1. the plan for the change or extension of a port referred to at a by the Minister of Defence, or 2. the decision to change or extend the port/harbour or, if there is no such decision, the spatial plan which is the first to provide for the possible change or extension of a port/harbour referred to at b, c or d.

	Column 1 Activities	Column 2 Cases	Column 3 Decisions
5	The fixing in any manner of installations to the bed or the raising of the bed of major rivers, lakes and canals, such that the waterbed rises above the high water level, or the change or extension of such works.	In cases where the activity relates to an area of 100 hectares or more.	The formal adoption of the plan of construction, change or extension by the Minister of Transport, Public Works and Water Management or another minister or, where such a plan is lacking, the decision to grant a concession referred to in Section 1 of the Act of 14 July 1904 laying down provisions concerning the drainage and poldering of land (*Staatsblad* 147).
6.1	The construction, equipment or use of an airfield as referred to in Section 1, point g, of the Aviation Act.	In cases where the activity relates to an airfield possessing a runway 1000 metres or more in length.	The designation referred to in Section 18, subsection one, of the Aviation Act, or the decision to amend this designation referred to in Section 27, subsection one, of the Aviation Act.
6.2	A change in the position of a runway, its lengthening, broadening or resurfacing, or an intensification or change in the use of the airfield.	In cases: 1. where the activity relates to a runway 1000 metres or more in length, and 2. in respect of which a noise zone as referred to in Section 25a, a variant noise zone as referred to in Section 25b, subsection one, or a temporary noise zone as referred to in Section 25c, subsection one, of the Aviation Act, is adopted or amended, unless the amended zone falls completely within the original noise zone or the zone is abrogated.	The decision, referred to in Section 27, subsection one, of the Aviation Act, to amend the designation referred to in Section 18, subsection one, of this Act.
7	The change or extension of a military practise ground.	In cases where the activity relates to an area for actual development of 100 hectares or more.	The formal adoption of the development plan by the Minister of Defence.
8.1	The construction, change or extension of a pipeline for the transportation of gas, oil or chemicals, with the exception of a pipeline for the transportation of natural gas.	In cases where the activity relates to a pipeline 1 kilometre or more in length situated or planned in a sensitive area as referred to in point 1, at a, b or d, of Part A this Annex, up to 3 nautical miles from the coast.	The formal adoption of the route or plan by or on behalf of the Minister of Economic Affairs or, where such a route or plan is lacking, of the spatial plan that is the first to provide for the possible construction, change or extension.
8.2	The construction, change or extension of a pipeline for the transportation of natural gas.	In cases where the activity relates to a pipeline 5 kilometres or more in length situated or planned in a sensitive area as referred to in point 1, at a, b or d, of Part A this Annex, up to 3 nautical miles from the coast.	The formal adoption of the route or plan by or on behalf of the Minister of Economic Affairs or, where such a route or plan is lacking, of the spatial plan that is the first to provide for the possible construction, change or extension.
8.3	The construction, change or extension of a pipeline for the transportation of water, wastewater or steam.	In cases where the activity relates to: 1. a pipeline with a diameter of 1 metre or more, and 2. a length of 10 kilometres or more.	The approval of the spatial plan which is the first to provide for the possible construction, change or extension.

	Column 1 Activities	Column 2 Cases	Column 3 Decisions
9	Rural development projects or the change or extension of such development using the rural development instrument, with the exception of projects of a purely administrative nature, and of infrastructure-compensation packages (*aanpassingsinrichting*)	In cases where the activity relates to a change in the function of land designated for nature conservation, recreation or agriculture with an area of 150 hectares or more.	The formal adoption of the spatial plan which is the first to provide for the possible change of function or, where such a plan is lacking, of the rural land-use plan referred to in Section 81, subsection one, of the Rural Development Act.
10.1	The construction, change or extension of a leisure or tourist facility.	In cases where the activity relates to a facility which: 1. attracts 250,000 or more visitors per year, 2. occupies an area of 25 hectares or more, or 3. occupies an area of 10 hectares or more in a sensitive area.	The formal adoption of the spatial plan which is the first to provide for the possible construction, change or extension or, where such a plan is lacking, of the rural land-use plan referred to in Section 81, subsection one, of the Rural Development Act.
10.2	The construction, change or extension of a golf course.	In cases where the activity relates to land designated for a non-agricultural use, and where the golf course: 1. occupies an area of 25 hectares or more, 2. occupies an area of 10 hectares or more in a sensitive area, or 3. has 9 holes or more.	The formal adoption of the spatial plan which is the first to provide for the possible construction, change or extension or, where such a plan is lacking, of the rural land-use plan referred to in Section 81, subsection one, of the Rural Development Act.
10.3	The construction, change or extension of a marina.	In cases where the activity relates to a marina with 100 berths or more.	The formal adoption of the spatial plan which is the first to provide for the possible construction, change or extension.
11.1	The construction of housing.	In cases where the activity relates to a joined area and provides for 2000 or more dwellings in the built environment.	The formal adoption of the spatial plan which is the first to provide for the possible construction.
11.2	The implementation or a change or extension of the implementation of an urban development project, including the construction of shopping centres or car parks.	In cases where the activity relates to: 1. an area of 100 hectares or more, or 3. a commercial floor space of 200,000 m^2 or more.	The formal adoption of the spatial plan which is the first to provide for the possible construction, change or extension.
11.3	The construction, change or extension of an industrial estate.	In cases where the activity relates to an industrial estate with an area of 75 hectares or more.	The formal adoption of the spatial plan which is the first to provide for the possible construction, change or extension.
11.4	The construction, change or extension of glass horticulture facilities.	In cases where the activity relates to glass horticulture facilities with an area of 50 hectares or more.	The formal adoption of the spatial plan which is the first to provide for the possible construction, change or extension.

	Column 1 Activities	Column 2 Cases	Column 3 Decisions
12.1	The change or extension of: a. a sea or delta dike, or b. a river dike.		The approval by the provincial executive of the plan referred to in Section 7, subsection one, of the Flood Defences Act.
12.2	The execution of works as referred to in Section 1, at I or IIc, of the Delta Act.		The formal adoption of the conceptual plan or, where such a plan is lacking, the decision referred to in Section 2, subsection three, of the Delta Act.
12.3	The construction, change or extension of coastal works to combat erosion, of maritime works capable of altering the coast and of other coastal defence works, but excluding the maintenance or reconstruction of these works.		The decision of the Minister of Transport, Public Works and Water Management referred to in Section 10, subsection one, of the Flood Defences Act.
13	The change or extension of land reclamation, land drainage and poldering.	In cases where the activity relates to an area of 100 hectares or more.	The formal adoption of the plan or, where such a plan is lacking, the decision referred to in a water board ordinance or, where such ordinance is lacking, the decision to grant a concession for land reclamation, marsh drainage or poldering referred to in section 1the Act of 14 July 1904 laying down provisions concerning the drainage and poldering of land (*Staatsblad* 147).
14	The creation or extension of an establishment for the breeding, fattening or keeping of poultry or pigs.	In cases where the activity relates to an establishment with more than: 1. 60,000 places for broilers, 2. 45,000 places for hens, 3. 2200 places for production pigs, or 4. 350 places for sows.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
15.1	The drainage of construction excavations, the remediation of contaminated land and pilot water abstraction projects or the change or extension of such an activity.	In cases where the activity relates to a volume of water of 3 million cubic metres per year or more.	The decision referred to in Section 14, subsection one, of the Groundwater Act.
15.2	The change or extension of a facility for groundwater recharge or for the abstraction of groundwater, with the exception of the drainage of construction excavations, the remediation of contaminated land and pilot water abstraction projects.	In cases where the activity relates to a volume of water of 1.5 million cubic metres per year or more.	The decision referred to in Section 14, subsection one, of the Groundwater Act.

	Column 1 Activities	Column 2 Cases	Column 3 Decisions
15.3	The construction, change or extension of a reservoir or barrage.	In cases where the activity relates to a reservoir or barrage with a capacity of 5 million cubic metres or more.	The formal adoption of the spatial plan which is the first to provide for the possible construction, change or extension.
16.1	The exploitation or the change or extension of the exploitation of quarries or open-cast mines.	In cases where the activity occupies an area of 12.5 hectares or more.	The decision designating the site or a number of sites or, where such a decision is lacking, the decision referred to in Section 3 of the Earth Removal Act.
16.2	Peat extraction or a change or extension of such activities.	In cases where the activity relates to a land area of 75 hectares or more.	The decision designating the site or a number of sites or, where such a decision is lacking, the decision referred to in Section 3 of the Earth Removal Act.
17.1	A change or extension of the extraction of petroleum or natural gas.	In cases where the activity relates to already existing installations, takes place in a sensitive area as referred to in point 1, at a, b or d, of Part A of this Annex, up to three nautical miles from the coast and relates to: 1. an extension of the area of the site by 5 hectares or more, or 2. the addition of a nitrogen separation or desulphurisation plant.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
17.2	Deep drillings or a change or extension of such deep drillings, with the exception of those carried out in connection with: a. an investigation into the stability of the soil, b. archaeological research, or c. exploration for or the extraction of petroleum or natural gas.		The approval by the Minister of Economic Affairs of the plan to carry out a deep drilling or the change or extension of such a deep drilling or, where such a plan is lacking, the formal adoption of the spatial plan which is the first to provide for the execution, change or extension of the deep drilling.
18.1	The creation of an establishment intended for: a. the incineration of non-hazardous waste, or b. the chemical treatment of non-hazardous waste.	In cases where the activity relates to an establishment with a capacity of 50 tonnes per day or more.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
18.2	The creation of an establishment intended for the processing, transformation or destruction of animal or other organic manures, green waste and putrescible and garden waste which is not hazardous waste.	In cases where the activity relates to an establishment with a capacity of 100 tonnes per day or more.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.

	Column 1 Activities	Column 2 Cases	Column 3 Decisions
18.3	The change or extension of an establishment for the disposal of waste as referred to in categories 18.2, 18.3, 18.4 or 18.5 of Part C of this Annex or categories 18.1 or 18.2 of Part D of this Annex.	In cases where the activity relates to a capacity of: 1. 250,000 cubic metres or more for the dumping/landfill of waste, 2. 5000 tonnes dry matter per year or more for the disposal of water purification sludge, or 3. 100 tonnes per day or more for the disposal of waste other than that referred to at 2.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
18.4	The creation, change or extension of a waste water treatment plant.	In cases where the activity relates to a plant with a capacity of 50,000 inhabitant-equivalents or more.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
19.1	The execution of works for the transfer of water resources between river basins where this transfer aims at preventing possible shortages of water.	In cases where the activity relates to an amount of water transferred of 75 million cubic metres per year or more.	The decision of the water management agency.
19.2	The execution of works for the transfer of water resources between river basins not aimed at preventing possible shortages of water.	In cases in which: 1. the multi-annual average flow of the basin of abstraction exceeding 2000 million cubic metres per year, and 2. the amount of water transferred exceeds 3% of this flow.	The decision of the water management agency.
20.1	The change or extension of an establishment for the production of pulp from timber or other fibrous materials.	In cases where the activity relates to an establishment with a production capacity of 100 tonnes per day or more.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
20.2	The creation, change or extension of an establishment for the production of paper or board.	In cases where the activity relates to an establishment with a production capacity of 100 tonnes per day or more.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
20.3	The creation of an establishment for the production of cellulose.	In cases where the activity relates to an establishment with a production capacity of 100 tonnes per day or more.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
21.1	The change or extension of an establishment for the refining of petroleum, with the exception of establishments manufacturing only lubricants from crude oil.	In cases where the activity relates to a change or extension other than that referred to in category 21.2 of Part C of this Annex and the crude oil processing capacity is being increased by 20% or more or by 2 million tonnes per year or more.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
21.2	The creation, change or extension of an establishment for the roasting, pelletising and sintering of metallic ores or the production of coke from coal.		The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.

	Column 1 Activities	Column 2 Cases	Column 3 Decisions
21.3	The change or extension of an establishment for the production of pig iron or steel.	In cases where the activity relates to an establishment with a smelting capacity of 15,000 tonnes per year or more.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
21.4	The change or extension of an establishment for the production of non-ferrous crude metals from ore, concentrates or secondary raw materials by metallurgical, chemical or electrolytic processes.	In cases where the activity relates to an establishment with a smelting capacity of 15,000 tonnes per year or more.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
21.5	The creation, change or extension of an establishment for the production, processing or transformation of asbestos or products containing asbestos.	In cases where the activity relates to an establishment for: 1. the production, processing or transformation of asbestos cement with a capacity of 10,000 tonnes of finished product per year or more, 2. the manufacture of brake linings with a capacity of 25 tonnes of finished product per year or more, or 3. the manufacture, processing or transformation of asbestos-containing materials which utilise 100 tonnes of asbestos per year or more.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
21.6	The change or extension of an integrated chemical establishment, i.e. an establishment for the manufacture on an industrial scale of substances using chemical conversion processes, in which several units are juxtaposed and are functionally linked to one another, for the production of:: a. basic organic chemicals, b. basic inorganic chemicals, c. phosphorus-, nitrogen- or potassium-based fertilisers (simple or compound fertilisers), d. basic plant health products and biocides, e. basic pharmaceutical products using a chemical or biological process, or f. explosives.	In cases where the processing capacity of the establishment increases by: 1. 100,000 tonnes per year in regard to the activity mentioned at a, 2. 100,000 tonnes per year in regard to the activity mentioned at b, 3. 100,000 tonnes per year in regard to the activity mentioned at c, 4. 20,000 tonnes per year in regard to the activity mentioned at d, 5. 20,000 tonnes per year in regard to the activity mentioned at e.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
22.1	The creation, change or extension of an establishment for the production of electricity, steam and heat, with the exception of nuclear power stations.	In cases where the activity relates to a power station with a capacity of 200 megawatts (thermal) or more and, in cases of change or extension, 1. the capacity is being increased by 20% or more, or 2. involves the use of another fuel.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.

	Column 1 Activities	Column 2 Cases	Column 3 Decisions
22.2	The creation, change or extension of one or more interconnected installations for harnessing wind power for electricity generation.	In cases where the activity relates to: 1. a total capacity of 10 megawatts (electrical) or more, or 2. 10 wind turbines or more.	The formal adoption of the spatial plan which is the first to provide for the possible construction, change or extension or, where such a plan is lacking, the decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
22.3	The change or extension of an establishment in which nuclear energy can be released, including the decommissioning or dismantling of such power stations or reactors.	In cases where the activity relates to: 1. a change to the type, quantity or degree of enrichment of the nuclear fuel, 2. an increase in the discharge of radioactive substances, 3. an increase in the storage capacity for spent nuclear fuel, 4. the introduction of systems for the prevention or control of serious accidents, or 5. a change in the date of decommissioning or dismantling by more than 5 years.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
22.4	The change or extension of an establishment for the processing of irradiated nuclear fuel.		The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
22.5	The change or extension of an establishment for the production or enrichment of nuclear fuel.	In cases where the activity relates to an increase in the enrichment capacity on an annual basis of 500 tSW or more.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
23	The change or extension of an establishment: a. for the treatment of irradiated nuclear fuel or high-level radioactive waste, b. for the final disposal of irradiated nuclear fuel, c. solely for the final disposal of radioactive waste, or d. solely for the storage of irradiated nuclear fuels or radioactive waste from another establishment.	In cases where the activity relates to: 1. an increase in the treatment capacity for irradiated nuclear fuel or high-level radioactive waste by more than 50%, or 2. an increase in the total storage capacity by more than 50% or by more than 10,000 cubic metres.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
24.1	The construction, change or extension of overhead or underground high-tension power lines.	In cases where the activity relates to lines with: 1. a voltage of 220 kilovolts or more, and 2. a length of 5 kilometres or more in a sensitive area up to three nautical miles from the coast.	The decision to approve the route by the Minister of Economic Affairs.

	Column 1 Activities	Column 2 Cases	Column 3 Decisions
24.2	The construction, change or extension of overhead or underground high-tension power lines.	In cases where the activity relates to lines with: 1. a voltage of 150 kilovolts or more, and 2. a length of 5 kilometres or more in a sensitive area up to three nautical miles from the coast.	The formal adoption of the spatial plan which is the first to provide for the possible construction, change or extension.
25.1	The creation, change or extension of an establishment for the storage of petroleum, petrochemical or chemical products.	In cases where the activity relates to an establishment with a storage capacity of 150,000 cubic metres or more.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
25.2	The creation, change or extension of an establishment for the storage or transshipment of natural gas.	In cases where the activity relates to a storage capacity of 100,000 cubic metres or more.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
25.3	The creation, change or extension of an underground storage facility for natural gas.	In cases where the storage capacity being created is 1 million cubic metres or more.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
25.4	The creation, change or extension of a surface storage facility for fossil fuels.	In cases where the activity relates to an area of 50 hectares or more.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
26	The change or extension of an establishment for the gasification or liquefaction of coal.		The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
27	Initial afforestation and deforestation or a change or extension in such activity for the purposes of conversion to another type of land use.	In cases where the activity relates to: 1. land designated for agricultural use and involving an area of 100 hectares or more, or 2. land designated for a non-agricultural use and involving an area of 10 hectares or more.	The decision referred to in Section 6, subsection two, of the Forestry Act or the formal adoption of the spatial plan if this is the first to provide for the possible change in land use.
28	The creation, change or extension of a fish farm.	In cases where the activity relates to a production capacity of 1000 tonnes of fish per year or more.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
29.1	The creation, change or extension of an establishment for underground mining which uses shafts.	In cases where the activity is carried out in a sensitive area as referred to in point 1, at a, b or d, of Part A of this Annex, up to 3 nautical miles from the coast.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
29.2	The creation, change or extension of the surface installations of enterprises for the extraction of coal, ores or bituminous shale.		The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
29.3	The creation, change or extension of an establishment for the briquetting of coal and lignite.		The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.

	Column 1 Activities	Column 2 Cases	Column 3 Decisions
30	The creation, change or extension of an establishment for the manufacture of cement.	In cases where the activity relates to a production capacity of 100,000 tonnes per year or more.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
31	The creation, change or extension of an establishment for the conversion of hydrostatic energy into electrical or thermal energy.	In cases where the activity relates to a capacity of 2.5 megawatts (electrical) or more.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
32.1	The creation, change or extension of an establishment for the smelting, casting or forging of iron or steel or for the smelting, casting or refining of non-ferrous metals.	In cases where the activity relates to a smelting capacity of 15,000 tonnes per year or more.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
32.2	The creation, change or extension of an establishment for the rolling, drawing, pressing or stamping of metals.	In cases where the activity relates to a smelting capacity of 15,000 tonnes per year or more.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
32.3	The creation, change or extension of an establishment for the surface treatment or coating of metals and plastic materials using an electrolytic or chemical process.	In cases where the activity relates to a production area of 10,000 m^2 or more on an industrial site or of 5000 m^2 or more elsewhere, provided that in the case of an establishment for powder-coating or the application of water-based paint the production area applying is 20,000 m^2 or more on an industrial site or 10,000 m^2 elsewhere.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
32.4	The creation, change or extension of an establishment for the manufacture of boilers or tanks.	In cases where the activity relates to a production area of 50,000 m^2 or more in a closed building or of 10,000 m^2 or more elsewhere.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
32.5	The creation, change or extension of an establishment for the manufacture or assembly of motor vehicles or motor-vehicle engines.	In cases where the activity relates to a production capacity of 1000 motor-vehicles or motor-vehicle engines per year or more.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
32.6	The creation, change or extension of an establishment for the construction, maintenance, repair or surface treatment of metal ships.	In cases where the activity relates to a production area of 50,000 m^2 or more.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
32.7	The creation, change or extension of an establishment for the testing of engines, reactors or turbines, or for the construction or repair of aircraft.	In cases where the activity relates to: 1. the testing, other than in a closed building, of engines, reactors or turbines with a thrust of 500 kilonewtons or more or a power of 10 megawatts or more, or 2. a production area of 250,000 m^2 or more in an establishment for the construction or repair of aircraft.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.

	Column 1 Activities	Column 2 Cases	Column 3 Decisions
32.8	The creation, change or extension of an establishment for the manufacture or repair of railway equipment.	In cases where the activity relates to a production area of 50,000 m^2 or more in a closed building or 10,000 m^2 or more elsewhere.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
32.9	The creation, change or extension of an establishment for swaging by explosives.		The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
33	The creation, change or extension of an establishment for the manufacture, processing or transformation of glass or glass objects, including glass fibre.	In cases where the activity relates to a production capacity of 10,000 tonnes per year or more.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
34.1	The creation, change or extension of an establishment for the production or formulation of pesticides as referred to in Section 1 of the Pesticides Act 1962, in so far as not described in category 21.6, point d, of Part D of this Annex.	In cases where the activity relates to a production capacity of 20,000 tonnes per year or more.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
34.2	The creation, change or extension of an establishment for the production of pharmaceutical products, in so far as not described in category 21.6, point e, of Part D of this Annex.	In cases where the activity relates to a production capacity of 20,000 tonnes per year or more.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
34.3	The creation, change or extension of an establishment for the manufacture of halogenated organic compounds or paints and varnishes in so far as not described in category 21.6 of Part D of this Annex.	In cases where the activity relates to a production capacity of 100,000 tonnes per year or more.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
34.4	The creation, change or extension of an establishment for the manufacture of fertilisers in so far as not described in category 21.6 of Part D of this Annex.	In cases where the activity relates to a production capacity of 100,000 tonnes per year or more.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
34.5	The creation, change or extension of an establishment for the production, processing and transformation of chemical products including elastomers, peroxides, alkenes and nitrogen compounds in so far as not described in categories 21.6 or 34.1 to 34.4 of Part D of this Annex.	In cases where the activity relates to a production capacity of 50,000 tonnes per year or more.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.

	Column 1 Activities	Column 2 Cases	Column 3 Decisions
35	The creation, change or extension of an establishment for: a. the production, processing or transformation of animal or vegetable oils or fats, b. the production of fish-meal and fish-oil, or c. the packing and canning of animal and vegetable products.	In cases where the activity relates to: 1. a production capacity of 40,000 tonnes per year or more in an establishment as referred to at a, or 2. a production capacity of 10,000 tonnes per year or more in an establishment as referred to at b or c.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
36	The creation, change or extension of an establishment for the production of milk, milk products, evaporated milk and evaporated milk products.	In cases where the activity relates to a production capacity of 30,000 tonnes per year or more.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
37.1	The creation, change or extension of a brewery.	In cases where the activity relates to a production capacity of 75 million litres per year or more.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
37.2	The creation, change or extension of a malt-house.	In cases where the activity relates to a production capacity of 40,000 tonnes per year or more.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
38.1	The creation, change or extension of an establishment for the production of sugar from sugar-beet.	In cases where the activity relates to a production capacity of 12,500 tonnes per day or more.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
38.2	The creation, change or extension of an establishment for the production of lemonade drinks.	In cases where the activity relates to a production capacity of 20 million litres per year or more.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
38.3	The creation, change or extension of an establishment for the production of confectionery.	In cases where the activity relates to a production capacity of 15,000 tonnes per year or more.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
39.1	The creation, change or extension of an abattoir.	In cases where the activity relates to a production capacity of 25,000 tonnes of meat per year or more.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
39.2	The creation, change or extension of a rendering establishment.		The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
40	The creation, change or extension of an establishment for the production of starch.	In cases where the activity relates to a production capacity of 25,000 kilogrammes per hour or more.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
41.1	The creation, change or extension of an establishment for the pretreatment or dying of fibres or textiles.	In cases where the activity relates to a waste water emission rate of 2500 inhabitant-equivalents per year or more.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.

	Column 1 Activities	Column 2 Cases	Column 3 Decisions
41.2	The creation, change or extension of an establishment for the tanning of hides and skins.	In cases where the activity relates to a waste water emission rate of 1000 inhabitant-equivalents per year or more.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
42	The creation, change or extension of an establishment for the production, processing, transformation or treatment of timber or wooden objects.	In cases where the activity relates to a production capacity of 150,000 cubic metres per year or more.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
43	The construction, change or extension of a facility, not being a public road, intended or equipped for the racing of motor vehicles, preparation for such racing or the driving of motor vehicles for other leisure purposes.	In cases where the facility is open for 8 hours per week or more.	The formal adoption of the spatial plan which is the first to provide for the possible construction, change or extension or, where such a plan is lacking, the decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
44	The creation, change or extension of an establishment for the production, packaging, loading or filling of cartridges with gunpowder or explosives.		The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
45	The creation, change or extension of an establishment for the recovery or destruction of explosive substances.		The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
46	The creation, change or extension of an establishment for the smelting of mineral substances including the production of mineral fibres.	In cases where the activity relates to a production capacity of 100 tonnes per day or more.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
47	The creation, change or extension of an establishment for the manufacture of ceramic products by burning.	In cases where the activity relates to a production capacity of 100 tonnes per day or more.	The decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Act apply.
48	The construction, change or extension of an aqueduct.	In cases where the activity relates to a length of 1 kilometre or more.	The formal adoption of the spatial plan which is the first to provide for the possible construction, change or extension.

Explanatory Memorandum[3]

1. General

Introduction

This amendment to the Environmental Impact Assessment Decree 1994, hereafter referred to as the Decree, together with an amendment to the Environmental Management Act, hereafter referred to as the Act, implements European Union Council Directive no. 97/11/EC of 3 March 1997 amending Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment (OJ L 73), hereafter referred to as the Directive, or Directive 97/11/EC. The transposition of the Directive into member states' own legislation is due to be effected 14 March 1999.

The need to amend EC Council Directive 85/337/EEC of the CEC of 27/6/85 on the assessment of the effects of certain public and private projects on the environment (OJ L 175), hereafter referred to as Directive 85/337/EEC, arose in part from the obligations with regard to environmental impact assessment (EIA) incurred by the European Community (EC) and its member states in signing and ratifying the Convention made in Espoo on 25 February 1991 on EIA in a Transboundary Context (*Traktatenblad* 1991, 104 and 174).

Amendments to the EIA Decree 1994

Directive 97/11/EC results in the addition of several new activities to Part C of the Annex to the Decree (the list of activities for which EIA is mandatory). A number of activities are also transferred from Part C to Part D of the Annex, in particular those relating to changes and extensions of existing activities. Directive 97/11/EC also requires that arrangements are made for evaluating whether there is a need for an EIA in the case of a number of activities not included in Annex I of the Directive. These activities are specified in Part D of the Annex (the list of activities subject to discretionary EIA assessment). This has resulted in a substantial enlargement of Part D. In implementing the Directive, the government has opted to make maximum use of the latitude permitted by Directives 85/337/EEC and 97/11/EC (the EIA Directives) for selectiveness in relation to the activities which must be subjected to EIA.

Difference between Part C and Part D

Part C of the Annex lists the activities which in the cases therein indicated always have a major adverse impact on the environment. Part D of the Annex lists the activities which only have a significant adverse impact on the environment in particular circumstances, to be determined on a case-by-case basis. In both cases the data are presented in three columns. The terms used in these columns are where necessary defined in Part A of the Annex (Definitions). The activities subject to mandatory or discretionary EIA are listed in the first column. The second column indicates the cases in which mandatory or discretionary EIA apply. The third column lists the decisions regarding the appropriate activities. These are always decisions of administrative bodies. These decisions are described as far as possible in terms of the existing statutory decision-making procedures. In the absence of sectoral decisions, or where the choice of location is of crucial importance for the environmental consequences, the decision designated as giving rise to the EIA requirement is the formal adoption of the spatial plan which first provides for the possible execution of the activity.

[3] The notes on the unamended articles have been reproduced, in italics, from the Explanatory Memorandum accompanying the EIA Decree 1994.

Where possible this Decree has sought consistency with the Directive. The 'projects' listed in Annex I of the Directive which relate to the construction or creation of 'establishments' are included in Part C of the Annex, and the projects listed in Annex II of the Directive are almost all included in Parts C or D of the Annex. Changes or extensions of existing projects are included in Part D of the Annex, and are therefore subject to discretionary EIA, unless otherwise indicated. Annex II of the Directive lists categories of projects which will be made subject to 'discretionary EIA' if the member state determines this to be necessary. In so doing, regard must be had to certain criteria. These criteria relate to the characteristics of the projects, cumulative effects taking account of other projects, the location of the projects and the nature of the potential effects of the projects. The projects listed in Annex II of the Directive do not have to be subjected in all cases to a mandatory EIA procedure: there must be particular circumstances applying which make EIA necessary. The projects listed in Annex II can be specified in greater detail by member states, and latitude is also given to set threshold values. Advantage is taken of this possibility in the present Decree.

Procedure for discretionary EIA (screening)

In the procedure for discretionary EIA (see Sections 7.8a to 7.8d of the Act) the obligation to decide whether EIA is to be required for a planned activity is vested in the administrative body which must ultimately decide whether and in what circumstances the planned activity can be carried out.

The procedure is as follows. The developer notifies the competent authority in writing that he intends to undertake an activity specified in Part D of the Annex. Within six weeks of receiving this notification, the competent authority decides whether or not an environmental impact statement needs to be drawn up in preparing the planned activity. If there are more than one competent authority, they decide jointly. The competent authority considers the need for requiring an EIA in the light of the particular circumstances applying to the conduct of the activity. This decision is then made public.

The Decree is designed such that no environmental impact statement need be drawn up for an activity subject to discretionary EIA unless the competent authority adjudges that this is necessary in view of the particular circumstances in which the activity is being undertaken. The threshold values above which discretionary EIA applies are set such that only those activities will be examined for which it is possible that in particular circumstances there may be significant adverse consequences.

Particular circumstances

The proposed Section 7.8b, subsection four, of the Environmental Management Act (see Parliamentary Documents II, 1998/99, 26 350, nos. 1-2) contains a description of the particular circumstances which might constitute a reason for the competent authority to require an EIA for an activity listed in Part D of the Annex. These particular circumstances are:
a. the characteristics of the activity;
b. the location of the activity;
c. the relation to other activities in the area;
d. the characteristics of the potential environmental impact of the activity.

These four particular circumstances do not have to occur together in order to lead the competent authority to impose an EIA obligation. The simple fact of establishing an activity in a sensitive area, for example a water abstraction area, can involve significant adverse consequences for the environment.

In considering the particular circumstances referred to at a, b and d above the competent authority must have regard to a number of criteria set forth in Directive 97/11/EC. The criteria listed below are not exhaustive and are intended to provide guidance with the evaluation. The particular circumstance referred to at c above (the relation to other activities in the area) is in the Directive included in the particular circumstance referred to at a above (the characteristics of the activity). The Directive does not specify any further criteria for this particular circumstance to which the competent authority can have regard.

Ad a. The characteristics of the activity
Amongst the characteristics of the activity, particular consideration should be given to:

- the magnitude of the project;
- cumulative effects with other projects;
- the usage of natural resources;
- the waste generated;
- pollution and nuisance;
- the risk of accidents, having regard in particular to the substances or technologies used.

Ad b. The location of the activity
Relevant factors for the degree of vulnerability of the environment in the area which could be affected by the activities include in particular:

- existing land requirements;
- the extent, quality and regenerative capacity of the natural resources in the area;
- the absorptive capacity of the natural environment, with special attention for the following types of area:
    - wetlands;
    - coastal zones;
    - mountain and forest areas;
    - nature reserves and natural parks;
    - areas designated in the legislation of member states or protected by that legislation or special protection areas designated by member states by virtue of EC Council Directive no. 79/409/EEC of 2 April 1979 on the conservation of wild birds (OJ L 103), hereafter referred to as the Birds Directive or EC Council Directive no. 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206), hereafter referred to as the Habitat Directive;
    - areas where the environmental quality standards laid down in Community legislation have already been exceeded;
    - densely populated areas;
    - landscapes of historical, cultural or archaeological significance.

Ad d. The characteristics of the potential environmental impact of the activity
Amongst the potential significant effects which the activity can have for the environment are the following:

- the range of the impact (geographical area and size of affected population);
- the transfrontier nature of the impact;
- the magnitude and complexity of the impact;
- the probability of the impact;
- the duration, frequency and reversibility of the impact.

Provincial environmental ordinance

An EIA obligation can arise as a result not only of this Decree but also of a provincial environmental ordinance. The provinces have the power to designate by provincial environmental ordinance activities carried on within their territory as requiring an EIA. This power vests by virtue of Section 7.6 of the Act, and provides the provinces with an extra instrument for protecting the environment and ecosystems within their territory. The criterion for designating in a provincial environmental ordinance activities as giving rise to an EIA obligation is, as indicated in Section 7.6 of the Act, that the activity could have serious adverse effects for the environment in areas within the province which are of special significance or in which the environment has already been seriously polluted or impaired. The criteria which are also used in assessing an environmental impact statement form a good basis for designating an activity in the provincial environmental ordinance as requiring an EIA.

The location of the activities subject to mandatory or discretionary EIA

If an activity is subject to mandatory EIA, the competent authority must consider the environmental impact statement in the decision-making procedure for the activity concerned. This is a basic principle underlying environmental impact assessment, and is reflected in the system of both the EIA Directives and the Environmental Management Act, which links mandatory or discretionary EIA to the decision of the administrative body concerned. These decisions relate to activities which may not be carried out without such a decision. The EIA obligation is therefore limited to activities which fall under the jurisdiction of Dutch administrative bodies. The location of the body is immaterial. This means that activities which fall under the jurisdiction of Dutch administrative bodies but which are not carried on within Dutch territory, such as the exploration for or extraction of petroleum or natural gas in the Dutch sector of the continental shelf, may be subject to mandatory or discretionary EIA.

Numbers of EIA procedures

Since the introduction of the EIA Decree in 1987, over 800 EIA procedures and approximately 35 applications for exemption from the EIA procedure have been initiated. Since the EIA Decree 1994 entered into force, over 300 EIA procedures and 2 applications for exemption from the EIA obligation have been initiated. On the basis of the criteria in the EIA Decree 1994, there are between 80 and 100 activities each year which must undergo an EIA procedure. Of the total, about 55% relate to licences, 20% to spatial plans, 15% to infrastructural planning procedures and 10% to policy plans. So far only a few activities have been subject to the discretionary EIA procedure.

Industry

The changes made in this Decree in relation to the 1994 Decree will result in a major increase in the number of industrial activities subject to discretionary EIA. In relation to establishments, mandatory EIA is confined to the setting up of new establishments, however, while changes and extensions of activities have generally been made subject to discretionary EIA. In the latter cases the competent authority will have to decide whether it is necessary to draw up an environmental impact statement having regard to the particular circumstances. For industry this means a reduction in the present scope of mandatory EIA and an extension in discretionary EIA. This will allow the EIA instrument to be used in a more selective manner.

Response to the publication of the draft amendment to the EIA Decree 1994

The draft amendment to the EIA Decree 1994 was published on 29 May 1998 (*Staatscourant* 99). Comments had to be sent to the Minister of Housing, Spatial Planning and the

Environment by 20 June 1998. Thirty-two reactions were received, mainly from trade associations.

A number of comments related to the same categories of activities. In general, respondents considered the new threshold values proposed in the draft for discretionary EIA too low or inadequate. Discussions were held with a number of the respondents about their comments. In the present version a number of changes have been made, in particular to the threshold values for discretionary EIA, based on the comments received, the discussions held and additional data. Regard was had in making these changes to the particular characteristics of the activity concerned and the possible environmental consequences. This allows a better implementation of the requirements of Directive 97/11.

2. Article-specific notes

[From the 1994 Explanatory Memorandum:
Article 2
This Article contains the crux of the Decree. Paragraph one makes the drawing up of an environmental impact statement mandatory for the activities indicated in Part C of the Annex. Paragraph two is new, and provides that an evaluation must be made as to whether an environmental impact statement needs to be drawn up for the activities indicated in Part D of the Annex. In both cases the obligation applies only to the decisions indicated in Parts C and D of the Annex (paragraph three) and in the cases indicated therein (paragraph four). In the explanatory notes to Parts C and D of the Annex, more details are given about the activities (column 1), the cases in which mandatory or discretionary EIA applies (column 2) and the decisions, in the preparation of which the requirement must be met (column 3).]

A sentence has been added to Article 2, paragraph two, of the Decree. This sentence caters for the situation where there is an overlap between the activities described in Part C and Part D of the Annex. The word 'therein' therefore refers to "a category of activities described in both Part C and Part D of the Annex". Where an activity is described in both Parts, this sentence provides that a check is first made as to whether the activity falls within the threshold values given in the second column of Part C for the activity concerned. If this is the case then the activity is subject to mandatory EIA by virtue of Section 7.2, subsection one, of the Environmental Management Act and Article 2, paragraph one, of the Decree. If this is not the case a check is then made as to whether the activity falls within the threshold values set forth in the second column of Part D for the activity concerned. If this is the case, then the discretionary EIA procedure applies by virtue of Section 7.4, subsection one, of the Environmental Management Act and Article 2, paragraph two, first sentence, of the Decree.

[From the 1994 Explanatory Memorandum:
Article 3
This Article regulates the EIA obligation as referred to in Section 2a, subsection one, of the Town and Country Planning Act (TCPA) for complete or partial revision or revocation of plans as referred to in Section 2b, subsection one, of the TCPA and for central government policy documents which are submitted to Parliament, to the extent that these plans and policy documents are not specifically mentioned in the Annex. The first-named of the aforementioned plans can comprise structure sketches, structure plans and concrete policy decisions which have a bearing on national spatial policy. In terms of the requirements relating to mandatory and discretionary EIA, what is important in these plans and policy documents is the crucial decisions taken therein about activities which lead or can lead to an EIA obligation. A crucial decision is a decision which excludes one or more substantive alternatives. Such decisions therefore establish the framework for further decision-making and are decisions which can no longer be reversed by subsequent decisions. The plans and

policy documents referred to give rise to a mandatory or discretionary EIA requirement when decisions of principle are taken in them about the location of one or more activities described in column 1 of Parts C and D of the Annex.

Whether a decision of principle about the location of an activity is involved depends on three factors which must be considered in relation to one another. Firstly, a concrete activity or project listed in Part C or D of the Annex must be involved, the implementation of which is anticipated during the plan period. Provisions made for the longer term do not give rise an EIA requirement. Secondly, the geographical indications must be sufficient for a location or target area to be pointed out on a map. Planning concepts which give general spatial orientations only do not therefore give rise to an EIA requirement. An example of such a planning concept is that of the proximity principle in the Supplement to the Fourth Policy Document on Spatial Planning (VINEX). The VINEX places proximity above access, which in principle means that home, work and recreation must be as close as possible to the centres of conurbations. Although the proximity principle has consequences for the relative merits of the different locations within the conurbation, it does not itself actually comprise a choice.

And thirdly, also by virtue of the hardness of decisions made in the Key Planning Decision (KPD),there must be a material limitation of the choices of location open to the regional and local authorities. With effect from 1 January 1994 the TCPA provided for the possibility of a KPD with special status. This can relate either to a separate project or can be a separate part of a more comprehensive KPD. A KPD with special status sets out to explicitly delineate the space within which there is choice with regard to large-scale projects of national importance falling under the Infrastructure (Planning Procedures) Act. It therefore goes without saying that the KPD with special status gives rise to an EIA obligation.

As far as the plans referred to in Article 3, at b, are concerned, the EIA requirement will arise only in relation to the locations of new activities, or changes in locations decided previously.

In cases to which Article 3 applies, the EIA requirement is confined to the environmental impact of concrete activities, and indeed to the aspects of these activities relevant at the policy plan level, for example the - future - location, and any indication of the nature and magnitude of the activities. The environmental information to be provided in the environmental impact statement for this decision-making level naturally does not need to be as detailed as for decisions at the operational level.]

[From the 1994 Explanatory Memorandum:
Article 5
Article 5 spells out a number of requirements relating to the content of an exemption application. The purpose of these requirements is to give the Minister of Housing, Spatial Planning and the Environment and the Minister of Agriculture, Nature Management and Fisheries a clear picture of the planned activity, of the way in which it will be implemented and above all, of the possible adverse environmental consequences to be expected from the activity.

Paragraph one of this Article provides that an application based on Section 7.5, subsection one, of the Act should contain a description of the planned activity and of the circumstances in which it will be carried out. These will include the nature and scale of the activity, the place where it will be carried out and the relationship with previous or future activities.

If the application is made because the general interest requires that the activity should be undertaken forthwith, the application should also include a description of the possible

adverse environmental consequences of the proposed activity. It is not only the direct consequences which should be considered, but also secondary consequences associated with the realisation of the proposed activity. The application should state the reasons why the application is being made.
The exemption clause for activities which, because of the circumstances in which they are undertaken, have no significant adverse effects for the environment has been deleted. The European Commission adjudged that it was not consistent with the EC Directive. For a note on the removal of this basis for exemption, see the explanatory notes to the amendment of Section 41e, subsection one, at a, of the Environmental Protection (General Provisions) Act (Parliamentary Documents II, 1991/92, 22 608, nos. 1-3).

Exemption is possible by virtue of Section 7.5, subsection one, at a, of the Act if the activity consists of a repetition or resumption of an activity for which an environmental impact statement has already been drawn up. An example would be the laying of a pipeline alongside an existing one. In such cases the applicant will have to state why an environmental impact statement for the new pipeline cannot reasonably be expected to contain any new data about the expected environmental consequences. For this purpose he will need to ascertain whether the information in the previous environmental impact statement is now out-of-date, and whether the circumstances in which the activity will be carried out are the same as those applying when the earlier activity was carried out. In ascertaining these circumstances, various matters can play a role. In the example given, consideration would need to be given to the function of the pipeline (what will be transported?), the method of laying the pipeline, as well as external factors which affect the environmental impact. Such factors would include, for example, the use of the land adjoining the new pipeline and the development of the environment in the area.

The application should be accompanied by the environmental impact statement drawn up previously and a copy of the decision for which it was drawn up.

An exemption can be granted on the basis of Section 7.5, subsection one, at b, of the Act if an environmental impact statement has already been drawn up for an activity and a new environmental impact statement cannot reasonably be expected to contain any new data on the environmental consequences. Exemption is only possible in this case if there is a concrete project for which an environmental impact statement was drawn up at an earlier stage and if the appropriate procedures were initiated up to and including the evaluation by the Committee for Environmental Impact Assessment, but in relation to which no decision was taken. As far as the content of the application is concerned, it is important that the applicant should state that the data on the environmental consequences are still up-to-date and that there has been no change of circumstances. When the application is submitted, the previous environmental impact statement should be appended to it. The advice of the Committee for Environmental Impact Assessment should also be submitted.

An exemption can be granted by virtue of Section 7.5, subsection one, at c, of the Act if the general interest requires that the activity be undertaken forthwith. As was remarked in the policy document issued in response to the final report to the Bill extending the Environmental Protection (General Provisions) Act[4]*, this option will be used sparingly. An exemption will only be granted if in the judgement of the Minister of Housing, Spatial Planning and the Environment and of the Minister of Agriculture, Nature Management and Fisheries there are compelling reasons so to do and the urgency is such that it is not possible to wait for an*

[4] *Regelen met betrekking tot milieu-effectrapportage*, Parliamentary Documents II, 1984/85, 16 814, no. 10, p. 16.

environmental impact assessment to be carried out. The Second Chamber will be informed of such an exemption.
An exemption can be granted by virtue of Section 7.5, subsection two, of the Act if preparations for the activity or for the decision on that activity are so far advanced, at the time that the EIA requirement comes into force, that it is no longer reasonable to require that an environmental impact statement be drawn up. This is therefore a transitional exemption intended to ensure that the introduction or expansion of the EIA requirement proceeds smoothly. Section 7.5, subsection four, of the Act provides that the exemption request must be submitted within four weeks of the date on which the obligation to draw up an environmental impact statement for the decision concerned takes effect. The application must state the stage which the preparations for the planned activity and the decision relating to it have got to. It should also give the reasons why an environmental impact statement can no longer reasonably be required.

The Ministers of Housing, Spatial Planning and the Environment, and of Agriculture, Nature Management and Fisheries will be cautious in acceding to applications of this kind, since the first draft of this Decree was published at an early stage in the Staatscourant *(5 August 1992), and the forthcoming increases in the scope of mandatory EIA have therefore already been public for some considerable time. An exemption from the EIA obligation will therefore in principle only be granted by virtue of Section 7.5, subsection two, of the Act in cases where the licence application had already been submitted before the publication of the initial draft of this Decree, or where a draft had already been deposited for public inspection at that time, and the decision giving rise to an EIA requirement had not yet been taken at the time that this amendment to the EIA Decree entered into force.*
Section II of the Act already contains a transitional arrangement relating to the activities and decisions included in Part D of the Annex, i.e. those subject to discretionary EIA. This transitional arrangement provides that the discretionary EIA procedure is not necessary in cases in which the licence application for an activity subject to discretionary EIA has already, on the date that this Decree enters into force, been submitted and declared admissible and in cases where the draft or initial draft subject to discretionary EIA has already, on that date, been publicised and deposited for public inspection.

[From the 1994 Explanatory Memorandum:
Article 6
This Article provides for the announcement of the request for exemption, its availability for public inspection, and the possibility of lodging objections to this application. The request is deposited for public inspection for a period of at least two weeks and at most four weeks.

During this period there is an opportunity to lodge objections in writing. In all cases, the request is deposited for public inspection at the Ministry of Housing, Spatial Planning and the Environment, the Ministry of Agriculture, Nature Management and Fisheries, and at the offices of the province or provinces concerned and of the municipality or municipalities where the activity is anticipated. Applications for exemption where the central government is the only competent authority will in future also be available for inspection provincially and municipally, which did not happen under the old Decree.

The term Committee in paragraph eight refers to the Committee for Environmental Impact Assessment. Section 7.1 of the Act provides for this Committee to be referred to as the Committee in the Act and the provisions based thereon.

[From the 1994 Explanatory Memorandum:
Article 8
This Article determines the decision to which the additional powers provided by Section 7.35 of the Act, will be linked. It sets forth a 'hierarchy' of decisions which can be used to determine the single decision to which Section 7.35, subsection three, of the Act applies.

This can be clarified by means of an example. If a particular activity gives rise to a requirement for licences under both the Nuclear Energy Act and the Environmental Management Act, Article 8, at a, provides for these additional powers to be linked to the decision to grant a licence under the Nuclear Energy Act.

The additional powers provided by Section 7.35 of the Act are therefore always linked to the decision on the activity that is first mentioned in Article 8, at a to c.]

Article 9

Article 9 of the Decree contained transitional arrangements for spatial plans. Article 9 of the EIA Decree 1994 provided that mandatory (and discretionary) EIA did not apply if the location of an activity for which EIA is mandatory was largely the same in the new spatial plan as in a previous spatial plan (Article 9, paragraphs two and five). The Council of State, in hearing an appeal against the land-use plan for Ruigoord '92 (the construction of the Afrikahaven docks near Amsterdam) sought a ruling from the European Court of Justice on Directive 85/337/EEC. In short the question was whether, under the terms of this Directive, a land-use plan involving a project listed in Annex I of the Directive can be adopted without the application of EIA if a decision had already been taken on the project before the implementation date without the application of EIA.

In its decision in case C-81/96 of 18 June 1998 (not yet published) the European Court of Justice replied that the Directive does not permit projects from Annex I to be exempted from the mandatory EIA requirement if the appropriate licence had been granted before the implementation date without the application of EIA and a new licence procedure is initiated after the implementation date. The Court's interpretation essentially means that the Directive does not permit exceptions to the EIA obligation where a new land-use plan is adopted which contains a project subject to EIA already included in a previous plan which was adopted without the application of EIA. Obviously the activity involved must not have been carried out already. It must therefore be concluded that the transitional arrangements for spatial plans made in Article 9 were not consistent with the Directive. In consequence of the ruling, Article 9, paragraphs two and five, cannot apply to new cases, and must therefore be deleted.

Articles 9 and 10 of the Decree also contained transitional provisions for some other activities. These could not be retained insofar as they relate to situations in which an earlier decision was taken without the application of EIA. In Article 9 these activities comprised the widening of roads and railway lines, the construction of tramways, etc., the expansion of main waterways (paragraph one) and of various types of pipeline (paragraph three), as well as previous decisions about such projects where no EIA was carried out. There were also transitional arrangements for waste plans made with an environmental impact statement (paragraph four). An analogous situation can also occur in these cases where an old decision was taken without the application of EIA. Because of this conflict with the judgement cited, these paragraphs are also deleted.

Article 10
Article 10, which contained transitional arrangements dealing with cassations, the expiry of validity periods and supplementary decisions after the main decision had been taken involving

the application of EIA, has also been deleted. Since situations could occur, in these cases, in which an old decision was taken without EIA, this Article could not be retained, having regard to the judgement cited in the notes.

Article 11
Article 11 of the Decree has been deleted because it has now served its function. The Article contained transitional arrangements for rural development plans where the initial draft was deposited for public inspection before the date that the EIA Decree 1994 came into force.

Article 12
Article 12 of the Decree has also been deleted because it has now served its function. The measures under the Decree on Waste Disposal at Landfill Sites (pursuant to the Soil Protection Act) to which this Article related have now been put into place for the activities concerned.

[From the 1994 Explanatory Memorandum:
Article 13
The intention is that there should be a seamless transition from the 'old' to the 'new' EIA Decree. Article 13 has been included to bring this about. Article 13 relates to exemption requests which had already been submitted at the time when this Decree entered into force. These will be dealt with within the purview of this Decree.]

Article 14
Article 14 of the Decree has been deleted because the bill therein referred to has since become law, and the reference has now been incorporated in category 6.3 of Part C of the Annex to this Decree.

[From the 1994 Explanatory Memorandum:
Article 15
The Environmental Impact Assessment Decree 1994 replaces the Environmental Impact Assessment Decree and the Decree amending the Environmental Impact Assessment Decree. The Environmental Impact Assessment Decree will be revoked at the time when this Decree enters into force.]

3. Explanatory notes on the Annex to the Environmental Impact Assessment Decree 1994

The Annex to the Decree is completely replaced because of the changes to its various parts and categories necessitated in implementing Directive 97/11/EC. The explanatory notes on the successive parts of the Annex are structured in an integrated manner to make them more user-friendly. Part B of the Annex is deleted. The provisions which it contained related to the EIA requirement for express roads and railway lines, and these have been incorporated in the modifications to categories 1 and 2 of Part C of the Annex.

3.1 Part A. Definitions

The definitions here included have been made consistent where possible with statutory definitions and descriptions adopted in structure plans. For other non-defined terms, see the notes on the category concerned in which, where applicable, reference is also made to the legislation in which the terms are used.

The definitions of the terms 'trunk road' and 'national railway line' have been taken from the Infrastructure (Planning Procedures) Act. In order to comply with the EIA Directives, reference is made in the definition of the term 'express road' to the European Agreement on Main International Traffic Arteries (*Traktatenblad* 1979, no. 78), made in Geneva on 15 November

1975. In this Agreement the term ‘express road’ is defined as: “a road intended for motor traffic which can only be accessed via interchanges or crossings regulated by traffic lights and on which, in particular, stopping and parking are prohibited” (Annex II, point II.3). This definition is not the same as that adopted in the Traffic Rules and Traffic Signals Regulations 1990.

The question as to whether a road not falling within the definition of a ‘trunk road’ accords with the definition of ‘express road’ in the aforementioned agreement will have to be adjudged for individual cases. A number of criteria apply in this respect. Firstly the road concerned (at least) must be intended for motor traffic. Motor traffic here refers to traffic of motorised vehicles. In addition, the road must be accessible only via interchanges or road crossings regulated by traffic lights. There are various types of interchange, however. The general principle applying is that the main carriageways of an express road cross one another on different levels. In the aforementioned Agreement it is stated, in regard to ‘interchanges’, that “the carriageways of interchanges are divided into main carriageways and spur roads which connect the main carriageways together. The main carriageways have the greatest traffic intensity (if necessary allowing for hourly changes), in connection with which no major reduction in the design speed can be permitted”. Roundabouts have the same effect as crossings regulated by traffic lights, that is they regulate both the access and flow rates of traffic. Finally, traffic is not allowed to stop or park on these roads.

As far as scenic intrusion and damage to the environment are concerned, the important factor is that the road concerned meets all the external characteristics of an express road. In this connection, it should be noted that the criterion that traffic is not allowed to stop or park is less important than the other criteria mentioned. Clearly, whether or not stopping and parking on a given road is permitted does not have a significant impact on the environmental consequences resulting from its construction. Such a prohibition has more to do with the nature and function of the express road: stopping and parking on such a road could create hazardous traffic situations. This criterion is therefore not enough on its own to determine whether the construction, change or extension of the road should be subject to mandatory EIA.

The term waterway is defined to mean a surface water body designated for navigational purposes. This includes both main waterways and other waterways including rivers, canals or dredged channels in a water body. A main waterway is a waterway depicted on a map of indicative and limitative main waterways belonging to a currently operative plan as referred to in Section 2a of the Town and Country Planning Act. The definition of the term ‘main waterways’ is based on that adopted in the Infrastructure (Planning Procedures) Act and on the European classification of waterways (see also the Second Transport Structure Plan, Parliamentary Documents II 1990/91, 20922, nos. 103-104). Only the highest categories of waterways are designated for a mandatory EIA, that is, category IV, V and VI waterways. These are waterways which permit the passage of vessels of 1350 tonnes or more. Maritime approaches are also classified as main waterways. Lower categories of waterway are designated for discretionary EIA. The construction of a waterway involves creating a new water route, thereby opening up new destinations for navigation. Construction is distinguished from the diversion or alteration of an existing waterway which does not involve creating a new water route.

For a number of categories of activities, the spatial plan which first provides for the possible construction, change, extension or similar of an activity is identified as the relevant decision in column 3 of Parts C and D. The description indicates which plans and decisions this would cover on the basis of the Town and Country Planning Act. The term ‘spatial plan’ is used to indicate the desirability of also submitting plans of a higher level than local land-use plans to the EIA procedure. These higher-level plans often establish the framework within which land-use plans are subsequently elaborated. The decision as to the location of an activity is an example of this. After the decision as

to location, many environmental issues can arise when this decision is being elaborated in the land-use plan which can be looked at as part of an EIA procedure.

This fits well with the Dutch system and with ideas about how the EIA instrument should be applied at the strategic level. Environmental consequences in fact play a role in the development of plans at all levels. Considerable attention is being devoted within the project 'm.e.r. 2000+' (EIA 2000+) to the application of environmental impact assessment in spatial planning. The possibility will be examined in this project of developing an environmental screening process at all planning levels with a legal basis in the Town and Country Planning Act or the Spatial Planning Decree.

The concept of sensitive areas derives from part 4 of the Green Space Structure Plan (the Key Planning Decision)[5]. The term 'sensitive area' includes the following areas:

- a protected nature reserve;
- an area announced in accordance with the Agreement on Wetlands of International Importance especially as Waterfowl Habitat (*Traktatenblad* 1975, 84) made in Ramsar on 2 February 1971 to be a wetland of international importance;
- an area designated a Special Protection Area in accordance with the Birds Directive;
- an area designated a Special Area of Conservation in accordance with the Habitats Directive;
- a core area, a nature development area or a delineated corridor forming part of the national ecological network;
- an area where the existing landscape quality is subject to conservation and rehabilitation.
- a groundwater protection area.

As far as points b and c are concerned, the precise delineation of sensitive areas can be determined in current land-use plans. If sensitive areas are not delineated in land-use plans, their delineation in the regional plan will establish the requirement for an EIA for a proposed activity. If the area is not delineated in the regional plan it will be necessary to resort to the more global maps in the Green Space Structure Plan. In interpreting them, areas with ecological and landscape features which are shown as such in current land-use plans or regional plans can also be looked at.

Reference is made at b to the national ecological network. This was indicated on a map for the first time in the Nature Policy Plan (see Parliamentary Documents II 1989/90, 21 149, nos. 2-3). A map of the national ecological network was also included in the Green Space Structure Plan. Both of these maps provide only a global indication. In areas where the existing landscape quality is subject to conservation and rehabilitation (point c) policy is directed specifically at preserving the landscape characteristics and the relationships between them. The areas concerned have important cultural-historical and geological features or particular scenic coherence. The latter include transitional, undulating landscapes and areas with a characteristic intermixing of woodland, natural landscapes and cultivated areas. These areas are shown on the Landscape map in part 4 of the Green Space Structure Plan. The definition of groundwater protection areas (point d) accords with that in the legislation, referring to areas designated by the provinces in the provincial environmental ordinance. These areas are protected because of present or future water abstraction. The exception relates to areas where the deep groundwater is protected. Various designations are used for these areas, such as 'no-drilling zone', 'zone prohibited for deep drilling', etc. This groundwater is to be found, for example, below protective strata of granitic loam or lignite which must be safeguarded from drilling activities. Where additional requirements regarding mandatory or discretionary EIA need to be imposed to ensure this protection, these can be provided by the province in the provincial environmental ordinance. These might be needed, for example, in regard to deep tunnels and pipelines.

[5] This part has no Parliamentary Documents reference number. Correspondence from the Ministry of Agriculture, Nature Management and Fisheries to the First and Second Chambers contains the reference GRR-95194, however.

EIA also embraces considerations related to cultural heritage (point e). This is why the sensitive areas have been extended to include monuments and archaeological sites designated by virtue of Section 3, subsection one, of the Monuments and Historic Buildings Act 1988. A new inventory is also being drawn up of areas where extra attention must be paid to cultural heritage when certain types of intervention are proposed. This map is not yet complete, however. When this acquires a status in spatial plans, further modification of the Decree will be considered.

The concept of a buffer zone derives from the Partial Revision of the Key Planning Decision on National Spatial Policy, Part 3, Government Statement (Parliamentary Documents II 1997/98, 25 180, nos. 3-4) carried out as part of the updating of the VINEX (national spatial planning policy document). Once the text has been finalised following its passage through Parliament, it will provide the basis for the designation of buffer zones (see Article VI of this Decree). The following buffer zones have been designated in the aforementioned Statement:

- Blaricum-Huizen-Oostermeent;
- Utrecht-Hilversum;
- Amstelland-Vechtstreek;
- Amsterdam-Haarlem;
- Den Haag-Leiden-Zoetermeer;
- Midden Delfland;
- Oost-IJsselmonde;
- Amsterdam-Purmerend.

The definition of the term ‘primary flood defence’ is based on Section 1 of the Flood Defences Act. A primary flood defence is a flood defence which offers protection from flooding either because it forms part of a ring of dikes (which may include high ground) which encloses an area of land or because it lies to water of such a ring. Primary flood defences therefore include the storm surge barriers and dams in the sea-arms, and the flood defences along the North Sea, the Waddenzee, the major rivers and their tributaries and branches, the IJsselmeer, the Markermeer, the Randmeren and several canals. The primary flood defences are depicted on the map of dike-ringed areas appended as an annex to the Flood Defences Act.

The inclusion of a definition of ‘river basin’ is new, and is necessitated by the inclusion of category 19 in Parts C and D. The basins of the major rivers are designated as river basins within the meaning of the Decree. Two rivers in Germany and Belgium are also included, namely the Eems and the Scheldt. Parts of the Netherlands bordering on these countries lie within the basins of these rivers.

For a number of categories of activities in the Decree, threshold values have been included in column 2 of the Parts C and D, expressed in units of capacity or area. Where necessary a distinction has been made between processing capacity (input) and production capacity (output). In using the term capacity it is important that it relates to the activity actually planned. This fact is particularly important in the case of changes to establishments which undertake various activities subject to mandatory EIA. This is illustrated by the following example. An establishment which produces pig iron, and which incinerates its own (non-hazardous) waste, wishes to increase the capacity of the incineration oven. In determining whether an EIA is required, it is the threshold for category 18.3 of Part D (waste) which applies rather than that for category 21.3 of Part D (change or extension of an establishment for the production of pig iron or steel).

In determining whether an establishment is subject to EIA, the capacity of the installation is normally assumed to be the design capacity. This assumption is based on the assumption that it is the design capacity which determines the environmental consequences; this capacity usually also corresponds to the capacity indicated in the licence application, including foreseeable developments. Situations can

arise in particular circumstances where the design capacity is demonstrably not a realistic measure of the capacity of the planned activity, and a different assumption has to be made.

In applying the threshold values shown in column 2, account must also be taken of increases in capacity or area which can reasonably be anticipated within the foreseeable future. If, for example, an application is made for a licence for the establishment of a plant for the processing of household waste with a capacity of 75 tonnes waste per day, but it is already known when the application is being submitted that within the foreseeable future application will be made for a licence for a doubling of the capacity, the liability for an EIA will be determined on the basis of the capacity after the anticipated expansion. In the example given the capacity currently being applied for is lower than the threshold for mandatory EIA, but the capacity after the anticipated expansion will be higher. What constitutes an "extension of capacity reasonably expected to be carried out within a foreseeable period" will have to be judged on the merits of the case. It would seem to be realistic to assume a cut-off period of five years in this regard. If the applicant fails to provide an accurate picture of the capacity or the area in order, for example, to evade mandatory or discretionary EIA, the competent authority can take this as grounds for withdrawing the licence by virtue of the General Administrative Law Act.

Point 2 of Part A of the Annex indicates that the term 'change' in relation to an establishment includes a reconstruction or other change in structures, equipped areas or existing establishments. Where the discretionary EIA requirement applies, it is important whether the change leads to an increase in environmental pressure which is in conflict with environmental policy or creates concern amongst nearby residents. If a change to an establishment merely requires to be notified rather than requiring that the licence is amended then there is no question of an EIA being required. In such cases the environmental consequences will then only be minor.

The term 'extension' is defined to include a resumption of use of structures, equipped areas or existing establishments. These will be situations where the competent authority needs to make a new decision for the use of the structure to be resumed.

The term 'creation of an establishment' must be interpreted as including extending it by creating a new installation. This follows from the use of the term 'installation' in the EIA Directives. The term 'installation' does not always mean the same as the term 'establishment' in the Environmental Management Act. An establishment can consist of several installations. An extension will give rise to an EIA requirement if taken on its own it conforms to the description in columns 1, 2 and 3 of Parts C or D of the Annex. This reading was supported by the judgement of the European Court of Justice of 11 August 1995 in the Grosskrotzenburg case (Case C-431/92, Reports of Cases 1995, p. I-2189). The EIA requirement will then apply to the extension but not to the existing part of the establishment. It is not relevant in this connection whether this existing part would be subject to mandatory or discretionary EIA or not. An extension in this sense does not include the modification of an existing establishment, for example where a new cooler is installed, or an extension of an existing establishment in the sense of an increase in capacity without any modification in the existing installations. Changes and extensions of establishments generally fall under the discretionary provisions.

3.2 Part C. Activities and decisions subject to mandatory EIA

Part C lists the decisions in the preparation of which an EIA is required. In order to make this Annex as user-friendly as possible, the first 26 categories of Part D are similar to those in Part C (with the exception of category 2). Certain activities are only subject to mandatory EIA by virtue of Part C if they are above a certain threshold value. Below this threshold value discretionary provisions may apply by virtue of Part D. Where an activity is described in both Parts, the first step is to see whether the activity falls within the threshold values given in the second column of Part C for the activity

concerned (Article 2, paragraph two, second sentence). If it does then the activity concerned is subject to mandatory EIA by virtue of Section 7.2, subsection one, of the Environmental Management Act and Article 2, paragraph one, of the Decree. If it does not, the next step is to see whether the activity falls within the threshold values given in the second column of Part D. If it does then the activity concerned is subject to discretionary EIA by virtue of Section 7.4, subsection one, of the Environmental Management Act and Article 2, paragraph two, first sentence, of the Decree. Finally, if an activity does not fall within the threshold values of Part D, it must be ascertained whether an EIA is required by virtue of a provincial environmental ordinance.

C.1.1 to C.1.5 (**roads**)

Activity

The term 'trunk road' in category 1.1 corresponds to usage in the Infrastructure (Planning Procedures) Act. These trunk roads are identified in a map of indicative and limitative trunk roads in the Second Transport Structure Plan.

Category 1.2 covers motorways and express roads which are not shown on the aforementioned map, and are therefore not trunk roads. These are roads for which the provincial and municipal authorities, in particular, take the initiative. Occasionally however the Minister of Transport, Public Works and Water Management takes a decision about such a road. For completeness, category 1.2 therefore also includes the formal adoption by or on behalf of the Minister of Transport, Public Works and Water Management of the route or plan as a decision subject to mandatory EIA.

The construction of trunk roads and of motorways and express roads has been made subject to mandatory EIA in all cases, in accordance with the Directive. This means that urban expressways to be constructed within built-up areas, which fall within the Directive, are also subject to mandatory EIA.
It is important to point out that in determining whether the construction of these roads is subject to mandatory EIA it is the definition of the term 'express road', as included in Part A of the Annex, which applies. This is the same as the definition in Directive 97/11/EC and in the Traffic Rules and Traffic Signs Regulations 1990. Further remarks on this term are contained in the notes to Part A.

Category 1.3 deals with obligatory EIA for the construction of roads other than those falling within categories 1.1 ands 1.2. The Directive does permit a threshold to be set here. Mandatory EIA is limited, in these cases, to roads with four lanes or more, and at least ten kilometres in a continuous length.
Categories 1.4 and 1.5 relate to changes or extensions, including realignment, of the roads referred to in categories 1.1, 1.2 and 1.3 of Part C. Category 1.4 relates to the change or extension of trunk roads where the decision is taken by the Minister of Transport, Public Works and Water Management. Category 1.5 relates to the change or extension of motorways and express roads which are not trunk roads, and the roads referred to in category 1.3 of Part C, i.e., the changes or extensions of roads envisaged by the provincial or municipal authorities in a spatial plan. Changes and extensions which relate to a road length of 5 to 10 kilometres fall under the discretionary provisions.

In addition to the conversion of a road into a motorway, certain road-widening projects are also subject to mandatory EIA. In deciding to make interventions of this kind subject to mandatory EIA, emphasis is placed on the physical construction of new lanes beside those already existing. More major reconstructions, extensions or changes to roads are brought within the scope of mandatory EIA by virtue of the criterion 'possible significant adverse effects'. Major

interventions involving for example the construction of civil engineering structures such as bridges, tunnels or viaducts which would substantially increase the road capacity also give rise to mandatory EIA. These would be consistent with the criterion specified of a widening between two interchanges.
Other interventions which can be envisaged include so-called capacity utilisation measures, such as the creation of extra lanes without any (physical) modification of the fabric of the road or the use of the hard shoulder as an additional lane. Mandatory EIA does not apply to such activities. This does not mean, however, that no insight will be given into the environmental consequences when such changes are made. When a plan with measures for enhancing the utilisation of road capacity is drawn up, the environmental consequences will be analysed. Statutory provisions such as the Noise Nuisance Act may apply to capacity utilisation measures of this kind, however.

Decision

Column 3 - 'Decisions' - shows the decisions taken at different levels which are subject to mandatory EIA. In the case of important interventions affecting the basic infrastructure, for example the construction or major change of trunk roads, national railway lines or main waterways, the procedures laid down in the Infrastructure (Planning Procedures) Act are followed. In all other cases these procedures do not have to be followed, and decisions on construction or modification are usually made in the framework of the plans drawn up pursuant to the Town and Country Planning Act. Article III of this Decree brings the scope of the Infrastructure (Planning Procedures) Act into line with the scope of mandatory EIA under this Decree.
The procedure for major infrastructure laid down in the Infrastructure (Planning Procedures) Act provides for both the sectoral and spatial planning evaluations to be carried out in close consultation with the regional and local authorities involved, before a decision is taken on the route of new infrastructure. The decision under this latter Act is taken by the Minister of Transport, Public Works and Water Management in agreement with the Minister of Housing, Spatial Planning and the Environment. The EIA is integrated into this procedure. Where this procedure is not applicable, the EIA will be linked, in the case of a decision subject to mandatory EIA, to the planning procedures under the Town and Country Planning Act. These developments are set forth in the Second Transport Structure Plan.

There is no statutory planning procedure established for provincial and municipal roads. It is a matter for the competent authority to judge which decision-making procedure the environmental impact assessment should be carried out for. This decision should not be at a level, however, such that alternatives which might be attractive in environmental and nature protection terms are left out of consideration.
If at the time when the requirement for EIA arose, a routing decision had already been taken, the EIA requirement attaches instead to the formal decision-making with regard to the spatial plan.

The coordinating provisions contained in the Environmental Management Act (Section 14.5 *et seq.*) allow the planning procedures for the infrastructure, if desired, to be coordinated with the adoption of a spatial plan so as to speed matters up and ensure a good interface. The developer and the competent authority will usually be the same administrative body. It can however happen that, for example, the *Rijkswaterstaat* (Directorate-General for Public Works and Water Management of the Ministry of Transport, Public Works and Water Management) is the developer while the province or municipality is the authority competent for spatial planning.

C.2.1 to C.2.3 (**national railway lines**)

Activity

Category 2.1 provides for the construction, change or extension of a national railway line to be subject to mandatory EIA. The term 'national railway line' is consistent with the terminology used in the Infrastructure (Planning Procedures) Act. The national railway lines which form part of the rail network are indicated on maps in the Second Transport Structure Plan. The term 'construction, change or extension of a railway line' is taken to include the resumption of use of a line already constructed, as well as the construction, change or extension of shunting yards and marshalling yards.

A change or extension of a railway line is subject to mandatory EIA in the following cases. In the first place it applies to railway widening. EIA is required where the railway is being widened by two or more tracks, lies for 5 kilometres or more in a sensitive area delineated in a land-use plan or regional plan defined at a (protected natural park) or b (national ecological network), or in a buffer zone (see point 1 of Part A of the Annex). It should be noted that occasionally a railway line may itself be a delineated corridor, and therefore a sensitive area. The word 'delineated' indicates that corridors must be precisely delineated in the land-use plan or regional plan. The requirement that an environmental impact statement is drawn up applies only where the threshold is reached wholly in the sensitive area.
Secondly, EIA is mandatory if an entirely new rail track is laid which over 500 metres or more of its length lies at a distance of 25 metres or more from the boundary of the land designated for railway purposes. This requirement is related to adjustments which have to be made to the rail curvature when trains travel at higher speeds. Curvature adjustments where the length involved is less than 500 metres, or which lie less than 25 metres from the boundary of the land designated for railway purposes, are therefore not subject to mandatory EIA. The distance to the new track is again measured from the boundary of land designated for railway purposes.

Thirdly the construction of civil engineering structures and the ancillary equipment, as referred to in the Infrastructure (Planning Procedures) Act, is subject to mandatory EIA. This EIA requirement only applies if the structures are situated in a sensitive area, delineated in a land-use plan or regional plan, as defined at a (protected national park) or b (national ecological network), or in a buffer zone (see point 1 of Part A of the Annex), and is being built on land not at present designated for railway purposes. The construction of these structures, such as viaducts, bridges or tunnels, to eliminate level-crossings, is therefore not exempted from the EIA requirement. The requirement for an EIA for these special structures is in principle limited to the construction of the structures, including the ancillary equipment. Other railway structures and their ancillary equipment are excluded from mandatory EIA.
Fourthly, the resumption of operations on a previously constructed railway line is subject to mandatory EIA if 5 kilometres or more of the railway lie in a sensitive area, delineated in a land-use plan or regional plan, as defined at a (protected national park) or b (national ecological network), or in a buffer zone (see point 1 of Part A of the Annex).

In order to exclude the construction of local tram services and smaller extensions of the rail, metro and bus network from the mandatory EIA requirement in category 2.2, the latter only applies where it relates to a route of 5 kilometres or more outside the built environment and which lies in a sensitive area or a buffer zone (see point 1 of Part A of the Annex). The route does not have to lie entirely within a sensitive area or buffer zone. It is sufficient that a sensitive area or buffer zone is traversed for an EIA to be necessary. This is different from what applies where there is a change or extension of a route as described in category 2.3. In this case the requirement that an environmental impact statement be drawn up applies only if the connection lies wholly in the sensitive area or buffer zone.

Category 2.2 relates to the construction of a free-standing bus lane. The reason for this is that the physical intrusion and any environmental consequences of constructing a bus lane are comparable with those for the construction of a tram or metro line. The bus track must be separated from the tracks of other vehicles. The term bus lane includes light rail transit systems. Also included in category 2.2 is the construction of an elevated railway or other special construction. The construction of an internal company railway also belongs to category 2.2, as does a light rail track, because the impact of constructing these is comparable with constructing a tram track.

Decision

As for roads, the decision deemed to give rise to the EIA obligation in the case of national railway lines is the decision to adopt the route by virtue of the Infrastructure (Planning Procedures) Act, or the spatial plan if this is the first to provide for its possible construction, change or extension. As far as the construction, change or extension of other railways, metro tracks, free-standing bus lanes, hover-railways or other special constructions is concerned, the Minister of Transport, Public Works and Water Management can formally adopt the plan and therefore act as competent authority. In other cases, provincial or municipal executives can act as competent authority if a spatial plan provides (previously or exclusively) for the adoption of the track or plan.

The preference in this case is again for a linkage to the Infrastructure (Planning Procedures) Act. The EIA procedure is only linked to a spatial plan if the procedure under this Act is not followed or if a spatial plan is adopted beforehand. If at the time when the requirement for EIA arose, a routing decision had already been taken, the EIA requirement attaches instead to the formal decision-making with regard to the spatial plan.

The coordinating provisions contained in the Environmental Management Act (Section 14.5 *et seq.*) allow the planning procedures for the infrastructure, if desired, to be coordinated with the adoption of a spatial plan.

C.3.1 to C.3.3 (**waterways**)

Activity

A waterway is defined as a body of water used for navigational purposes (see point 1 of Part A of the Annex). The term includes main waterways, rivers, canals or dredged channels in a surface water body. An EIA obligation arises in respect of the most important waterways. A main waterway is defined as a waterway depicted on a map of indicative and limitative main waterways belonging to a currently operative plan as referred to in Section 2a, subsection one, of the Town and Country Planning Act. This definition is consistent with the Infrastructure (Planning Procedures) Act and the European classification system for waterways (see also the Second Transport Structure Plan). Only the highest categories of waterways, i.e. categories IV, V and VI, are subject to mandatory EIA. These are waterways which permit the passage of vessels of 1350 tonnes or more. Maritime approachways are also included.

In the case of the expansion or deepening of a waterway, mandatory EIA is confined to main waterways which are suitable or, following the change, would be suitable for vessels of 1350 tonnes or more. An expansion of a main waterway must also be a substantial one, involving an increase in water surface area of 20% or more. The deepening of a main waterway is also subject to mandatory EIA provided it is suitable for vessels of 1350 tonnes or more and earth removals of 5 million cubic metres or more are involved. It has to be a structural deepening and not just maintenance dredging designed to maintain depth. The diversion of the summer bed of a waterway, for example in order to shorten bends, constitutes a special case. These activities are always subject to mandatory EIA insofar as the waterway permits the passage of vessels of 1350 tonnes or more and the diversion of the summer bed occupies an area of 50 hectares or more. The construction of locks or dams may in appropriate cases also give rise to mandatory EIA in accordance with the foregoing.

Decision

As for trunk roads and national railway lines, the decision which gives rise to mandatory EIA in the case of a waterway is the formal adoption of the plans for its construction, enlargement, deepening or displacement by virtue of the Infrastructure (Planning Procedures) Act, or of the spatial plan if this is the first to provide for its possible construction, change or extension. Given the size of the waterways involved, the Minister of Transport, Public Works and Water Management will be both the developer and the competent authority.

C.4 (**ports and piers**)

Activity

Ports in this context include both civil ports for use by the inland waterway traffic and ports for military use. Harbour installations are also included. Piers connected to land lying outside ports for loading and unloading of vessels of 1350 tonnes or more are subject to mandatory EIA with the exception of ferry piers.

In accordance with the Directive, the criterion for mandatory EIA has been taken as navigability by vessels of 1350 tonnes or over. By analogy with categories 3.1 and 3.2 - which provide for mandatory EIA for waterways which permit the passage of vessels of a specified size - deadweight tonnage has been taken as the criterion, which is also the customary way of classifying ships internationally.

If on the basis of the threshold size for the construction of ports an environmental impact assessment is necessary, the environmental impact statement must deal with the environmental consequences of the entire port, including the associated land and installations. Various organisations may take the initiative to develop a port, such as a port authority, a municipality, a province or central government.

Decision

There is no separate procedure for the construction of harbours, and nor is there a uniform informal procedure. The procedure is determined by the competent authority and the developer. If the developer and the competent authority decide to draw up a project document in preparation for the construction of a port, the approval of this document by the competent authority can take the place of the decisions indicated if this occurs before the relevant spatial plan is adopted. If no project document is approved, or if a decision on the construction of the port is taken earlier by virtue of the formal adoption of a spatial plan, then it is the spatial plan which triggers the requirement for an EIA.

In the case of harbours for military use, the decision is taken by the Minister of Defence when he formally adopts the appropriate development plan.

C.5 (**artificial islands**)

Activity

The term artificial island refers to any raising of the sea bed in the North Sea or the Waddenzee, or of the bed of major inland waters such as the Ijsselmeer and the Zeeland waterways, at least where this remains above sea level at high tide. Examples include industrial islands, offshore storage depots or the raising of sites (with fluid sand).

Decision

It is likely that central government will be involved in any initiative to construct an artificial island. In such cases it is expected to be the Minister of Transport, Public Works and Water Management, the Minister of Economic Affairs or another minister who takes a decision on the artificial island. This will be done in the framework of a development plan for the island. This plan will consider in any case the location of the island, its manner of construction and its equipment. The formal adoption of a plan of this kind will be a key step before the project can go ahead.

If a non central government agency seeks to drain or polder land, a concession must be granted by the Crown (the Minister of Transport, Public Works and Water Management) by virtue of Section 1 of the Act of 14 July 1904 containing provisions on the undertaking of land reclamation and poldering (*Staatsblad* 147). If the initiative to drain or polder land is being taken by central government, the aforementioned Act requires a decision by the Minister of Transport, Public Works and Water Management rather than the granting of a concession. This decision will be prepared by means of a project document of the Minister of Transport, Public Works and Water Management.

C.6.1 to C.6.3 (**airfields**)

Activity

The term 'airfields' covers all sites for civil and military aviation, although small airfields are excluded from these provisions. Civil airfields with one or more runways with a length of 1800 metres or more include Schiphol (Amsterdam), Maastricht, Eelde and Rotterdam airports. Military airfields include both naval aerodromes (Valkenburg, de Kooy) and air force bases (Leeuwarden, Twenthe, Deelen, Soesterberg, Volkel, Eindhoven, De Peel, Gilze-Rijen and Woensdrecht).

Decision

Decision-making with regard to airfields is regulated by the Aviation Act. 'Key Planning Decisions' with regard to national airfield planning and amendments to such decisions, as referred to in Section 18, subsection one, of the Aviation Act, are subject to mandatory EIA. Section 18 of the Aviation Act also determines that the Minister of Transport, Public Works and Water Management (for civil aviation) or the Minister of Defence (for military aviation) can make a decision, *ex officio* or on request, on the designation of an airfield. Section 27, subsection two, at b and c, of the Aviation Act deals with a change to the position of runways, the lengthening or widening of existing runways as well as the resurfacing of runways, to the extent that such change, lengthening, widening or resurfacing results in a modification to the noise zone referred to in Section 25 of the Aviation Act.

The Aviation Act provides that where an airport has regular night air traffic, a limit value for noise must be set and an associated zone must be established. Section 25, subsection one, at a and b, of the Aviation Act provides that a limit value must be set by order in council for both mainstream civil aviation and for general aviation (the Ke and the BKL zones). Section 25, subsection four, makes a similar provision for non-incidental night air traffic (the night zone). Finally, Section 25a determines that a noise zone will be established for every limit value set for an airfield pursuant to Section 25, subsections one and four, of the Aviation Act. The inclusion of Sections 25b and 25c makes the determination of several variant nose zones and temporary noise zones subject to mandatory EIA.

A modification to a noise zone could result from a more intensive or otherwise modified use of existing runways, without there being any question of a lengthening or resurfacing of these runways. This might for example be a change in use whereby helicopters are replaced by jet-engined aircraft or *vice versa*. For this reason, intensification or change in use has also been made subject to the EIA requirement. Cases where the change leads to a new zone which falls completely within the old zone, and therefore leads to a reduction in noise nuisance, are excepted from the EIA requirement. The abrogation of a noise zone is also exempted from the EIA obligation. This can occur if regular night flights are no longer permitted, resulting in a change in the night zone, for which a decision is required by virtue of Section 27 of the Aviation Act. A situation might also arise whereby general aviation is admitted to a large airport, and a BKL zone is established in consequence, but that permission is subsequently withdrawn, so that the BKL zone is abrogated.

Various agencies can be the developer, including the Minister of Defence in the case of military airfields.

C.7 (**military training grounds**)

Activity

Military training grounds refer to various training grounds used by the Dutch army. A threshold has been set, in regard to the adoption of the construction or development plan for military training grounds, of 100 hectares for the land being actually developed. This refers to modifications to the land such as earthmoving activities, the removal or planting of vegetation, the construction of a system of tracks, the construction of access roads, terracing works, excavations and hydrological interventions. For naval ports, naval and air force bases, see categories 4 and 6.1 to 6.3 of Part C of the Annex.

Decision

Decisions on the construction and siting of military training grounds are taken in the Military Bases Structure Plan (Parliamentary Documents II, 1983/84, 16 666, nos. 9-10). Decisions to develop a military training ground are made by the Minister of Defence and involve the formal adoption of the appropriate development plan. The procedure for doing this is described in the Military Bases Structure Plan (see chapter 10 of part d of the Military Bases Structure Plan, Parliamentary Documents II, 1983/84, 16 666, nos. 9-10, pp. 92-94). EIA will apply to the first plan to be adopted on the development of a training ground. Such a plan may also include guidelines for the use of the training ground.

C.8 (**pipelines**)

Activity

Liquids and gases are transported not only by road and rail but also by pipeline. The construction of pipelines for the transport of gas, oil or chemicals is subject to mandatory EIA. This category consists of industrial installations for the transportation of gas, oil or chemicals, and comprises the pipelines and the ancillary equipment necessary for the transportation. The EIA requirement arises for an activity related to a pipeline with a diameter of more than 800 mm. and a length of more than 40 km. Pipeline landfalls also fall within this category.

Decision

The decision-making with regard to the construction of pipelines other than those falling within mining legislation mainly takes place at the operational level. The Crown can grant a concession for the construction and maintenance of pipelines, for example for the transportation of industrial raw materials, fuels and products. This concession is drawn up by the Minister of Economic Affairs. In the majority of cases, the concessionaire is required to hold consultations with the Planological Working Committee about the route and the mode of operation of the pipeline, after which the latter takes a decision on the matter. For pipelines on the continental shelf more than 40 km in length and more than 800 mm in diameter, the Continental Shelf Mining Regulations provide for a new decision in Article 70a, paragraph one. A licence is now required from the Minister of Economic Affairs for the construction and maintenance of such pipelines. The execution of an EIA is linked to this decision. Decisions on the construction of a pipeline over land can also be taken through the adoption of a spatial plan. If a decision by or on behalf of the Minister of Economic Affairs about the route is not taken or is taken after the adoption of the spatial plan (which first provides for the possible construction), the EIA obligation attaches instead to the spatial plan.

C.9.1 and C.9.2 (**rural development**)

Activity

Rural development seeks to develop the countryside in accordance its functions as indicated by spatial planning policy (Section 4 of the Rural Development Act). Rural development can embrace measures and facilities related, for example, to agriculture, horticulture, forestry, nature and countryside conservation, open air recreation, cultural heritage (Section 5 of the Rural Development Act). It usually involves carrying out a combination of measures directed at the hydrology, the division of the land, the development or planting of land as required by the aforementioned functions.

The EIA obligation in category 9.2 applies to the development of the countryside in cases where the activity relates to a change in the function of land designated for nature conservation, recreation or agriculture with an area of 500 hectares or more. This category relates to rural development projects. A rural development plan might also include projects for putting to intensive agricultural use land not yet under cultivation or semi-natural land, as well as hydrological projects for agricultural purposes, including irrigation and drainage projects. EIA only becomes mandatory where there is a change of function covering more than 500 hectares within the rural development area. The functions concerned include nature conservation, recreation and agriculture (including horticulture). Forestry falls within the nature conservation and recreation functions. By change of function is meant changes in land use in the countryside. A threshold of 500 hectares has been adopted since this represents a substantial change, for which a relevant environmental impact is expected. The EIA requirement is directed mainly at the spatial plans which provide for the change of function. This is where the decision is made about the functions of the land undergoing development. In the absence of such a decision, EIA is applied to the rural development plan.

Land consolidation projects of a purely administrative nature are exempted from EIA. This exemption also applies to packages of measures intended to compensate for an infrastructural project of national or regional importance. In general this infrastructural project will be subject to mandatory EIA. The environmental assessment statement may put forward compensating measures as an instrument for reducing or offsetting the adverse environmental effects of the infrastructural facility. In this case the effects of these measures must be dealt with in the statement. Because of this it is not considered necessary to treat such compensating measures as a separate activity subject to mandatory EIA.

Decision

In category 9 the EIA obligation for rural development is linked to the Rural Development Act. A number of successive decisions relating to rural development are taken on the basis of the Rural Development Act. Of these, the decisions to adopt the Rural Development Structure Plan and the Rural Development Plan by virtue of Sections 6 and 81 of the Rural Development Act are crucial. The Rural Development Structure Plan now in fact forms part of the Green Space Structure Plan.
Since in category 9.2 the EIA obligation applies to those cases where a change of function is being proposed, the EIA obligation should in the first place be linked to the decision which gives rise to the first spatial plan which provides for the change in function. The rural development plan can act as a backstop.

C.10.1 to C.10.3 (**leisure and tourist facilities**)

Activity

Leisure and tourist facilities (day visitors and longer-stay visitors, water sports or winter sports) are created both by the private and public sectors. Some of these facilities are major projects such as fun fairs, theme parks, skiing facilities, holiday villages and hotel complexes outside urban areas with associated facilities, marinas, permanent camping and caravan sites, large-scale facilities for conferences, events and exhibitions. The construction of leisure and tourist facilities is subject to mandatory EIA if the activity will attract 500,000 visitors or more per year, will occupy an area of 50 hectares or more, or 20 hectares or more in a sensitive area.

Where the activity relates exclusively to the construction of a golf course (category 10.2), EIA is mandatory if the golf course is being planned on land designated for use other than agricultural use and will occupy an area of 50 hectares or more, or 20 hectares or more in a sensitive area, or has 18 holes or more. Environmental impact statements carried out in the past have shown that the construction of golf courses on agricultural land does not have a significant adverse environmental impact. It is therefore not necessary to require an EIA for the construction of a golf course on such land. This exception applies to land designated in the land-use plan as being exclusively for agricultural use. Land which also has another designated function, for example due to its particular scientific or scenic value, does not fall under this heading.

In category 10.3 it is the number of berths provided for the marina being constructed that determines the EIA obligation, irrespective of whether or not these are fixed berths.

Decision

There is no statutory decision-making process for tourist and leisure facilities at the sectoral level. As for a number of other categories, the 'Decisions' column specifies the spatial plan which is the first to provide for the possible construction of the facilities referred to in this category. Although decisions on large private initiatives to develop tourist facilities are usually a matter for the municipality, it is the spatial plan which is designated as being the decision which creates the EIA obligation. The consequence of this is that an environmental impact assessment must be made not only for the land-use plan but also for the provincial spatial plan which is the first to provide for the possible construction. In addition, the adoption of a rural development plan as referred to in Section 81 of the Rural Development Act is also specified, since such plans can also contain decisions on tourist or leisure facilities. The inclusion of a rural development plan ensures that if an EIA procedure has already been undergone in the context of the rural development plan, another one will not have to be carried out for the spatial plan.

C.11.1 (**housebuilding**)

Activity

Housebuilding is one of a number of urban development activities, others being the construction of offices, universities, hospitals and schools. Of these activities, only housebuilding is made subject to mandatory EIA in this Decree. Part D of the Annex makes subject to discretionary EIA urban development projects including not only housebuilding but also other activities such as the construction of commercial/industrial premises. A threshold has been set of 2000 or more houses outside the built environment or 4000 or more houses within the built environment.

A housebuilding project is deemed to incorporate all the associated facilities and infrastructure needed by the new development. The qualification "a joined area" is intended to signify that it is not admissible to subdivide projects into sub-projects, each below the threshold size. Nor is it the intention for a housebuilding project which is in fact a single coherent project but which straddles more than one municipality to be subdivided along municipal boundaries.

Decision

The main focus of planning decisions at the provincial level with regard to housebuilding is on the spatial plans and on locational matters. The main function of EIA in this context is on comparing alternative locations. Decisions/plans which designate sites for housing developments which are expected to enter the implementation phase during the plan period, as a result, for example, of the drawing up of a land-use plan, are eligible for the application of EIA. The earmarking of housing locations for the longer-term, to be formally designated in a subsequent regional plan, is therefore not subject to mandatory EIA. The notes on the definition of 'spatial plans' (see point 1 of Part A of the Annex) should also be referred to. It sometimes happens that a municipal structure plan or land-use plan is drawn up before the regional plan. In such cases the EIA obligation is linked to the first plan which determines (or co-determines) that the project will proceed.

C.11.2 and C.11.3 (**industrial sites and glass horticulture**)

Activity

The construction of an industrial site (category 11.2) can be seen as the first in a series of activities associated with the establishment of industry which will ultimately have significant adverse environmental effects. The industrial development of an area can be steered in such a manner as to prevent or mitigate possible adverse environmental effects by influencing location, situation and layout. A threshold of 150 hectares or more has been chosen so as to ensure that only larger sites qualify for EIA. Smaller sites are included in Part D so as to bring them within the scope of discretionary EIA. The area of an industrial site is deemed to include any statutory zoning around the industrial site, such as noise and safety zones. This zoning must therefore be linked to the adoption of the appropriate spatial plan. Large scale office complexes are also regarded as industrial sites for these purposes.

In category 11.3, glass horticulture is brought within the scope of mandatory EIA. This applies above a threshold of 100 hectares. The gross area, including associated buildings and infrastructure which form an inseparable part of the project, should be taken. In the Netherlands, glass horticulture is a large-scale activity which has an impact on the environment, causing pollution from fertilisers and pesticides, night glare and consuming space. At present, glass horticulture occupies 10,000 hectares of land in the Netherlands. This figure is expected to increase by some 1800 hectares by 2010. As a result of the restructuring of the glass horticulture sector, partly in response to the designation of new locations for housing, between 500 and 1000 hectares of existing glass horticulture will be moved.

Decision

The choice of location is a crucial decision for the construction of an industrial site or a site for glass horticulture. The decision which is deemed to give rise mandatory EIA is the formal adoption of the regional plan or land-use plan which first specifies the location.

C.12.1 to C.12.3 (**primary flood defences**)

Activity

The water management function in the Netherlands includes not only the operation but also the construction of the necessary infrastructure. The construction, change or extension of the structures involved confers benefits, but can also have adverse effects for the environment: for surface waters and groundwater, but also for ecosystems, for landscapes and for the cultural-historical features. The construction of a primary flood defence is therefore subject to mandatory EIA.

In considering the change or extension of a primary flood defence for the purposes of mandatory EIA a distinction is made between, on the one hand, sea and delta dikes and, on the other hand, river dikes. These two types of primary flood defence are distinct in terms of their geographical location, scale and nature. Sea and delta dikes tend to be large-scale, bulky dikes, often remaining fairly straight for long distances in the larger-scale coastal and Delta region, with generally scarcely any construction on the body of the dike. River dikes are generally smaller-scale, more diverse structures in a smaller-scale landscape, less straight in shape. In order to reflect these differences, mandatory EIA for sea and delta dikes has been made subject to a threshold value of at least 250m^2 for the change in cross-section of the dike, in addition to the threshold length of 5 kilometres. The distinction is therefore based on the nature of the flood defences and of the aquatic systems along which these flood defences lie. Particular attention will be paid, in this regard, to tidal river areas, which are transitional areas between rivers and the sea. The reinforcement of primary flood defences in these areas is still subject to the regime of the Delta Act 1958, and they could be considered as delta dikes. To the extent that these have more in common with river dikes, however, they are included in the definition of 'river dikes'.

Activities connected with the regular maintenance of primary flood defences do not fall within categories 12.2 or 12.3. Maintenance refers inter alia to keeping the primary flood defences in, or restoring them to, their original condition in accordance with the register referred to in Section 13, at b, of the Flood Defences Act

As far as category 12.3 is concerned, it should be pointed out that it is theoretically possible that more works will be carried out under the Delta Act 1958 which do not fall under the approval requirement of the Flood Defences Act. Section 9, subsection one, of the Delta Act provides that Section 7 of the Flood Defences Act does not apply to the works referred to in Section 1, at I or IIc, of the Delta Act. The works referred to in Section 1, at I, have been carried out. Section 1, at IIc, is alluding to works carried out to strengthen the flood tide defences along the coast between the Western Scheldt and the Rotterdam Waterway which lie on the seaward side of the works referred to in Section 1, at Ia, of the Delta Act. The flood defences concerned meet the specifications set as to strength. For completeness, however, category 12.3 is nonetheless included in Part C in the same cases as sea and delta dikes in category 12.2 of Part C.

Decision

The decision identified as being subject to mandatory IEA in the case of the construction, change or extension of primary flood defences is that referred to in Section 7, subsection one, of the Flood Defences Act. This subsection states that the dike management agency should make a plan for the construction, change or extension of the primary flood defences. This plan has to be approved by the provincial executive.

C.13 (**land reclamation, land drainage and poldering**)

Activity

These activities, like those mentioned in categories 12.1 to 12.3, are part of the water management function. Major drainage activities involving poldering and diking in, land reclamation or increasing the area of land by sand-pumping can have a substantial negative impact on the environment, although in some cases the new environment created can itself be of merit. A threshold of 200 hectares has been set to exclude small land reclamation projects from mandatory EIA.

Decision

If a non central government agency wishes to drain or polder an area of land, a concession issued by the Crown (Minister of Transport, Public Works and Water Management) is required by virtue of Section 1 of the Act of 14 July 1904 laying down provisions concerning the drainage and poldering of land (*Staatsblad 147*). If the development is being initiated by central government, the activity will be prepared by means of a plan. This plan is formally adopted by the Minister of Transport, Public Works and Water Management after the legal requirements with regard to consultation and the submission of advices have been met. The adoption of this plan is regarded as the decision giving rise to the EIA obligation. A decision may also be taken by a water board pursuant to a water board statute. In the case of reclamation projects in the IJsselmeer in implementation of the Act of 14 June 1918 on the Closure and Drainage of the Zuiderzee (*Staatsblad* 354) a similar situation applies in regard to the adoption of a plan by the Minister of Transport, Public Works and Water Management.

C.14 (**livestock farming**)

Activity

Livestock farming, in particular intensive livestock farming, produces large quantities of nitrogen and phosphate in the form of animal manure. This results in stresses on water, the soil and the atmosphere. In the Netherlands livestock farming and the use of animal waste are already subject to considerable regulation by the Fertilisers Act and the Soil Protection Act. In addition, all farms and other agricultural businesses are subject to the licensing regime of the Environmental Management Act.

A new feature is that an EIA is made mandatory in Annex I of the EC Directive for the creation of an establishment for the intensive rearing of poultry or pigs in cases where the activity relates to an establishment with more than 85,000 places for broilers, 60,000 places for hens, 3000 places for production pigs or 900 places for sows. The threshold values given are taken from Directive 97/11/EC. The Directive and this Decree measure capacity in terms of ‘places’. These refer to the nominal capacity of the establishment as shown in the application for the environmental licence. In applying the thresholds to an establishment, no conversion factor is

applied to allow where applicable for 'Green Label' stalls. The lower emissions of housing systems of this kind will obviously show up in the environmental impact statement, however.

Decision

The EIA obligation for this category is linked to the decisions to which Part 3.5 of the General Administrative Law Act and Part 13.2 of the Environmental Management Act apply. Pig farming is facing major changes, and new law is being prepared to provide the legal framework for the necessary restructuring. The content of the new law may lead to another decision, such as the land-use plan, being indicated, in the preparation of which an EIA will be required.

C.15.1 to C.15.3 (**domestic and industrial water supply**)

Activity

The supply of domestic and industrial water involves a variety of activities, including the abstraction of ground and surface water, artificial groundwater recharge, the construction of storage reservoirs and the construction of pipelines. Groundwater abstraction and recharge can have significant adverse consequences, both quantitative and qualitative, for the environment. This is one of the reasons why policy was formulated in the NEPP and the Third Water Management Policy Document to tackle falling water tables.

When considering the groundwater depletion problem, the distinction between sensitive areas such as the national ecological network and less sensitive areas is not relevant. Abstractions and recharge carried on outside of sensitive areas can have consequences for a considerable distance around the actual location, so that the consequences can extend into sensitive areas. Because of the problem of groundwater depletion, the threshold for the annual volume of water abstracted or recharged given in Directive 97/11/EC has been reduced to 3 million cubic metres or more per year. This is independent of the term of the licence and whether the licence is temporary or otherwise. Depending on the groundwater situation, abstraction or artificial recharge schemes of 3 million cubic metres or more per year can have significant consequences for the environment. As far as the environmental impact is concerned it makes no difference what the purpose of the abstraction is; it is the volume of water which is abstracted which is important, because this is what causes changes to the local groundwater situation. Abstractions made directly by industry for its own use also fall within category 15.2.

Changes and increases in abstractions area dealt with in Part D (same category number). Like the drainage of construction excavations, these now fall under the discretionary EIA provisions.

Reservoirs are also constructed to allow stocks to be accumulated for domestic and industrial water supply. By virtue of the Directive, a threshold of 10 million cubic metres or more has been set. Water may also need to be stored for reasons not related to water supply, e.g. in connection with electricity supply. Such cases, where they occur, are equally subject to mandatory EIA.

Decision

Decisions on these matters are taken at national level, in particular in regard to the choice of location of the projects and of how the water will be won or stocks will be accumulated. This is done with the adoption of a plan as referred to in Section 47 of the Water Supply Act, or a comparable plan, such as the Domestic and Industrial Water Supply Policy Plan (Parliamentary Documents II 1995/96, 23 168, no. 5). This plan is identified as being subject

to EIA in category 15.1 insofar as decisions are taken therein about extending the domestic and industrial water supply infrastructure.

Consideration was given to also making other plans, such as the VEWIN (Netherlands Waterworks Association) Ten-Year Plan and the provincial water management plans subject to mandatory EIA. At present the policy instruments related to domestic and industrial water supply, including the planning structure, are undergoing review. It is still unclear in which plans the crucial decisions will be taken. A decision as to the inclusion of other plans has therefore been deferred to the next amendment of this Decree.
At the operational level, a permit is needed by virtue of Section 14, subsection one, of the Groundwater Act. This is identified as the decision which gives rise to EIA. Where appropriate a licence is also required under the Nature Protection Act. In such cases the coordination provisions of the Environmental Management Act (Section 14.5 *et seq*) are applied if the developer so requests. The provincial executive will then be the coordinating competent authority in the EIA procedure, and the Minister of Transport, Public Works and Water Management will act in an advisory role. Both licences will be applied for and dealt with at the same time.

There is not a statutory sectoral decision-making procedure for the construction of reservoirs. The first spatial plan which provides for the possible construction is therefore specified. Given the regional importance and nature of these large reservoirs, this will generally be the regional plan.

C.16.1 to C.16.4 (**extractive industries**)

Activity

Sand, clay, loam, gravel, shells, marl and limestone are surface minerals which can be won by means of extractive techniques, in some cases from below water. The Surface Minerals Structure Plan (Parliamentary Documents II 1995/96, 23 625, nos. 4-5) sets out government policy regarding the extractive industries. Extraction is usually carried out by private companies. The purpose of the extraction should be to win surface minerals. A threshold of 100 hectares or more has been set so that only large-scale surface mining and quarrying will be subject to mandatory EIA. Extractions from the Dutch sector of the continental shelf have been made subject to a threshold of 500 hectares.

The term ‘site’, used in describing the cases in column 2, refers to an area where the ground is lowered, including the surrounding area which will have to be re-landscaped and which is also dealt with in the minerals licence. This surrounding land may be used for temporary above-ground storage, sheds, sieving and sorting plant, etc. It may also contain finishing plant.

There may be a significant adverse environmental impact not only from large extractive operations in excess of 100 hectares, but also from a number of smaller extractions together. The environmental effects of a number of smaller sites situated close to one another may be additive or mutually reinforcing. Because of cumulative effects of this kind, mandatory EIA will also apply where a plan such as a regional plan or a mineral extraction plan provides for extraction from a number of sites which together cover 100 hectares or more and are close together. This provision is intended for cases where the disposition of the extraction sites relative to one another is such that that they can or must be regarded as a single entity. The overall environmental effects will in such a case be similar to those from a single site of 100 hectares or more. It is not possible to specify a separation distance which constitutes ‘close to one another’. This depends on the nature and magnitude of the environmental effects, separately and together. If, for example, different operations have an impact on the same

underground stream, the term may mean something different than where, say, only noise considerations apply.

In regard to surface mineral extraction from the Dutch sector of the continental shelf, mandatory EIA applies not only to a single site but also where a number of smaller sites together occupy 500 hectares or more and are situated close to one another.

A threshold value of 25 hectares has been adopted in category 16.3 for the open-cast mining of bituminous coal and lignite, based on the Directive. This activity is not in fact anticipated in the Netherlands. Quarrying does occur, however, for example marl quarries in St. Pietersberg and het Rooth or limestone in Winterswijk.

Decision

A licence may be required pursuant to Section 3 of the Earth Removal Act, depending on the place where the extraction occurs. Mandatory EIA applies not only to these licences but also to a decision designating an extraction site or a number of extraction sites, for example, in a regional plan or a provincial minerals extraction plan. Where an EIA is carried out for a designation of this kind then the EIA requirement for the licensing based on this designation is superseded.

The Earth Removal Act was revised by the Act of 20 June 1996 amending the Earth Removal Act and Other Acts (*Staatsblad* 411). The Earth Removal Act also applies in the Dutch sector of the continental shelf. The licensing is based on Section 3 of the Earth Removal Act. The competent authority is mentioned in Section 8 of the Earth Removal Act in conjunction with Article 1 of the National Earth Removal Regulations.

C.17.1 and C.17.2 (**exploration and extraction of petroleum and natural gas**)

Activity

Category 17.1 relates to exploration activities in sensitive areas on Dutch territory. In view of the protected species and habitats which occur within the three-mile zone along the North Sea coast, a boundary of 3 nautical miles from the coast has been adopted for the EIA requirement. The 'inner limit' of the Dutch sector of the continental shelf, expressed in coordinates and referred to in the Continental Shelf Mining Act, has been taken as this limit.

In this category, all exploration activities involving exploratory drilling in sensitive areas as referred to in Part A, point 1, at a, b or d, of the Annex are made subject to EIA. For notes on the boundaries of the sensitive areas, see the notes on Part A.

Category 17.2 relates to the creation of an establishment for the extraction of the fossil fuels petroleum and natural gas. This activity is subject to mandatory EIA when the quantity extracted is more than 500 tonnes of petroleum per day or more than 500,000 cubic metres natural gas per day. Extraction here refers to the extraction plant, that is the well or group of wells and any treatment plant also required.

The Continental Shelf Mining Regulations are being amended so as to link the application of EIA to a decision to create or maintain a mining installation. The decisions in the preparation of which EIA is mandatory will be modified when the new Mining Act, submitted to the Second Chamber on 23 September 1998 (Parliamentary Documents II 1998/99, 26 219), enters into force. The Mining Act is intended to draw together into a convenient, unified framework the law on mining on Dutch territory and in the Dutch sector of the continental shelf, replacing the

Mines Act 1810, the Mines Act 1903, the Minerals Exploration Act and the Continental Shelf Mining Act.

Decision

Category 17.1 links the EIA obligation for the exploration and extraction of petroleum and natural gas to the approval by the Minister of Economic Affairs of a plan of the licensee or concessionaire to carry out drilling. The Planological Working Committee acts as an advisor in this regard. If a siting decision is taken earlier in a spatial plan, the environmental impact statement is drawn up for the adoption of the spatial plan. In appropriate cases the coordinating provisions in the Environmental Management Act (Section 14.5 *et seq.*) could be used to carry out a combined EIA for the plan and the environmental licences.

The coastal zone forms part of the national ecological network as specified in the Green Space Structure Plan. An EIA obligation applies in this area because it forms part of Dutch territory. Along the coast the municipal competence to draw up land-use plans generally extends to one kilometre out from the coast. For the remaining area up to three miles from the coast the national mining legislation applies. Beyond this, the Continental Shelf Mining Act applies.

A licence within the meaning of the Environmental Management Act will always be necessary for extraction on Dutch territory. The EIA obligation in category 17.2 for the extraction of petroleum and natural gas on Dutch territory is therefore linked to the decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Environmental Management Act apply. In the case of extraction in the Dutch sector of the continental shelf, the decision referred to in Article 30a, paragraph one, of the Continental Shelf Mining Regulations is identified as the decision in the preparation of which an EIA is necessary.

C.18.1 to C.18.6 (**disposal of waste and sewage treatment plant**)

Activity

Category 18 provides for mandatory EIA in relation to the disposal of waste and sewage treatment plant. The terminology and interpretation are consistent with Section 1.1 of the Act. The term ‘hazardous waste’ refers to waste designated in the Designation of Hazardous Waste Decree (DHWD) (Section 1.1, subsection one, of the Environmental Management Act in combination with Article 3 of the DHWD); the term ‘non-hazardous waste’ refers to waste not designated in that Decree. The term ‘disposal’ refers to the collection, holding, processing, transforming, depositing on land, incineration or other method of destroying waste.

Hospital waste is specifically designated as hazardous waste in the DHWD. It is therefore disposed of in dedicated establishments. It is not desirable that there should be exceptions to mandatory EIA. Nor should exceptions readily be made for other waste originating in establishments with intramural or extramural health care, since such waste is as a rule processed together with the other industrial and household waste. For the storage or disposal of radioactive waste see category 23 of this Decree. In determining whether or not mandatory EIA applies it is immaterial (in contradistinction to the situation with regard to the licence requirement under the Establishments and Licences Decree (Environmental Management Act)) whether the waste originates from outside the establishment, since the Directive makes no distinction in this regard.

Category 18.1 deals with the disposal of hazardous and of non-hazardous waste. Category 18.2 specifies the creation of an establishment for the incineration, chemical treatment or landfill of hazardous waste. The term ‘incineration’ refers to incineration, being the final disposal referred

to in Annex IIA of Council Directive 75/442/EEC of 15 July 1975 on waste (OJ L 194/39) (waste framework directive)[6]. The term 'landfill' means the deposit of waste on or in land with the intention of leaving it there. As far as chemical treatment is concerned, points 9 and 10 of Annex I of Directive 97/11/EC refer to Annex IIA of the waste framework directive, under heading D9. Heading D9 contains a description of physical and chemical disposal techniques which reads as follows: "Physico-chemical treatment not specified elsewhere in this Annex [IIA] which results in final compounds or mixtures which are discarded by means of any of the operations numbered D 1 to D 12 (e.g. evaporation, drying, calcination, etc.)". By virtue of Directive 97/11/EC the main focus of the mandatory and discretionary EIA requirements is on the chemical treatment of waste. The treatments concerned are therefore chemical (or a combination of physical and chemical) treatments not specified under headings D1 to D8 or D10 to D15 of Annex IIA. Examples are calcination, pyrometallurgy, hydrometallurgy and thermal immobilisation. Pure physical treatments such as evaporation, drying, dewatering, separation, washing, crushing, distillation or condensation do not fall within the scope of mandatory or discretionary EIA. The description "which results in final compounds or mixtures which are discarded by means of any of the operations numbered D 1 to D 12" in part D9 of Annex IIA is not pertinent in judging whether mandatory or discretionary EIA applies because Directive 97/11/EC is exclusively concerned with the identification of activities with waste which are subject to mandatory EIA. How this waste is ultimately disposed of is not relevant in the context of the designation of activities subject to mandatory EIA. Questions of this kind would be answered in the context of an EIA for an establishment for the treatment of waste, in order to test whether it is in compliance with policy for the processing, transformation and useful application of waste.

For completeness, the treatment and disposal methods listed in Annex IIA of the waste framework directive are summarised below:

- D1 Deposit into or onto land (e.g. landfill, etc.);
- D2 Land treatment (e.g. biodegradation of liquid or sludgy discards in soils, etc.);
- D3 Deep injection (e.g. injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.);
- D4 Surface impoundment (e.g. placement of liquid or sludgy discards into pits, ponds or lagoons, etc.);
- D5 Specially engineered landfill (e.g. placement into lined discrete cells which are capped and isolated from one another and the environment, etc.);
- D6 Release into a water body except seas/oceans;
- D7 Release into seas/oceans including sea-bed insertion;
- D8 Biological treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations numbered D 1 to D 12;
- D9 Physico-chemical treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations numbered D 1 to D 12 (e.g. evaporation, drying, calcination, etc.);
- D10 Incineration on land;
- D11 Incineration at sea;
- D12 Permanent storage (in containers in mines, etc.);
- D13 Blending or mixing prior to submission to any of the operations numbered D 1 to D 12;
- D14 Repackaging prior to submission to any of the operations numbered D 1 to D 13;

[6] The framework directive was amended by Council Directive 91/156/EEC of 26 March 1991 (OJ L 78/31); Council Directive 91/692/EEC of 23 December 1991 (OJ L 377/48); Commission Decision 94/3/EC of 7 January 1994 (OJ L 5/15); and Commission Decision 96/350/EC of 6 June 1996 (OJ L 135/32).

- D15 Storage pending any of the operations numbered D 1 to D 14 (excluding temporary storage, pending collection, on the site where it is produced);

It sometimes proves difficult to properly determine the capacity of a landfill site. The licence application contains a measure of capacity, however, since it states how much waste is to be deposited at a particular location. This volume, including foreseeable future developments, can then be regarded as the capacity of the landfill site. For notes on the term 'capacity', see notes to Part A, point 2, of the Annex.

Category 18.3 provides for mandatory EIA in relation to the landfill of dredging spoil of category 3 or 4. There is a specific classification system for dredging spoil. Standards for dredging spoil are based on a risk approach, with category 4 corresponding to the highest potential risk. The landfill of dredging spoil of categories 0, 1 and 2 is not subject to mandatory EIA. If dredging spoil is a hazardous waste as referred to in the Designation of Hazardous Waste Decree (DHWD), it falls within category 18.2 (hazardous waste).
Category 18.4 relates to the creation of an establishment for the incineration or chemical treatment of non-hazardous waste. A threshold capacity of 100 tonnes per day or more applies to the establishment. This follows the formulation in Directive 97/11/EC.

Category 18.5 provides for mandatory EIA for the landfill of non-hazardous waste in cases where at least 500,000 cubic metres will be landfilled. The reason that EIA has been made mandatory rather than discretionary for establishments for the landfill of non-hazardous waste is that waste will henceforth be managed at central government level through a change in the Environmental Management Act related to the future waste disposal structure. The broad lines of policy on waste are being outlined by central government. The latter considers that mandatory EIA is necessary in order to arrive at a balanced decision at national level on establishments for the landfill of non-hazardous waste.

In category 18.6 the establishment of a sewage treatment plant is made subject to mandatory EIA in cases where the capacity of the installation will be 150,000 inhabitant-equivalents or more. The term 'inhabitant-equivalents' is defined in Section 1.1, subsection one, of the Environmental Management Act.

Decision

Category 18.1 links the mandatory EIA to the formal adoption of the decision which is the first to provide for the waste disposal, insofar as the activity relates to the deposition of waste on or in the ground, the method of processing, transforming or destroying waste, the facilities to be created for waste disposal or the choice of location for these facilities. This decision might for example be:

- a Multi-Year Plan for the Disposal of Hazardous Waste as referred to in Section 4.3, subsection three, at b, of the Environmental Management Act;
- a provincial environmental policy plan as referred to in Section 4.9, subsection one, of the Act;
- a provincial environmental programme as referred to in Section 4.14, subsection one, of the Act;
- a provincial environmental ordinance as referred to in Section 1.2, subsection one, of the Act;
- the decision to adopt or amend a provincial waste plan.

In the case of mobile installations, for example for the remediation of contaminated soil, a new licence frequently has to be obtained for each new location. In cases where these installations are subject to mandatory EIA, an environmental impact statement should in theory be drawn up

for each licence application. A single environmental impact statement made at the time of the first licence application will suffice, however, provided the effects for different locations are dealt with. The same environmental impact statement can then be used in succeeding licence applications.

C.19.1 and C.19.2 (**transfer of water resources between river basins**)

Activity

The inclusion of this new category is a consequence of Directive 97/11/EC. This activity comprises the transfer of large volumes of surface water from one river basin to another. One reason for doing this may be water scarcity in the receiving river basin. The river basins designated in the Netherlands are those for the rivers Eems, Rhine, Meuse/Maas and the Scheldt. The Eems and the Scheldt lie predominantly in neighbouring countries, but parts of the Netherlands lie within the basins of these rivers.
The thresholds set are a function of the purpose of the activity - which may or may not be to combat water scarcity - and the volume of water abstracted from the Dutch rivers. The activities which fall under category 19.1 are likely to be more common in the dryer parts of Europe, while the activities falling under category 19.2 are relevant to the Dutch situation. The thresholds are such that connections between Dutch rivers in the form of canals with locks, etc., are not subject to the EIA requirement. Activities related to normal connections of this kind fall into category 3 (waterways). The consequences of the transfer can make themselves felt in both the source and the receiving river basins, and will be mainly ecological in nature.

Decisions

The relevant decision is the decision of the water quality management agency to transfer the water. Depending on the activity, the infrastructural facilities which have to be constructed may also be brought within the EIA by invoking the coordinational arrangements.

C.20.1 and C.20.2 (**paper factories**)

Activity

The creation of an establishment for the production of pulp from timber or other fibrous materials is subject to mandatory EIA by virtue of Directive 97/11/EC. The creation of an establishment for the production of paper or board is subject to mandatory EIA in cases where the activity relates to an establishment with a production capacity of 200 tonnes per day or more.

Decision

The EIA obligation for this category is linked to the decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Environmental Management Act apply.

C21.1 to C.21.5 (**industrial activities**)

Activity

Annex I of Directive 97/11/EC includes crude oil refineries, but excludes undertakings manufacturing only lubricants from crude oil. No threshold is given for the creation of a refinery. The extension of an existing refinery by the addition of a new installation is dealt with in category 21.2. The EIA obligation in regard to cracking installations applies to any installation for transforming the residue from the primary distillation of crude oil - a product with a boiling point in excess of 370 ºC - into lighter, lower boiling-point products such as petrol components. Both catalytic cracking processes such as the cat cracking and hydrocracking of vacuum gas-oil, and thermal cracking processes, such as delayed coking and fluid coking of vacuum residue, as well as the cat cracking and hydrocracking of the residue from primary distillation, are subject to mandatory EIA. An exception has been made for installations primarily intended to reduce the viscosity of residue in order to bring it within the specifications for fuel oil: excessive viscosity makes the product difficult to pump and to fire. This so-called visbreaking takes place under much less severe conditions than cracking or coking. Furthermore, over 80% of the feedstock is converted into fuel oil, and the production of gaseous products is limited. The potential environmental impact is therefore significantly less than for a cracker with a similar feed capacity.

Category 21.3 describes establishments for the production of pig iron or steel. The production of pig iron and steel is included in Annex I of Directive 97/11/EC. No threshold is therefore possible for the establishment of an undertaking intended for such an activity, or the addition to an existing establishment of an installation which itself meets the description in category 21.3. This category includes blast furnaces and steel mills in which pig iron and steel are produced.

Category 21.4 describes establishments for the production of non-ferrous crude metals from ore, concentrates or secondary raw materials by metallurgical, chemical or electrolytic processes; no threshold is set. The formulation corresponds to that contained in Directive 97/11/EC.

Category 21.5 includes the extraction of asbestos in accordance with Directive 97/11/EC. This activity is always subject to mandatory EIA, but does not occur in the Netherlands.
Decision

The EIA obligation in this category is linked to the decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Environmental Management Act apply.

C.21.6 (**integrated chemical installations**)

Activity

The establishment of integrated chemical installations is dealt with in Annex I, at 6, of Directive 97/11//EC. The fact that the chemical industry is included in Annex II, at 6, of the Directive suggests that integrated chemical installations refer to more complex installations and that Annex II is aimed at relatively simple chemical installations involving a single sequence of processing steps and therefore comprising just a single process unit. Where there is more than

one process unit, these units will not be integrated together. Category 21.6 provides for integrated chemical installations to be subject to mandatory EIA. This category covers both the establishment of an undertaking as therein described and the addition to an existing undertaking of an installation which is itself an integrated chemical installation.

An installation is established when a new, independent installation is created, whether or not alongside existing installations. This may therefore include a new installation within an existing establishment. The production of any chemical product involves a set of physical or chemical process steps. Within every production process it is generally possible to identify a number of essential process steps. Sometimes a single processing step is sufficient to produce the desired product while sometimes several steps are necessary. These essential steps, which may for example be carried out in a chemical reactor or a distillation column, require the assembly of certain equipment, as well as ancillary and auxiliary equipment such as heat exchangers, scrubbers, tail-gas incinerators, reception vessels, pumps and particulate filters. Whether a given part of a chemical production process is one of these essential steps, or is a preparatory or purification step, depends largely on whether the output of the processing unit is a marketable product. This must not be interpreted too rigidly. The output of a process unit may for example be alcohol of 60% purity. This is a marketable product. Further processing can produce 98% pure alcohol, which is also marketable. If these steps take place within the same establishment then they will not be regarded as two separate process units, however.

The term 'chemical or physical processing unit' is taken to mean a combination of unit operations in which chemical or physical processes occur, including the necessary auxiliary and ancillary equipment which produces one or more marketable products. These may be final products or intermediate products for further processing in situ or elsewhere. A processing unit can therefore consist of a number of unit operations and the appropriate equipment. The word installation is generally used by the industry for the term 'unit' as used in the Annex. In the Decree, however, the term 'installation' is used in a broader sense. Because of the distinction between Annex I and Annex II of the Directive 97/11/EC, it is important to define the term 'unit' rigorously.

A chemical installation is an aggregate comprising one or more units, also referred to as 'factories' or 'plants'. There must be a functional linkage between the various units if we are to describe it as an integrated chemical installation. This functional linkage is what gives the chemical installation its integrated character. A functional linkage means that the output of one process unit forms the input to another process unit. This does not necessarily occur directly. There may be an additional link between the two process units, such as a storage tank. The linkage may for example be evident in the interdependence of operations: if one process unit goes down then the others must also be shut down. The term 'integrated' therefore refers to a functional linkage between the process units of a chemical installation and not to the integration of this chemical installation with other existing chemical installations. This is important when an existing chemical installation is being expanded by the addition of a new installation. The new part must itself be integrated - and therefore comprise various functionally linked process units - in order to fall within category 21.6. A functional or technical linkage with the existing installation is not relevant.

It is possible for two or more chemical installations to be created at the same time where there are linkages between process units of the different installations. In this case the chemical installation being established is an integrated chemical installation. The inclusion of the words 'on an industrial scale' ensures the exclusion of installations intended exclusively or mainly for the development and testing of new methods or products (laboratories) and installations which are not used for more than two years (test installations). A two year limit provides for consistency with Directive 97/11/EC.

The functional linkages can sometimes extend over great distances, for example by making use of pipelines. It would be going too far, however, to take account of such linkages irrespective of distance. For this reason, the criterion has been adopted that the integrated chemical installation, which consists of various chemical and physical process units, must be situated in a single geographical location. This criterion must not be interpreted too flexibly. It would include activities which take place within the same establishment or adjoining establishments where there is at least a functional linkage by means of a product pipeline.

The creation of an integrated chemical establishment will in all cases be subject to mandatory EIA, irrespective of the processing capacity. The Directive does not permit a threshold value to be adopted for these installations.

Decision

An environmental licence will be necessary in all cases. Planning decisions are not specified as having a role in relation to determining the EIA status. In appropriate cases, this can be taken on board through the coordination provisions.

C.22.1 to C.22.5 (**power generation**)

Activity

This activity includes the construction of fossil fuel fired and nuclear power stations. In accordance with Annex I of Directive 97/11/EC, mandatory EIA in relation to power stations is limited to thermal power stations and other combustion installations with a heat output of 300 megawatts or more. The term 'power stations' in this Decree includes all installations for the generation of electricity. An establishment in which nuclear energy can be released includes both a nuclear reactor for research purposes and a nuclear reactor in which energy is produced for the production of electricity. The creation of a nuclear reactor under category 22.3 is always subject to mandatory EIA unless the installation has a constant capacity no greater than 1 kilowatt thermal.

The terms 'decommissioning' and 'dismantling' derive from the English. Decommissioning refers to the totality of actions which must be undertaken when a nuclear power station reaches the end of its operational life, directed at taking it out of service. Decommissioning therefore includes taking the installation out of service, any waiting time while the radiation level is allowed to decline through natural decay, and the physical dismantling of the installation. The time span involved can range from several decades to much longer, depending on whether the decommissioning is to include a waiting period as referred to above. If a decision is made to completely dismantle the installation quickly, without a waiting period, the decommissioning and dismantling can be can be covered by a single licensing decision. The present regulations provide that an EIA will have to be drawn up in order for that decision to be taken. This EIA will deal with all aspects of both the decommissioning and the dismantling. If the decision is taken to provide for a waiting period between the decommissioning of the plant and its physical dismantling then a different situation arises. In this situation a licence will first be granted for the decommissioning of the installation, including the waiting period adopted. At the end of this waiting period a second licence will be granted for the physical dismantling of the installation. In this case separate EIA procedures will be required for each licence. The environmental assessment statement for the decommissioning, including the waiting period, will also include an initial consideration of the dismantling.

At present, Urenco Nederland B.V. in Almelo is the only establishment in the Netherlands active in the area described under category 22.5, i.e. the enrichment of uranium.

Decision

Apart from decision-making at the operational level in the form of decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Environmental Management Act apply, decisions are also taken at the level of the policy plan which can be regarded as qualifying for mandatory EIA.

Section 65 of the Electricity Act provides for the maintenance of the Second Electricity Supply Structure Plan (Parliamentary Documents II 1992/93, 22 606. nos. 4-5). Under the new Electricity Act, the Structure Plan is no longer based on the Electricity Act, but on Section 2a, subsection 1, of the Town and Country Planning Act. This change is related to the new freedom enshrined in the Electricity Act in regard to the production of electricity. The Electricity Plan no longer exists. The Second Electricity Supply Structure Plan deals, amongst other matters, with the possible sites for power stations and other installations for the generation of electricity with an electrical capacity of 500 megawatts or more. An indication is given for the various sites of the possible suitability of different methods of using fuels (including nuclear fuels). A decision was also taken in the Structure Plan about the maximum share of the various energy-carriers, including wind energy, in the electricity supply. These decisions, which were taken through the formal adoption of the Structure Plan, were subjected to compulsory EIA. Decisions regarding the fuel mix and locations were taken in the Second Electricity Supply Structure Plan. When these decisions are altered, the 'key planning decision' and EIA procedures will be followed, because these are regarded as being so-called 'essential decisions'.

C.23 (**radioactive waste**)

Activity

This category deals with all establishments for the collection, treatment, disposal or storage of radioactive waste (low level and medium level waste, waste from nuclear fission and spent fuel elements). As far as the storage of waste is concerned, the condition for mandatory EIA is set in column 2 that the duration of storage should be ten years or longer. Temporary storage facilities in hospitals or research laboratories for radioactive waste produced there are exempted from mandatory EIA.

Decision

A licence pursuant to the Nuclear Energy Act is necessary for the creation of establishments referred to in this category. Part 3.5 of the General Administrative Law Act and part 13.2 of the Environmental Management Act apply to the granting of a licence.

C.24 (**high-tension power lines**)

Activity

The construction of overhead high-tension power lines is regarded as an activity which can have significant adverse environmental consequences because of the impact they have on the countryside and wildlife, and because of the risk aspects involved. EIA is mandatory if overhead high-tension power lines are at a voltage of 220 kilovolts or more and are at least 15 kilometres in length. The developer will always be a private utility or other company. If a number of interlinked lines are being dealt with at the same time, the EIA procedures can be

coordinated (Section 14.5 *et seq*. of the Environmental Management Act), and a single environmental impact statement will suffice.

Decision

A permit or a declaration of consent from the Minister of Economic Affairs is required or customary for determining the route of and constructing overhead high-tension power lines. If a spatial plan is the first to provide for the possible construction of high-tension power lines, the EIA obligation is linked to this decision.

C.25 (**large-scale storage and transshipment of petroleum, petrochemical and chemical products**)

Activity

The addition of a category for major storage for petroleum, petrochemical and chemical products implements the obligations resulting from the Espoo Convention, referred to in the general section of this Explanatory Memorandum. The Convention requires that major storage facilities for petroleum, petrochemical and chemical products should be made subject to mandatory EIA. The threshold is set in Directive 97/11/EC at a capacity of 200,000 tonnes or more. In terms of the volumetric units customary for this activity, this corresponds to approximately 240,000 cubic metres storage space or more.

Decision

As for industrial activities, the EIA requirement is linked to the environmental licences to which Part 3.5 of the General Administrative Law Act and Part 13.2 of the Environmental Management Act apply.

C.26 (**coal gasification and liquefaction**)

Activity

The activity concerned comprises the gasification of coal, relevant in the context of a switch in the energy supply towards coal.

Decision

As for industrial activities, the EIA requirement for this activity is also linked to the environmental licences to which Part 3.5 of the General Administrative Law Act and Part 13.2 of the Environmental Management Act apply.

C.27.1 to C.27.3 (**changes in water level**)

Activity

The water level of large water bodies closed off from the sea is managed to some extent. These water bodies comprise a. the Veerse Meer, the Grevelingen, the Haringvliet, the Markermeer, the Ijsselmeer and its peripheral lakes. The Eastern Scheldt is directly connected to the sea except when the storm surge barrier is closed, in which case it becomes a primary flood defence. The Eastern Scheldt sea defences are closed when high water levels are expected. This is determined by the 'MPV', the expected level which triggers closure of the Eastern Scheldt sea defences.

Larger changes in water levels can have significant adverse consequences for the environment, in particular for surface and ground water nearby, and in consequence also for flora and fauna. Changes in water levels here mean structural changes in the water level or target water level rather than short-term fluctuations resulting from changes in the inflow of water.

Apart from the major water bodies managed by central government, a reduction in the water level in a sensitive area or meadow-bird habitat will be subject to mandatory EIA. The terms sensitive area and meadow-bird habitat are both defined in Part A of the Annex. Category 27.3 excepts rural development projects because in these cases the environmental impact of a reduction in water level is dealt with in the environmental impact statement which has to be drawn up for the rural development plan or reconstruction programme.

Mandatory EIA applies if the structural lowering of the water level is 16 centimetres or more, occurs in one or more of the designated areas and relates to an area of 200 hectares or more. This refers to the entire area, both water and land, which is affected by the change in level.

Decision

All major waters are managed by central government. Changes in the levels (or target levels) of these waters require a decision by the Minister of Transport, Public Works and Water Management. This decision can follow from the formal approval of the policy document or plans referred to in Section 4 or Section 6, respectively, of the Water Management Act. In other cases the decision of the water management agency is the relevant decision. In all cases this will be a decision relating to the water level of a surface water body

C.28 (**revocation of designation as nature reserve**)

Activity

The activity is the revocation of a designation as a nature reserve, and therefore the removal of the protection this involves. The seriousness of the environmental consequences depends on the features which the previous decision designating the area a protected nature reserve was intended to protect. There is a threshold value such that the designation for smaller areas can be revoked without the need for an EIA procedure where there are no major consequences.

Decision

A designation as a nature reserve is revoked by the Minister of Agriculture, Nature Management and Fisheries by virtue of Section 11 or Section 21 of the Nature Protection Act.

3.3 Part D. Activities and decisions subject to discretionary EIA (screening)

Part D contains a list of the activities for which a decision must be made on a case-by-case basis as to whether an environmental assessment statement needs to be drawn up. In compiling this list maximum consistency has been sought with the descriptions in Annex II of Directive 97/11/EC. For most of the categories the decision which gives rise to discretionary EIA is the spatial plan or environmental licence (decisions to which Part 3.5 of the General Administrative Law Act and Part 13.2 of the Environmental Management Act apply). For categories for which no notes are included in this Part, the notes to Part C should be referred to. General notes on the discretionary EIA requirement are contained in the general section of this Explanatory Memorandum. The categories D.1 to D.26 inclusive are presented in the same sequence, with

one exception, i.e. transshipment facilities (category D.2), the same as in Part C. The other activities feature in Part D only.

The threshold values presented in column 2 in Part D are based on the requirements of Directive 97/11/EC and on the interpretation given in the judgement of the European Court of Justice of 24 October 1996 in the Kraaijeveld case (case C-72/95). The threshold values have been set on the basis of the selection criteria given in Annex III of the Directive. These criteria must be used in determining whether there is an EIA requirement for the activities listed in Annex II, and relate to the characteristics of activities as well as the environmental consequences and the location of the activities (see also the general section of this Explanatory Memorandum). As far as the those categories left to member states' discretion are concerned, information was used, in setting the thresholds, from a consultants' report[7]. In their work the consultants identified potential major effects of the various activities. Information was also collected from Statistics Netherlands on the production capacity and size of the companies in a number of categories listed in Part D. The threshold values have been set at a level such that, having regard to the scale of the activities, a sizeable proportion of the activities fall within the scope of discretionary EIA. Only those activities for which significant environmental consequences are not generally expected are not subject to discretionary EIA. It is up to the competent authority to determine whether, having regard to the selection criteria of Section 7.8b, subsection four, of the Environmental Management Act and the specific circumstances involved, it is necessary for an EIA procedure to be applied. This makes it possible to be very selective about applying EIA.

D.1.1 and D.1.2 (**roads**)

Activity

Category 1.1 provides for discretionary EIA for the construction of a provincial or municipal road of four or more lanes, not being a trunk road, motorway or express road, between 5 and 10 kilometres in length. Category 1.3 of Part C provides for such a road more than 10 kilometres in length to be subject to mandatory EIA. Category 1.2 relates to the change or extension of a motorway or express road which is not a trunk road, or a road referred to in category 1.3 of Part C. In the case of such roads the initiative is taken by the provincial or municipal authorities. This category includes roads between 5 and 10 kilometres in length. Category 1.5 of Part C provides for such a road more than 10 kilometres in length to be subject to mandatory EIA.

Major potential environmental consequences are, specifically, noise, air pollution, effects on soil and water, and consequences for the landscape, cultural-historical and archaeological features, flora and fauna and ecosystems. This list was compiled from environmental assessment statements which have been made for these two categories of activities.

[7] Witteveen & Bos: *Onderzoek naar de drempelwaarden voor de m.e.r.-beoordelingsplicht*. Ministry of Housing, Spatial Planning and the Environment EIA series no. 58 [only in Dutch].

Decision

There is no statutory planning procedure for provincial and municipal roads. Decisions are taken not only at provincial but also at municipal level on the construction of motorways and express roads. It is a matter for the competent authority to determine whether a formal planning procedure or a procedure for the approval of a roads plan for a section of a road is required. The route may also be determined by means of a spatial plan. The requirement for a discretionary EIA is linked to the first decision - be it a formal planning decision or a spatial plan - which provides for the possible construction, change or extension of the road. The preference is for a linkage with a formal planning decision. The EIA procedure is only linked to a spatial plan if no formal planning procedure takes place or the spatial plan is adopted beforehand. If at the time that the requirement for a discretionary EIA arose for a spatial plan a formal planning decision had already been taken, the requirement attaches to the decision-making with regard to the spatial plan.

D.2 (**intermodal transshipment facilities and intermodal terminals**)

Activity

Category 2 deals with the construction, change or extension of intermodal terminals and intermodal transshipment facilities, such as facilities for transferring cargo from train to lorry or barge. An example is the Valburg Multimodal Transport Centre on the Betuwe railway line.

Potential environmental consequences consist mainly of noise, and consequences for the landscape, cultural-historical and archaeological features, flora and fauna and ecosystems. This list was compiled from environmental assessment statements which have been made for this activity.

D.3 (**waterways**)

Activity

Category 3 relates to rivers, canals and channels which are not main waterways and which permit the passage of ships of 900 tonnes or more. The construction, change or extension of a waterway not included in categories 3.1 to 3.3 of Part C is subject to discretionary EIA if the activity relates to a waterway which permits the passage of ships of 900 tonnes or more.
Major potential environmental consequences which are mentioned in environmental impact statements drawn up for this activity are effects on soil and water, consequences for the landscape and cultural-historical and archaeological features, change in land-use and traffic generation.

D.4.1 and D.4.2 (**ports**)

Activity

Category 4.1 specifies ports and port installations other than those specified in Part C. The term ‘ports’ refers to ports for civil use both by inland waterway and sea-going vessels, fishing harbours and naval ports. The ports must be capable of taking vessels of 900 tonnes or more. The criterion is deadweight capacity, the customary international basis for classifying vessels. If the competent authority judges that the construction of a port necessitates an EIA, then the environmental impact statement will have to deal with the environmental consequences for the entire port, including the land and port installations. The initiative to construct a port may be

taken by various bodies, such as a port authority, a municipality, a province or central government.

Category 4.2 deals with the change or extension of naval ports, ports for civilian use by inland waterway traffic, commercial sea ports or fishing harbours. These activities are subject to a discretionary EIA requirement where the change or extension affects an area of 100 hectares or more.

Significant potential environmental consequences which are mentioned in environmental impact statements drawn up for this activity are effects on soil and water, noise, and consequences for the landscape, cultural-historical and archaeological features, flora and fauna and ecosystems.

D.5 (**artificial islands**)

Activity

A discretionary EIA requirement applies to the creation, change or extension of artificial islands in cases where the activity occupies an area of 100 hectares or more.

D.6.1 and D.6.2 (**airfields**)

Activity

The construction, equipment, or use of an airfield as referred to in Section 1, part g, of the Aviation Act where the airfield will have a runway with a length of 1000 metres or more will be subject to discretionary EIA if the noise zone changes or becomes larger in consequence. Discretionary EIA also applies where a runway is moved, lengthened, widened or resurfaced, or where there is an intensification or change in the use of the airfield.

Major potential environmental consequences are air pollution, noise, hazard, and consequences for the landscape, cultural-historical and archaeological features, flora and fauna and ecosystems. This list was compiled from environmental assessment statements which have been made for activities of this kind.

D.7 (**military exercise grounds**)

Activity

The change or extension of a military exercise ground in cases where the area undergoing actual development occupies 100 hectares or more will be subject to discretionary EIA. By actual development here is meant any modification to the land such as earthmoving activities, the removal or planting of vegetation, the construction of a system of tracks, the construction of access roads, terracing works, excavations and hydrological interventions. For naval ports, naval and air force bases, see categories 4 and 6 of Parts C and D of the Annex.

This category of activities has shown itself capable of causing noise and having effects on water, soil, landscape, cultural-historical and archaeological features, flora and fauna and ecosystems. This list was compiled from environmental assessment statements which have been made for this category.

D.8.1 to D.8.3 (**pipelines**)

Activity

Category 8.1 deals with the construction, change or extension of pipelines one kilometre or more in length for the transportation of gas, oil or chemicals. For the transportation of natural gas the threshold is 5 kilometres or more. Discretionary EIA applies only if the construction, change or extension of pipelines is being carried out in a sensitive area as referred to in Part A, at a, b or d of the Annex. Gas, oil or chemical pipeline landfalls also fall within categories 8.1 and 8.2. The construction, change or extension of pipelines for the transportation of water, wastewater or steam (category 8.3) are also subject to the discretionary EIA provisions. These pipelines include the major pipelines for the transportation of unprocessed or semi-processed water for domestic and industrial water supply.

All these categories relate to industrial installations for the transportation of gas, oil, chemicals, water, wastewater or steam, and therefore include both the pipelines and the associated pumping stations. The change or extension of a pipeline for the transportation of gas, oil, chemicals or steam can relate to a feeder or branch pipeline, to upgrading a pump along a pipeline or to a change in the product which is being transported.

Decision

In the case of pipelines carrying water the relevant decision is generally the formal adoption of the spatial plans.

D.9 (**rural development**)

Activity

The requirement for discretionary EIA for the activities described in category 9 applies to rural development projects in cases where the activity relates to a change in function for land with a nature conservation, recreational or agricultural designation more than 150 hectares and less than 500 hectares in area. These are rural development projects, for example to put non-cultivated or semi-natural land into intensive agricultural use, or water management for agricultural purposes, including irrigation and drainage projects, which can also feature in a rural development plan. The functions involved include nature conservation, recreation and agriculture, including horticulture. Forestry falls within the nature conservation or recreation functions.
Rural development projects which are administrative in nature are excepted from the discretionary EIA requirement, as is a package of measures intended to compensate for an infrastructural facility of national or regional importance. In general the environmental impact statement or the procedure for determining whether EIA should apply will provide for a compensatory package in order to reduce or offset the adverse effects of the infrastructural facility, and the effects of this package will be dealt with there.

By change in function is meant a change in land-use in the rural area. The main and subsidiary functions both count in calculating the area. The function is determined in the spatial planning process. The threshold has been set at 150 hectares in order to give the competent authority the opportunity to decide whether an environmental impact statement needs to be drawn up, even when only a relatively small change in function is being made in a rural development project.

D.10.1 to D.10.3 (**leisure and tourist facilities**)

Activity

The construction, change or extension of leisure and tourist facilities (category 10.1) is subject to discretionary EIA if the activity attracts 250,000 visitors or more per year, occupies 25 hectares or more, or 10 hectares or more in a sensitive area.

The threshold values applying to category 10.1 were determined by looking at the potential environmental consequences of the activities. The substantial potential environmental consequences are the effects on soil and water, air pollution, noise, energy consumption, traffic generation, and consequences for the landscape, cultural-historical and archaeological features, flora and fauna and ecosystems. This list was compiled from environmental assessment statements which have been made for this category of activities.

There is a discretionary EIA requirement for the construction, change or extension of a golf course (category 10.2) if this is planned on land other than agricultural land and will occupy an area of 25 hectares or more, or 10 hectares or more in a sensitive area, or represents an extension by 9 holes or more. Land designated in the land-use plan as being exclusively for agricultural purposes is excepted. Lands also designated for another purpose, e.g. scientific or scenic, do not fall within this exception.

Substantial potential environmental consequences which are mentioned in environmental impact statements are effects on soil and water, noise, traffic generation, and consequences for the landscape, cultural-historical and archaeological features, flora and fauna and ecosystems.

As far as the activities described in category 10.3 are concerned, the requirement for discretionary EIA is determined by the number of berths being created by the construction, change or extension of a marina, irrespective of whether or not these are fixed berths.

The potential environmental consequences are effects on water, noise, effects on flora and fauna and ecosystems.

D.11.1 and D.11.2 (**housing and urban development projects**)

Activity

A threshold has been set for housebuilding projects of 2000 or more dwellings in the built environment. The term ‘urban development project’ refers to a project in which several different activities are undertaken, such as housebuilding and the creation of commercial premises, shopping centres and car-parks. This category therefore includes more than just housebuilding or the construction of industrial premises as described in Part C of the Annex. The threshold adopted is an area of 100 hectares or more or a commercial/industrial area of 200,000 m^2 or more. The former threshold refers to both new housing and the construction of offices, shopping centres or car-parks which must altogether occupy an area of 100 hectares.

Urban development projects can have a major impact on the local environmental quality, in particular because of the infrastructural facilities needed, with their tendency to generate traffic. The threshold adopted will ensure that this category is limited to large projects, insofar as elements of these are not already subject to mandatory EIA by virtue of their inclusion in Part C. Housebuilding projects involving ‘renovation-oriented building projects’ (the improvement of existing houses or their replacement by new construction) do not fall within this category.

The threshold values applying to these categories were determined by looking at the potential environmental consequences of the activities. There are substantial potential consequences for soil, air pollution, noise, energy consumption, traffic generation, and consequences for the landscape, cultural-historical and archaeological features, flora and fauna and ecosystems. This list was compiled from environmental assessment statements which have been made for these activities.

D.11.3 and D.11.4 (**industrial sites and glass horticulture**)

Activity

The construction, change or extension of industrial sites is subject to discretionary EIA, with a threshold of 75 hectares or more. Any statutory zones surrounding the industrial site, e.g. noise and safety zones, are included in that area. This zoning is linked to the formal adoption of the relevant spatial plan. The term 'industrial site' also includes large-scale office complexes, as well as housing and traffic esplanades.

Environmental assessment statements which have been made for this category show that there are substantial potential consequences for soil and water, air pollution, noise, landscape, cultural-historical and archaeological features, flora and fauna and ecosystems.

The construction, change or extension of glass horticulture facilities described in category 11.4 is subject to discretionary EIA, with a threshold of 50 hectares or more. The associated building and infrastructure must also be counted in calculating the area.

D.12.1 to D.12.3 (**primary flood defences, coastal works and maritime works**)

Activity

The change or extension of primary flood defences refers to the improvements the flood defences rather than their maintenance. Any change or extension of a primary flood defence, for which a decision of the provincial executive is necessary, is, by virtue of Section 7, subsection one, of the Flood Defences Act, subject to discretionary EIA unless mandatory EIA applies. In order to minimise the visual intrusion caused by dike reinforcement works on the landscape, efforts will be made to draw up dike reinforcement plans for dike configurations which have a logical coherence in landscape terms. Category 12.2 is included because it is theoretically possible that such works will be carried out. Category 12.3 describes coastal works designed to combat erosion and maritime works capable of altering the coastline through, for example, the construction of dikes, piers, moles and other coastal defence works. Again, the discretionary EIA requirement does not apply to the maintenance and reconstruction of these works. Works which might fall within this category are covered by the description of the construction of ports and piers (categories 4 of Parts C and D) and of primary flood defences. This category therefore describes the activities for which a decision is required by virtue of Section 10, subsection one, of the Flood Defences Act. An example of this is the construction of the Eierland dam off Texel.

Coastal supplementation within the meaning of Section 10 of the Flood Defences Act is regarded as maintenance, and is therefore not subject to the discretionary EIA requirement.

Environmental impact statements drawn up for these categories show that the potential environmental consequences of such activities are in particular effects on water, soil, landscape, cultural-historical and archaeological features, flora and fauna and ecosystems.

Decision

The decision with regard to category 12.3 is made by virtue of Section 10 of the Flood Defences Act.

D.13 (**land reclamation. drainage and poldering**)

Activity

The change or extension of land reclamation., drainage and poldering projects is subject to a discretionary EIA requirement. in cases where the activity relates to an area of 100 hectares or more.

Environmental impact statements drawn up for this category show that the potential environmental consequences of such activities are in particular effects on water, landscape, cultural-historical and archaeological features, flora and fauna and ecosystems.

D.14 (**livestock farming**)

Activity

Directive 97/11/EC provides for the activities described in category 14 to be subject to discretionary EIA for new establishments which are not subject to mandatory EIA by virtue of category 14 of Part C. Extensions of existing establishments are also subject to the discretionary EIA requirement. These requirements follow from Annex II of the Directive, which states that a discretionary EIA requirement must apply to intensive livestock farms not included in Annex I. Member states must incorporate this into their regulations but are free to set the threshold value themselves, having regard to the Annex III criteria.

Category 14 establishes a discretionary EIA requirement for the establishment or extension of an establishment for the breeding, fattening or keeping of poultry or pigs in cases where the activity relates to an establishment with more than 60,000 places for broilers, more than 45,000 places for hens, more than 2200 places for production pigs or more than 350 places for sows. The upper limits follow from the threshold values for the activities described in Part C, category 14, of this Decree. In the case of an extension, the extension must exceed the threshold value.

The threshold values were determined by looking at the environmental impact in terms of the components ammonia, odour, nitrogen and phosphate. The threshold values in column 2 for category 14 are based on the consideration that, in the conditions prevailing in the Netherlands, small farms will not have an adverse impact such as to warrant an EIA in addition to the current environmental and other legislation.

The threshold values are expressed in terms of ‘places’. In determining whether a threshold for discretionary EIA has been exceeded, no account is taken of so-called ‘green label’ housing. However once the liability for discretionary EIA has been established on the basis of the number of animal places, the lower emissions occurring in this type of housing will influence the assessment by the competent authority as to whether it is necessary to draw up an environmental impact statement.

D.15.1 to D.15.3 (**domestic and industrial water supply**)

Activity

The drainage of construction excavations, remediation of contaminated land and pilot projects for the abstraction of water as described in category 15.1 are subject to discretionary EIA in cases where the volume of water involved is 3 million cubic metres or more. The change or extension of these activities is also subject to discretionary EIA. It is up to the competent authority to determine the situations in which EIA does not have to be applied in cases of the drainage of construction excavations, remediation of contaminated land and pilot projects for the abstraction of water. Criteria could include, for example, the possible damage to buildings or the natural environment.

Changes or extensions of existing groundwater abstraction or groundwater recharge activities as referred to in category 15.2 are subject to discretionary EIA in cases where the changed or increased volume of water for abstraction or recharge is 1.5 million cubic metres or more.

The main potential environmental consequences which determine the threshold values and which were derived from environmental impact statements made for this category of activities, are the effects on water and the consequences for flora and fauna and ecosystems.

Category 15.3 refers to the construction of a reservoir or barrage where the capacity involved is more than 5 million and less than 10 million cubic metres (i.e. the threshold for category C.15.3). The change or extension of a reservoir or barrage is subject to discretionary EIA in cases where the activity relates to 5 million cubic metres of water or more.

Substantial potential environmental consequences are effects on soil and water, traffic generation, energy consumption, and consequences for the landscape, cultural-historical and archaeological features, effects on flora and fauna and ecosystems. This list was compiled from environmental assessment statements which have been made for this category.

D.16.1 and D.16.2 (**surface extraction**)

Activity

The open-cast mining of bituminous coal and lignite (category 16.1) is subject to a discretionary EIA requirement where the area concerned is more than 12.5 hectares and less than 25 hectares. This activity is not in fact anticipated in the Netherlands. There are quarries, however, such as the marl quarries in St. Pietersberg and het Rooth. The potential environmental consequences of this activity include dust, noise, effects on the landscape, water and soil and traffic generation.

Peat extraction (category 16.2) is subject to a discretionary EIA requirement in cases where the land area involved is more than 75 hectares and less than 150 hectares. The potential environmental consequences include noise, effects on the landscape and on water, and traffic generation.

D.17.1 and D.17.2 (**extraction of petroleum and natural gas and deep drillings**)

Activity

The change or extension in the extraction of petroleum and natural gas (category 17.1) is subject to discretionary EIA where there are already existing installations. The activity must relate to an area of land of 5 hectares or more and must be situated in a sensitive area as referred to in Part A, at a, b or d, of the Annex, up to three nautical miles from the coast. An extension by five hectares or more must be involved. The discretionary EIA requirement

applies up to three nautical miles from the coast. This limit is determined by the coordinates of the 'inner limit' of the Dutch sector of the continental shelf as referred to in the Continental Shelf Mining Regulations. A change or extension in existing surface installations is subject to discretionary EIA where it involves the addition of or modification to nitrogen separation or desulphurisation installations.

The installation of surface facilities for the extraction of oil or gas which are intended to maintain the production volume or capacity at its existing level is not subject to discretionary EIA. Complete or partial renewal of the surface facilities, including their renovation, is also excluded, because this is deemed to constitute maintenance. The addition of temporary facilities to existing facilities for purposes of mineralogical research or testing is also not subject to discretionary EIA.

Environmental impact statements for exploratory drilling for natural gas show that the dominant environmental consequences are effects on soil and water, noise, waste, and consequences for the landscape, cultural-historical and archaeological features, flora and fauna and ecosystems.

As far as deep drillings are concerned, geothermal drilling and drilling related to the storage of nuclear waste are subject to discretionary EIA. Drilling of this kind causes little environmental impact. Drillings intended to study the stability of the soil and in the context of archaeological research do not fall within the discretionary EIA requirement.

D.18.1 to D.18.4 (**waste disposal and sewage treatment plant**)

Activity

The creation of an establishment for the incineration or chemical treatment of non-hazardous waste (category 18.1) is subject to discretionary EIA in cases where the activity relates to an establishment with a capacity of more than 50 tonnes per day and less than 100 tonnes per day. This upper limit results from the mandatory EIA requirement applying to the activities described in category C.18.

The processing, transformation or destruction of animal and other organic manures and putrescible and garden waste (category 18.2) is subject to a discretionary EIA requirement. Establishments for the transformation of manure also fall within this category. Although the Establishments and Licences Decree classifies such establishments in category 7 (fertilisers) rather than category 28 (waste) manure is regarded as being a waste substance (see judgement G05.87.1274 of the Council of State). Manure which is stored without undergoing any processing or benefication for spreading on the land forms an exception to this. It is then not regarded as waste (see judgement G05.90.0673 of the Council of State). All other processing of these waste substances, such as is generally carried out in sorting and processing establishments, or its storage, are not subject to discretionary EIA.

Category 18.3 refers to the change or extension of waste disposal establishments as referred to in categories 18.2, 18.3, 18.4 and 18.5 of Part C and categories 18.1 and 18.2 of Part D. This activity is subject to discretionary EIA in cases where the extension relates to a capacity of 250,000 cubic metres or more or where the modification relates to a capacity of 100 tonnes per day or more. Special regulations apply to sewage sludge since this waste substance contains a great deal of water. A discretionary EIA requirement applies only where the processing capacity is relatively large, namely 5000 tonnes dry matter per year or more.

The significant environmental consequences are, particularly, noise, air pollution, traffic generation, and consequences for the landscape and cultural-historical and archaeological features. This list was compiled from environmental assessment statements which have been made for the three aforementioned categories. This means that these activities are subject to discretionary EIA where they exceed the threshold values mentioned.

Category 18.4 deals with the establishment, change or extension of a wastewater treatment plant. Establishments with a capacity of 50,000 inhabitant-equivalents or more are subject to discretionary EIA. Potential environmental consequences are, in particular, odour, noise and visual intrusion.

D.19.1 and D.19.2 (**transfer of water resources between river basins**)

Activity

Projects for the transfer of water resources between river basins or the change or extension of such projects are subject to discretionary EIA. This category was introduced for the first time in Directive 97/11/EC. Thresholds are presented in column two.

D.20.1 to D.20.3 (**paper factories**)

Activity

Category 20.1 specifies the change or extension of an establishment for the production of pulp from timber or other fibrous materials. The creation, change or extension of an establishment for the production of paper and board is specified in category 20.2, and is subject to discretionary EIA in cases where the activity relates to an establishment with a production capacity of 100 tonnes per day or more. For these categories, odour, dust, noise, hazard, air pollution, effects on water, traffic generation and visual intrusion form the substantial potential environmental consequences. Category 20.3 specifies the production of cellulose. Cellulose is not produced in the Netherlands, however.

D.21.1 to 21.5 (**industrial activities**)

Activity

Category 21.1 specifies modifications or extensions which are not subject to mandatory EIA in accordance with category 21.2 of Part C. Environmental impact statements identify air pollution as the main potential environmental consequence of these activities. Category 21.2 specifies the creation, change or extension of an establishment for the roasting, pelletising or sintering of ores and the production of coke from coal. No threshold value is specified for this category. The companies concerned have a large production capacity. Categories 21.3 and 21.4 specify changes or extensions of ferrous and primary non-ferrous producers; the creation of these establishments is always subject to mandatory EIA (see category C.21). Category 21.5 specifies the creation, change or extension of an establishment for the production, processing or transformation of asbestos or products containing asbestos.

Hazard, odour, noise and visual intrusion, air pollution, effects on soil and water and traffic generation are the potential environmental consequences which determined the threshold values.
D21.6 (**integrated chemical installations**)

Activity

Changes to or extensions of integrated chemical installations are subject to discretionary EIA. Directive 97/11/EC specifies the integrated chemical installations involved. In the case of installations for the manufacture of basic chemicals the threshold is 100,000 tonnes per year or more; for installations for the manufacture of basic inorganic chemicals the threshold is 100,000 tonnes per year or more; for installations for the manufacture of phosphorus-, nitrogen- or potassium-based fertilisers (simple or compound fertilisers) the threshold is 100,000 tonnes per year or more; for installations for the manufacture of basic plant health products and biocides and for pharmaceutical products using a chemical or biological process the threshold is 20,000 tonnes per year or more; for installations for the manufacture of explosives there is no threshold. A change or extension of this activity is always subject to discretionary EIA.

In the case of a change or extension of an integrated chemical installation, noise, air pollution, waste production and energy consumption are generally the dominant environmental effects. This emerges from environmental assessment statements which have been made for this category of activities.

The scope of these provisions will be limited by the fact that extensions of this kind will often involve establishing a new installation alongside the existing one, which will always be subject to mandatory EIA by virtue of category 21.6 of Part C.

D.22.1 to D.22.5 (**power generation**)

Activity

The establishment of a power station is, as indicated in category 22.1, subject to discretionary EIA if its capacity is 200 megawatts (thermal) or more. Category 22.1 also provides that changes or extensions of a power station are subject to discretionary EIA if the capacity of the power station is 200 megawatts (thermal) or more and the change will increase this capacity by more than 20% or there is a switch in the fuel.

Environmental impact statements drawn up for these activities show that the potential environmental consequences are specifically soil and water effects, air pollution, major hazard, and consequences for the landscape, cultural-historical and archaeological features, flora and fauna and ecosystems.

Although wind energy is environmentally friendly in terms of fuel usage, wind turbines can also have an adverse effect on the environment, for example by influencing the migration routes of birds, noise, hazard and visual intrusion. It is not just the total capacity which is of importance here but also the number of turbines. For this reason a threshold of 10 turbines or 10 megawatts has been adopted. The potential environmental consequences are noise, visual intrusion, land-use, effects on the soil, the impairment of ecological features, major hazard, water pollution and the consequences on the landscape and cultural-historical and archaeological features. These potential environmental consequences have been derived from environmental impact statements drawn up for this category of activity.

Category 22.3 deals with five types of change/extension of nuclear reactors or to their decommissioning and dismantling. These cases relate to hazards from the reactor which have environmental implications and make EIA necessary. In dealing with changes and extensions of nuclear reactors, a distinction can be made between changes and extensions of the reactor operating in its normal, regular mode (first three cases in column 2), changes and extensions of

the reactor which relate to its operation in an accident situation where there are potential major environmental consequences (fourth case) and decommissioning or dismantling (fifth case).

The first case relates to a change in the type or quantity of nuclear fuel or a change in the initial degree of enrichment. Such changes are major, and can have a profound effect on the safety of the surroundings while the reactor is operating normally. A change in the type of nuclear fuel can mean a change of nuclear fuel, e.g. a switch to mixed oxide (MOX), but also a change in the degree of enrichment of the nuclear fuel used. The latter refers to the use of fuel rods enriched to a higher or lower degree than that for which the licence was granted and on which the safety report was based. In this case, new safety analyses must be made. A higher or lower degree of enrichment may be desirable, for example, in order to increase capacity or because of non-proliferation policy.

The second case relates to an increase in the permitted releases to water or air. This increase must be judged against the radiological hazards associated with the release.

A discretionary EIA requirement also arises if the proposed activity involves increasing the storage capacity for spent fuel. This can involve not only an enlargement of the relevant storage tank, but also situations where the permitted capacity is being increased by increasing the number of elements stored - possibly by storing them closer together. An increase in the number of elements means that the accident source term, that is the quantity of radioactivity which can be released in the event of an accident, also increases.

The fourth case relates to changes in the way the reactor functions so as to prevent or limit the consequences of a meltdown of the reactor core or reactivity accidents. Such changes tend to add systems which switch the reactor off safely, continue to remove the residual heat or keep the radioactive substances contained so that there is no leak into the environment or such leak is minimised. These include systems which release radioactive substances into the soil, water or air, such as a filtered blow-off device or systems which draw up groundwater for emergency cooling purposes in order to avert graver consequences for the environment.

The fifth case relates to the situation at the end of the operating life of a nuclear installation when it is decommissioned and dismantled. As already stated in the notes to category 22 of Part C, the period needed to complete the decommissioning and dismantling can vary, depending on the strategy chosen, from about ten years to several decades. Certainly if a decommissioning strategy is chosen which involves waiting for tens of years, both circumstances and knowledge can change with the lapse of time, which could result in a previously unforeseen change in the timing of the decommissioning and dismantling. The licence granted earlier for decommissioning and dismantling will then need to be revised. A change in the timetable for decommissioning and dismantling can have environmental consequences which warrant a new environmental impact statement. An advancement or delay in the time of decommissioning or dismantling of more than five years will constitute a change within the meaning of the aforementioned.

Category 22.5 specifies a change or extension of an establishment for the production or enrichment of nuclear fuel and makes it subject to the discretionary EIA requirement where the change or extension relates to an enlargement of the enrichment capacity by 500 tSW/yr or more. The abbreviation tSW/yr stands for tonnes Separative Work Units per year, and forms the standard unit in which enrichment capacity is expressed. At present, Urenco Nederland B.V. in Almelo is the only company in the Netherlands engaged on category 22.5 activities, i.e. the enrichment of uranium. On the basis of the existing licensed enrichment capacity, i.e. 2500 tSW/yr, a threshold was sought above which there could be consequences for the safety of the enrichment establishment and there could be relevant environmental effects which make an EIA

necessary. An increase in the enrichment capacity of 500 tSW/yr is, seen against these criteria, a realistic threshold.

Decision

For wind energy projects (category 22.2), which can consist of several installations distributed over scattered locations, the adoption of the spatial plan which is the first to provide for the project is subject to a discretionary EIA requirement. Discretionary EIA also applies to wind energy projects when the turbines are separated from one another by natural barriers such as a strip of trees or a municipal boundary.

D.23 (**radioactive waste**)

Activity

As far as the activities specified in this category are concerned, the final disposal of irradiated nuclear fuel and radioactive waste is not relevant in the Dutch context, as at present there is only intermediate storage of this material. This intermediate storage takes place at COVRA N.V. (Central Organisation for Radioactive Waste). The discretionary EIA requirement for both the treatment of irradiated nuclear fuel or highly radioactive waste and the storage of irradiated nuclear fuel or radioactive waste from another establishment are limited, through the use of a threshold, to those cases which can have environmental consequences. As far as the treatment of irradiated nuclear fuel or highly radioactive waste is concerned, the decision was taken to set the threshold at an increase in the treatment capacity of 50%. This will occur, for example, if the supply of irradiated nuclear fuel or highly radioactive waste were to increase to such an extent that the installation would have to be changed or extended by the addition of an extra so-called ‘hot cell’. This is conceivable if there were an increase in installed nuclear capacity. In some cases the extension in the treatment capacity referred to would also result in an increase in the storage capacity.
For the storage of irradiated nuclear fuel or radioactive waste at a location other than the establishment where it arose, the threshold has been taken as an increase in total storage capacity by more than 50% or by more than 10,000 cubic metres. Two thresholds have been set so as to distinguish between small and large establishments. Since COVRA is at present the only accredited agency for the collection of radioactive waste in the Netherlands, the absolute threshold of 10,000 cubic metres is relevant at present. The percentage increase will become applicable if policy is changed at some time in the future.

In fact the scope of this provision will remain limited because extensions of this magnitude will often mean that a new installation is being set up alongside the existing one, as described in category C.23, rather than that an existing installation is being extended or changed. The latter may be the case in particular where the change or extension is the consequence of an improvement in efficiency.

D.24.1 and D.24.2 (**high tension power lines**)

Activity

The construction, change or extension of an overhead or underground electrical power line with a voltage of 220 kilovolts or more and a length of at least 5 kilometres in a sensitive area up to 3 nautical miles from the coast (category 24.1) is subject to discretionary EIA. The Minister of Economic Affairs is the competent authority. A discretionary EIA provision also applies to the construction, change or extension of an overhead or underground high-tension power line with a voltage of 150 kilovolts or more and also at least 5 kilometres in length in a sensitive area up

to 3 nautical miles from the coast (category 24.2). The province is the competent authority for this category of activity.
An environmental impact statement drawn up for this activity has shown that the most significant potential environmental consequences are effects on the soil and consequences for the landscape, cultural-historical and archaeological features, flora and fauna and ecosystems.

D.25.1 to D.25.4 (**large-scale storage and transshipment of natural gas, coal, ores, petroleum, petrochemical and chemical products**)

Activity

The storage and transshipment of LPG (liquefied petroleum gases), LNG (liquefied natural gas) and fossil fuels (petroleum and coal) form part of the energy and raw material supply system in the Netherlands. The thresholds adopted for categories 25.2 to 25.4 limit discretionary EIA to very large projects. The government's position as set forth in a policy document on LPG[8] led to the conclusion that the storage and transshipment of LPG should not be regarded as an activity with possible significant adverse consequences for the environment.

Category 25.3 relates to the underground storage of natural gas. This would involve constructing new storage capacity, for example by leaching out salt cavities to produce caverns in which natural gas can be stored under pressure. The use of former natural gas-fields is not subject to discretionary EIA.
The main potential environmental consequences for this activity are effects on the soil and water, air pollution and consequences for the landscape, cultural-historical and archaeological features, flora and fauna and ecosystems.

D.26 (**coal gasification and liquefaction**)

Activity

The change or extension of an establishment for the gasification or liquefaction of coal is subject to discretionary EIA. Only companies with a high production capacity are affected. No threshold size has been adopted for this category. Based on an environmental impact statement drawn up for this activity in the past, the main potential environmental consequences are those for the landscape and cultural-historical and archaeological features.

D.27 (**afforestation, deforestation**)

Activity

Category 27 relates to afforestation and deforestation for the purposes of conversion to another use of the land, such as agriculture or housing. Discretionary EIA will apply to cases where the activity relates to an area of 10 hectares or more, or 100 hectares or more if the activity takes place on land designated for an agricultural function. Directive 97/11/EC refers, in Annex II, to "Initial afforestation and deforestation for the purposes of conversion to another type of land use". This activity is likely to occur mainly in the framework of rural development (categories C.9 and D.9). In the Netherlands the Forestry Act provides that with the exception of temporary production forests, replanting is mandatory in the present forested area where it would not otherwise occur anyway, because of the negative ecological impact of deforestation. For this reason reafforestation has not been made subject to discretionary EIA.

[8] *Integrale nota LPG*: Parliamentary Documents II, 1983/84, 18 233, nos. 1-2 [only in Dutch].

Based on environmental impact statements drawn up for this activity in the past, the significant environmental consequences of this activity are traffic generation and consequences for the landscape, cultural-historical and archaeological features, flora and fauna and ecosystems.

Decision

The discretionary EIA requirement is linked, in the first instance, to Section 6, subsection two, of the Forestry Act. If this Section does not apply, the requirement is linked to the first spatial plan which provides for the relevant activity.

D.28 (**fish farms**)

Activity

Various species of fish, including eel, sheath-fish and trout are farmed in a small number of locations in the Netherlands. This activity gives rise to a small waste stream. It does not cause odour problems. Because this activity only causes moderate environmental pressures, the threshold has been set at 1000 tonnes. This applies both to extensive farming methods and methods where the recirculation system (involving treating and recycling the water) is used. The magnitude of the environmental effects is determined, in particular, by the area covered, the situation, the waste stream and the attraction exercised on birds.

D.29.1 to D.29.3 (**mining, surface installations for the extraction of coal, ores and bituminous shale, as well as the briquetting of coal and lignite**)

Activity

Category 29.1 provides for discretionary EIA for those extractive industries which make use of shafts. The extraction of oil and gas does not fall within this category, because this is dealt with in other categories (see Part C, category 17, and Part D, category 17).

Category 29.2 specifies the creation of the surface installations of enterprises for the extraction of coal, ores and bituminous shale. Coal and lignite are no longer mined or processed in the Netherlands, and new establishments are not anticipated for the future.

Establishments for the briquetting of coal and lignite (category 29.3) can cause contamination of the soil by polycyclic aromatic hydrocarbons (PAH) and tar. Other lesser environmental impacts include dust and traffic movements.

Decision

The creation of the surface installations of enterprises for the extraction of coal, ores and bituminous shale is linked to the environmental licence under the Environmental Management Act and a licence under the Pollution of Surface Waters Act. In category 29.2 the requirement for discretionary EIA is linked to the decisions to which part 3.5 of the General Administrative Law Act and part 13.2 of the Environmental Management Act apply.

D.30 (**cement**)

Activity

A distinction can be made between the manufacture of cement and of cement clinker. A threshold of 100,000 tonnes per year or more applies to these products. This threshold is based on the limit in the Establishments and Licences Decree for establishments licensed by the province. The main environmental consequences are air pollution resulting from the combustion fuels and dust nuisance. The term change can include a change in the fuel mix, such as the co-combustion of chemical waste.

D.31 (**hydroelectric energy**)

Activity

The production of electricity and steam is dealt with in Part C of the Annex. A threshold applies for mandatory EIA for this activity of 300 megawatts (thermal) or more. Annex II of Directive 97/11/EC requires that measures are also taken for installations for hydroelectric energy production. There are two hydroelectric power stations in the Netherlands. A threshold of 2.5 MW has been adopted for hydroelectric power stations.

D.32.1 to D.32.9 (**metal processing**)

Activity

The production of pig iron and steel is listed in Annex I of Directive 97/11/EC, and Annex II lists other iron and steel processing. This latter category includes sectors such as the automobile industry, shipbuilding, the manufacture of boilers and tanks, railway equipment factories, etc. These companies do not therefore produce iron and steel, but subject these products to further processing into intermediate and final products. The metal processing industry can have significant impacts on the environment.

The threshold values are linked to the smelting capacity, production capacity or production area, whether in closed buildings or in the open. Production area refers to those areas where the aforementioned activities actually take place. Canteens, stores, parking areas, etc. are therefore not included. Production may be carried out in closed buildings.

The area for all closed buildings is compared with the threshold applying for discretionary EIA. In some cases the threshold has been made dependent on whether the metal is being processed in a closed area. This is related to the noise effects, which remain limited where production takes place in a closed area. Where relevant, account is also taken of whether the establishment is located on an industrial site, the function of which is designated in the land-use plan.

In setting the threshold values for categories 32.1 to 32.8 the potential environmental consequences of the activities were considered. The substantial potential environmental consequences are odour, noise, visual intrusion, particle emissions, effects on soil and water, air pollution hazard and traffic generation.

Category 32.3 relates, amongst others, to companies which carry out electrolytic oxidation, powder coating and galvanising. This sector makes extensive use of contractors, but the activity is also carried out within metal-processing companies. The discretionary EIA requirement can therefore apply to painting installations in a metal processing and finishing establishment. Electroplating can cause water pollution, and where wet coatings are used, VOCs are emitted. There is no threshold value specified for category 32.9, swaging by explosives, or the change or extension of such activities. This activity is always subject to the mandatory EIA provision.

D.33 (**glass factories**)

Activity

This category includes not only the production of glass objects, such as window-panes, but also the processing of glass produced elsewhere, and the manufacture of glass-fibre, glass-fibre products and glasswork for laboratories. The environmental impacts due to this sector are mainly energy consumption and the associated emissions of carbon dioxide and acidifying agents.

D.34.1 to D.34.5 (**chemical industry**)

Activity

Category 34.5 is a composite category covering the production and processing of organic or inorganic chemicals including elastomers, peroxides, alkenes and nitrogen compounds. The category also specifies pesticides, pharmaceuticals, paints and varnishes, alkenes, halogenated organic compounds, fertilisers and peroxides.

The term 'pesticides' (category 34.1) refers to substances designated as such in Section 1 of the Pesticides Act, including insecticides, herbicides and fungicides. It includes not only products for agricultural use but also those for other use, e.g. domestic. The threshold is expressed in terms of the active agent. The thresholds for category 34.1 were determined by looking at the potential environmental consequences of the activity. The substantial potential environmental consequences are odour, noise, effects on water and soil, air pollution, hazard and traffic generation.

Pharmaceuticals (category 34.2) are those products described as such in Section 1 of the Medicine Supply Act. This Act refers to medicines and pharmaceutical products, the latter referring, broadly, to prepared medicines. Under pharmaceutical products a distinction is made between pharmaceutical specialties and pharmaceutical preparations (Section 1, at h and i), the difference lying in whether or not a special nomenclature applies. The threshold is expressed in terms of the active agent. The significant environmental consequences are odour, noise, hazard, effects on water and traffic generation. The formulation of pharmaceutical products, that is transforming the medicine into a form in which it can be used by the consumer, is not subject to discretionary EIA. This process involves only a minimal environmental impact.

Establishments for the manufacture of halogenated organic compounds or paints and varnishes (category 34.3) are also subject to discretionary EIA. The potential substantial environmental consequences are odour, noise, visual intrusion, hazard, effects on water and soil, air pollution and traffic generation.

The fertiliser industry (category 34.4) can, through its discharges of cadmium and phosphate, significantly impair the quality of surface waters. All the establishments concerned require an environmental licence for their operations under *inter alia* the Pollution of Surface Waters Act. The main potential environmental impacts, which determine the thresholds, are odour, noise, visual intrusion, dust, hazard, effects on water and soil, air pollution and traffic generation.

D.35 to D.40 (**food industry**)

Activity

This category includes activities such as the canning industry, the dairy industry, breweries, malt manufacturing, sugar factories, abattoirs, renderers, etc. Substantial potential environmental impacts from these activities are odour, noise, visual intrusion, dust, hazard, effects on water and soil, air pollution and traffic generation. The siting is important, as well as the requirements to be imposed on the establishment.
The canning industry in category 35 refers to the production of animal and vegetable products in glass and in tins. This category also includes the pet food industry. The definition of the activity is as close as possible to that adopted in the Establishments and Licences Decree (ELD). This Decree does not contain definitions of breweries or malt-houses as establishments. The terminology for these two categories therefore departs from that in the ELD. The Decree does not specify a threshold for malt-houses. There are at present four malt-houses in the Netherlands with a production capacity varying between 35,000 tonnes and 90,000 tonnes per year. Odour is the main environmental impact caused by this activity.

The threshold values are expressed in the customary production units of the activity concerned., e.g. litres in the case of breweries, tonnes processed meat for abattoirs. No threshold has been set for rendering plants (category 39.2). There are at present two such companies in the Netherlands. Rendering plants can, depending on their capacity, cause considerable nuisance due to noxious odours, and this justifies specifying discretionary EIA for all cases.

D.41.1 to D.42 (**textile, leather timber and paper industries**)

Activity

There are considerable differences in capacity between different establishments in these categories. The main environmental impact comprises discharges to water. Leather tanneries can also pollute the soil, and the paper industry causes air pollution. The thresholds have been set so that large establishments and extensions of establishments are subject to discretionary EIA.

Odour and noise as well as traffic generation are potential impacts which determined the threshold values for this category. Because of the - possibly large - discharges to surface waters, the thresholds are expressed in inhabitant-equivalents (wastewater burden) customary in the field of wastewater treatment. The definition of the activity is as close as possible to that in the Establishments and licensing Decree (ELD). This latter Decree does not explicitly define leather tanning. The terminology for this category therefore departs from that of the ELD. The potential environmental impacts are odour, noise, visual intrusion, effects on water and soil and traffic generation.

D.43 (**automobile and motorbike racing circuits**)

Activity

The construction of automobile and motorbike racing tracks is subject to discretionary EIA insofar as this activity is not already covered by category C.10.1. The use of public roads for races and temporary courses is excluded from this category in accordance with the provisions in the ELD relating to the licence requirement. Another exception from the ELD also applies to this activity. Courses which remain open longer where this is a consequence of extended opening times during at most three weekends per year in order to stage competitions or prepare for competitions are excepted. Weekends include Saturdays and Sundays as well as the generally accepted public holidays and equivalent days as referred to in Section 3 of the General Extension of Time-Limits Act which fall on a Monday or a Friday. The main potential environmental consequences include odour, noise, dust, effects on the soil and traffic generation.

D.44 (**munitions factories**)

Activity

Munitions factories can give rise to hazard. All such establishments are subject to a discretionary EIA requirement.

D.45 (**recovery or destruction of explosives**)

Activity

The creation, change or extension of an establishment for the recovery or destruction of explosive substances is always subject to discretionary EIA.

D.46 (**smelting of minerals**)

Activity

The creation, change or extension of an establishment for the smelting of mineral substances including the production of mineral fibres is subject to discretionary EIA in cases where the activity relates to a production capacity of 100 tonnes per day or more. The important potential environmental impacts are dust, noise, visual intrusion, and traffic generation.

D.47 (**manufacture of ceramic products**)

Activity

The creation, change or extension of an establishment for the manufacture of ceramic products by burning, for example roof tiles, bricks, fire-bricks, tiles, earthenware or porcelain is subject to discretionary EIA in cases where the activity relates to a production capacity of 100 tonnes per day or more. The substantial potential environmental impacts are dust, noise, effects on water and traffic generation.

D.48 (**aqueducts**)

Activity

This category relates to the construction of artificial, open 'canals' for the long-range transportation of water for the public water supply or agricultural purposes. A discretionary EIA applies for aqueducts greater than 1 kilometre in length.

4. Notes on the other Articles from the Decree amending the Environmental Impact Assessment Act 1994

Article II

This comprises a transitional provision for activities which have become subject to mandatory or discretionary EIA by virtue of this Decree. It provides that the Decree does not apply if the decision-making procedure has already begun. If an application as referred to in Section 7.28 of the Environmental Management Act has been submitted or a competent authority has made its conclusion known pursuant to Section 7.8d, subsection four, of this Act, this Decree does not apply. Nor does it apply if a notification has been made of a draft or an initial draft of a decision in the preparation of which an environmental impact statement must be drawn up. In such cases the law as it stood prior to 14 March 1999 will continue to apply.

Article III

This provision brings the obligation to follow the procedures laid down in the Infrastructure (Planning Procedures) Act for activities falling within the scope of this latter Act (the construction, change or extension of trunk roads, national railway lines and main waterways) into line with the EIA obligation. This means an addition to Section 2, subsection one, of the Infrastructure (Planning Procedures) Act in accordance with subsection three of that Section. The inclusion of this provision in the EIA Decree 1994 means that the scope of the Infrastructure (Planning Procedures) Act is adapted to the EIA obligation by virtue of this Decree. This amendment to the EIA Decree 1994 does not modify the EIA obligation in regard to trunk roads and national railway lines in any material way, but just simplifies the formulation. In relation to the enlargement or deepening of main waterways, the condition relating to the penetration of soil strata enclosing groundwater (in category 3.2 of Part C of the Annex) has been deleted. The threshold now applying to a deepening of a waterway is that it should be structural and involve the removal of more than 5 million cubic metres of earth. The requirements with regard to EIA and the planning requirements in this area have therefore been made somewhat more stringent.

The government certainly does not intend to abandon its view that the amendment of the Environmental Impact Assessment Decree 1994 should be followed by an amendment to the Infrastructure (Planning Procedures) Act in which the cases to which the latter Act applies are listed, as is done in this Decree. Its view is that it is clearer if a decision as referred to in Section 2, subsection three, of the Infrastructure (Planning Procedures) Act is followed by an amendment to the Infrastructure (Planning Procedures) Act itself (see Parliamentary Documents II 1992/93, 22 500, no. 10, p. 7, and Parliamentary Documents II 1996/97, 25 018, no. 3, p. 2). It is not its view that Section 2, subsection three, of the Infrastructure (Planning Procedures) Act should be jettisoned and that the only way of adapting the said Act to an amendment of the Environmental Impact Assessment Decree 1994 is by amending the Infrastructure (Planning Procedures) Act.

To prevent inconsistencies arising between the obligations under the Infrastructure (Planning Procedures) Act and the EIA requirement when there is a change in the scope or the definition of the EIA obligation in the Environmental Impact Assessment Decree 1994, Article III of this Decree invokes Section 2, subsection three, of the Infrastructure (Planning Procedures) Act so that a change in the scope of the Infrastructure (Planning Procedures) Act is implemented by decree at the moment when the modified EIA obligation enters into force. In due course, this change will be followed by an amendment to the Infrastructure (Planning Procedures) Act, in accordance with the government's view referred to earlier, when Article III of this Decree will be revoked.

5. Environmental Impact Assessment (Inception Memorandum) Regulations

5. Environmental Impact Assessment (Inception Memorandum*) Regulations[1]

The Minister of Housing, Spatial Planning and the Environment and the State Secretary for Agriculture, Nature Management and Fisheries,

Having regard to Section 7.12, subsection 6, of the Environmental Management Act

Hereby decree:

Article 1
In these Regulations, 'the Act' shall mean: the Environmental Management Act.

Article 2
The notification referred to in Section 7.12, subsection one, of the Act shall contain at least:

a. the name and address of the person concerned;
b. a general statement of what the activity is intended to achieve;
c. a general statement of the nature and magnitude of the planned activity;
d. a general statement of the location or locations envisaged for the planned activity;
e. a statement of the decision or decisions in the preparation of which the environmental impact statement is to be drawn up;
f. an overview of earlier decisions by public bodies which relate to the activity referred to at c and which may affect the decision or decisions in the preparation of which the environmental impact statement is to be drawn up;
g. a general statement of the expected environmental consequences within, and where applicable outside of, the Netherlands.

Article 3
An announcement as referred to in Section 7.12, subsection four, of the Act shallsummarise the data referred to in Article 2, at a to e. The announcement shall also state the period within which, the place where, and the times at which the data can be inspected. The announcement shall also state the address to which comments should be submitted and the term within which this must be done.

Article 4
The Environmental Impact Assessment (Inception Memorandum) Decree is hereby revoked.

Article 5
These Regulations shall enter into force with effect from the second day after the date of the *Nederlandse Staatscourant* in which they were published.

Article 6
These Regulations shall be cited as the Environmental Impact Assessment (Inception Memorandum) Regulations.

* The same document is in other texts also translated as "notification of intent" or "starting note".

[1] Published in *Staatscourant* (Government Gazette) 29-11-93.

EXPLANATORY MEMORANDUM

Introduction

These Regulations implement Section 7.12, subsection six, of the Environmental Management Act. They specify the information which must be furnished when an activity subject to the statutory requirements on environmental impact assessment (EIA) is notified. This is the so-called inception memorandum (also called: notification of intent or starting note).

The notification and announcement procedures for an activity subject to mandatory EIA are dealt with in Section 7.12, subsections two to five, of the Act. These Explanatory Notes consider the rationale for this revision and the functions and use of the inception memorandum in the EIA procedure. Some notes are then included on specific Articles.

Rationale for revision

There are two factors which led to the Environmental Impact Assessment (Inception Memorandum) Regulations being revised. The first such factor is the advice of the committee which carried out the statutory evaluation of the operation of the Environmental Protection (General Provisions) Act[2]. One of the points to emerge from the evaluation was that the provisions in the regulations relating to content were being interpreted differently. It was also apparent that failure to formulate objectives clearly can lead to problems in selecting the alternatives to be considered. The government has announced[3] that the Regulations would be amended in this regard.

The second factor is the implementation of the UN-ECE Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention, *Traktatenblad* 1991, 104), which imposed certain obligations on the Netherlands regarding environmental impact assessment when transboundary issues arise.

Purpose of the inception memorandum

One of the most important objectives of EIA is to ensure that environmental considerations play a full part in the decision-making process. This goal can only be achieved efficiently and effectively if environmental information is available relating to the decision to be taken. The first step towards this is to draw up an inception memorandum. An inception memorandum is a document of ten to twenty pages (and possibly also some annexes) which describes the planned activity for which the EIA procedure is to be carried out. This will form a springboard from which the environmental consequences and alternatives needing to be dealt with in the succeeding stages of the EIA (consultation, advice and guidelines) can be enumerated.

It can therefore be seen that the inception memorandum performs three functions, i.e. it marks the official commencement of the EIA procedure, provides information and serves a steering function. To ensure that these functions are indeed fulfilled, the Act and the present regulations lay down a minimum set of requirements both procedural and substantive. These three functions are considered further in the sections below.

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[2] *Evaluatiecommissie Wabm*: Advice no. 3, August 1990, Parliamentary Documents II 1989/90, 21692, no. 1 [only in Dutch].

[3] *Verslag over de werking van van de regeling milieu-effectrapportage* (Report on the operation of the EIA regulations). Parliamentary Documents II 1990/91, 22 103, no. 1 [only in Dutch].

Commencement of procedure

By sending the inception memorandum, the project initiator (or developer) informs the competent authority that he intends to carry out an activity subject to EIA, and is commencing the appropriate EIA procedure. The competent authority thenpublicises this fact and sends copies of the inception memorandum to the Committee for Environmental Impact Assessment, the statutory advisory bodies (Section 7.12, subsection three, of the Act) and other stakeholders. If the initiator is also the competent authority then notification is obviously redundant, and the announcement follows immediately. This announcement has a twofold function. The deadline within which guidelines on the content of the environmental impact statement must be given is calculated from the moment the proposals are made public, and it also forms the basis for the initial discussions between the initiator and the competent authority. All the participants (i.e. the advisory bodies and the consultees) can indicate their views as to what the content of the environmental impact statement should be. The consultees do this submitting a response to the announcement; the statutory advisory bodies, including the Committee for Environmental Impact Assessment, issue an advice. The competent authority draws up guidelines, taking into account the responses and advices received, within three months after the announcement. A more detailed description of these steps is to be found in Chapter 7 of the Environmental Management Act.

Provision of information

In order to respond or advise properly, those concerned need information on the proposals. The inception memorandum provides this information. Article 2 of the Regulations therefore lays down certain minimum requirements as to the content of the inception memorandum. Experience shows that special attention needs to be paid to the requirements ‘a general statement of what the activity is intended to achieve’ and ‘a general statement of the nature and magnitude of the planned activity’. These two items have a direct and decisive impact on the choice of the alternatives and effects to be addressed by the environmental impact statement.

Steering function

The steering function of the inception memorandum lies in its influence on the scope and coverage of the environmental impact statement. The information contained in the inception memorandum allows the environmental information and the alternatives needed for the decision-taking to be determined.

As explained in the note to Article two, at b, the way the objective is formulated can be important. In this connection it is recommended that the inception memorandum should state whether there are framework-setting decisions which affect the proposal. Apart from constraining the proposed activity, these decisions can also set the boundaries within which the alternatives must be sought. If, for example, the site of a landfill facility has been determined in a provincial waste management plan on the basis of an EIA, it is not necessary to study alternative locations within the licensing procedure, and the alternatives can confine themselves to matters related to the layout and equipment of the site (see also the note to Article 2, at f).

It may be a good idea to describe the general corporate strategy of theorganisation in the inception memorandum so as to place the proposed activity in a wider context and this can also help indicate why certain alternatives are inappropriate (or no longer appropriate).

It may also be useful for the initiator to indicate in the inception memorandum what kind of environmental impacts are definitely likely in his opinion, so as to give third parties a good feel

for what the intervention will involve. This does not have to be detailed, since such matters will be elaborated in the environmental impact statement.

Presentation of the inception memorandum

The description of the planned activity and of the context in which it will be carried out, such as the corporate strategy, the market situation or the decisions taken must be such as to allow readers to form an accurate picture of the activity and the circumstances under which the initiator plans to undertake it. The inception memorandum must be readily intelligible, so that those concerned can participate properly in the EIA procedure. If it is not sufficiently comprehensible, misconceptions will arise which can adversely affect subsequent progress. Technical jargon, for example, should be avoided as far as possible, and terms used must be clearly explained. Experience shows that the provision of clear information in the inception memorandum leads to greater pertinence in the responses ofconsultees and the advices of the Committee for Environmental Impact Assessment and the statutory advisory bodies. It also makes it easier for the competent authority to draw up concrete guidelines indicating the desired content of the environmental impact statement. This allows the content of the environmental impact statement to be kept to a minimum, since it will only need to contain the information which is relevant for the decision-making.

Transboundary environmental effects

The planned activity may result in significant adverse impacts which extend across the national boundary. In such a case the description of the expected consequences must also identify the expected transboundary impacts. Chapter 7 of the Act, and in particular Sections 7.38a to 7.38g, describes the procedure to be followed in terms of information and consultation on EIA for activities with transboundary ramifications, thereby implementing Article 7 of the EIA Directive (85/337/EEC) of the European Union and the ECE Convention on Environmental Impact Assessment in a Transboundary Context (also called the Espoo Convention). The neighbouring country concerned must be notified at an early stage of the activity for which the environmental impact statement is being drawn up, and be involved in this EIA procedure. This means that the inception memorandum must be sent to the authorities concerned in the country potentially affected, and must be published there. Citizens across the border must also be kept informed, and the same opportunities for consultation must be extended to them in the EIA procedure. The practical arrangements will be a matter of agreement between the countries concerned.

Article-specific notes

Article 2

This Article specifies the minimum content of the inception memorandum so that the competent authority, the Committee for Environmental Impact Assessment, the other statutory advisory bodies and the consultees will be informed of a number of essential data about the planned activity. This information will allow them to participate effectively in the EIA procedure.

Ad a

In stating the name and address of the party concerned, if more than oneorganisation intends to undertake an activity, the data concerning these otherorganisations must also be stated. If a notification is being made on behalf of another party, it is also desirable to state these data.

Ad b

The inception memorandum should first state what the planned activity is seeking to achieve. This means that the initiator must consider what specific need it will meet or, if the initiator is a public body, what social purpose will be met or what social problem will be resolved. Careful attention must be paid to this in view of influence which this aspect has on the content of the EIA. The influence which the formulation of the objective or of the problem can have is illustrated by the following example. Consider a plan to construct a road. If the purpose of the road is to improve traffic safety, the following alternatives can be considered in the environmental impact statement: a motorway, a road with traffic lights or a road withflyovers. If the purpose of the project is to improve access from A to B however, then other alternatives can be considered, such as improvements in public transport or the widening of the existing road.

Ad c

The statement of the nature and magnitude of the planned activity must provide an adequate basis for identifying the environmental impacts as envisaged by Section 7.10 of the Act and Article 2, at g, of these Regulations. What is needed is a global description so that a picture can be formed of the main environmental impacts, rather than details.

Ad d

The inception memorandum must indicate the location of the activity so that account can be taken of location-specific environmental aspects in drawing up guidelines for the content of the environmental impact statement. This is because an activity can have a different or more deleterious impact in one place than in another. If alternative locations are possible, this should be stated. Formal commitments made by earlier decisions can have an important constraining influence here (see also at f). If alternative locations are not stated in the inception memorandum, but are only indicated at a later stage in the EIA procedure, there is a risk that this could represent such an alteration in the circumstances that new guidelines become necessary.

Ad e

It is important for various reasons to know the decision or decisions for which the environmental impact statement is being drawn up. Firstly this makes it possible to determine whether the project is subject to mandatory EIA. Secondly, it enables the competent authority to consider whether it is indeed competent to take the decision in question. Thirdly, a check can be made as to whether the coordination provisions apply. When dealing with one activity on which several decisions have to be taken, or with several interrelated activities on which one or more decisions have to be taken, the coordination provisions of Section 14.5 of the Environmental Management Act can be invoked so that only a single environmental impact statement need be drawn up. Where such an arrangement is possible on request, it is up to the project initiator to make such a request, which can be submitted with the inception memorandum. If other government bodies are involved in the coordination (which is to be expected in many cases) the competent authority must discuss the matter with these other bodies and with the initiator (Section 14.7, subsection two, of the Environmental Management Act). The submission of a coordination request means that the proposals cannot be made public until after a decision has been taken on this request (Section 7.12, subsection five, of the Environmental Management Act). And finally the fourth reason for knowing which decision(s) is involved is that this allows the content of the environmental impact statement to be adapted to the decision to be taken.

More detailed information on environmental consequences will be appropriate for a licence application, for example, than for a key planning decision.

Ad f

It is advisable to confine the overview of earlier decisions by public bodies to those which directly affect the planned activity or the alternatives to be developed. This is the case when a decision sets constraints on the location, construction, equipment or laying methods, or statements are made about the activity itself. These decisions are sometimes described as 'framework-setting'. Decisions do not have to be mentioned in the inception memorandum which only touch on policies which have already been elaborated in more detailed plans. Where a golf course is to be constructed, for example, there is no need to mention the Green Space Structure Plan if the ideas of this Plan have already been embodied in a regional plan.

Framework-setting decisions may be formally binding if they have some basis in law. Implementing programmes, multi-year plans and covenants usually do not have a formally binding status. This is not to say that such a programme or covenant does not affect the decision space in regard to the proposals. Although these decisions do not have to be adhered to, they should therefore be mentioned in the inception memorandum.

Ad g

The term 'environment' should be interpreted broadly. This does not mean that the information given has to be very detailed, but that consideration should be given not only to the consequences for the abiotic (air, water, soil) and the biotic (flora and fauna) environments, but also to the consequences for landscape, cultural heritage, public safety, space requirements and to elements related to the quest for sustainable development such as life cycle management, energy extensification, raw material usage and curbing mobility. It is advisable, in terms of adapting the environmental impact statement to the decision-making concerned, to state the relevant environmental impacts to which particular attention will be paid. Where applicable, the existence of possible transboundary effects should be indicated in listing the expected environmental consequences.

Article 3

After it receives the inception memorandum the competent authority publicises the fact that an EIA procedure has been initiated by means of an announcement in one or more daily or other newspapers or free local papers, for example by placing an advertisement (Section 7.12, subsection four, of the Environmental Management Act). If one or more ministers or the provincial executive is the competent authority, an announcement must also be published in the *Nederlandse Staatscourant* (Government Gazette) (Section 7.12, subsection four, at b, of the Environmental Management Act).

The announcement will include a summary of the data in the inception memorandum, with the exception of the data referred to in Article 2, at f and g. It will also state where and at what times the data can be inspected, the agency to which comments should be addressed and the deadline within which this must be done. The period allowed for comment must be at least four weeks (Section 3.10 of the General Administrative Law Act). If a public hearing is to be held on a voluntary basis, this should also be stated.

If another country is potentially affected, an announcement should also be made in that country. This matter will be taken up by the competent authority with the authorities designated for this purpose in the country or countries concerned.

6. EUROPEAN DIRECTIVE ON THE ASSESSMENT OF CERTAIN PUBLIC AND PRIVATE PROJECTS ON THE ENVIRONMENT

6. EUROPEAN DIRECTIVE ON THE ASSESSMENT OF CERTAIN PUBLIC AND PRIVATE PROJECTS ON THE ENVIRONMENT (CONSOLIDATED VERSION: 85/337/EEC OF 27 JUNE 1985 AS AMENDED BY DIRECTIVE 97/11/EC OF 3 MARCH 1997)

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 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 a requirement for development consent and 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.

2a. Member States may provide for a single procedure in order to fulfil the requirements of this Directive and the requirements of Council Directive 96/61/EC of 24 September 1996 on integrated pollution prevention and control[4].

[4] OJ No L257, 10.10.1996, p.26

3. Without prejudice to Article 7, 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 applicable, 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 shall identify, describe and assess in an appropriate manner, in the light of each individual case and in accordance with Articles 4 to 11, the direct and indirect effects of a project on the following factors:
- human beings, fauna and flora;
- soil, water, air, climate and the landscape;
- material assets and the cultural heritage;
- the interaction between the factors mentioned in the first, second and third indents.

Article 4

1. Subject to Article 2 (3), projects listed in Annex I shall be made subject to an assessment in accordance with Articles 5 to 10.

2. Subject to Article 2 (3), for projects listed in Annex II, the Member States shall determine through:

(a) a case-by-case examination,
or

(b) thresholds or criteria set by the Member State

whether the project shall be made subject to an assessment in accordance with Articles 5 to 10.

Member States may decide to apply both procedures referred to in (a) and (b).

3. When a case-by-case examination is carried out or thresholds or criteria are set for the purpose of paragraph 2, the relevant selection criteria set out in Annex III shall be taken into account.

4. Member States shall ensure that the determination made by the competent authorities under paragraph 2 is made available to the public.

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 IV 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. Member States shall take the necessary measures to ensure that, if the developer so requests before submitting an application for development consent, the competent authority shall give an opinion on the information to be supplied by the developer in accordance with paragraph 1. The competent authority shall consult the developer and authorities referred to in Article 6 (1) before it gives its opinion. The fact that the authority has given an opinion under this paragraph shall not preclude it from subsequently requiring the developer to submit further information.

Member States may require the competent authorities to give such an opinion, irrespective of whether the developer so requests.

3. 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,
- 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,
- 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,
- a non-technical summary of the information mentioned in the previous indents.

4. Member States shall, if necessary, ensure that any authorities holding relevant information, with particular reference to Article 3, shall 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 information supplied by the developer and on the request for development consent. To this end, Member States shall designate the authorities to be consulted, either in general terms or on a case-by-case basis. The information gathered pursuant to Article 5 shall be forwarded to those 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 within a reasonable time in order

to give the public concerned the opportunity to express an opinion before the development consent is granted.

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,
- 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

1. 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 send to the affected Member State as soon as possible and no later than when informing its own public, *inter alia:*

(a) a description of the project, together with any available information on its possible transboundary impact;

(b) information on the nature of the decision which may be taken,

and shall give the other Member State a reasonable time in which to indicate whether it wishes to participate in the Environmental Impact Assessment procedure, and may include the information referred to in paragraph 2.

2. If a Member State which receives information pursuant to paragraph 1 indicates that it intends to participate in the Environmental Impact Assessment procedure, the Member State in whose territory the project is intended to be carried out shall, if it has not already done so, send to the affected Member State the information gathered pursuant to Article 5 and relevant information regarding the said procedure, including the request for development consent.

3. The Member States concerned, each insofar as it is concerned, shall also:

(a) arrange for the information referred to in paragraphs 1 and 2 to be made available, within a reasonable time, to the authorities referred to in Article 6 (1) and the public concerned in the territory of the Member State likely to be significantly affected; and

(b) ensure that those authorities and the public concerned are given an opportunity, before development consent for the project is granted, to forward their opinion within a reasonable time on the information supplied to the competent authority in the Member State in whose territory the project is intended to be carried out.

4. The Member States concerned shall enter into consultations regarding, interalia, the potential transboundary effects of the project and the measures envisaged to reduce or eliminate such effects and shall agree on a reasonable time frame for the duration of the consultation period.
5. The detailed arrangements for implementing the provisions of this Article may be determined by the Member States concerned.

Article 8

The results of consultations and the information gathered pursuant to Articles 5, 6 and 7 must be taken into consideration in the development consent procedure.

Article 9

1. When a decision to grant or refuse development consent has been taken, the competent authority or authorities shall inform the public thereof in accordance with the appropriate procedures and shall make available to the public the following information:

- the content of the decision and any conditions attached thereto,
- the main reasons and considerations on which the decision is based,
- a description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects.

2. The competent authority or authorities shall inform any Member State which has been consulted pursuant to Article 7, forwarding to it the information referred to in paragraph 1.

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 commercial and industrial confidentiality, including intellectual property, and the safeguarding of the public interest.

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

Article 11*

1. The Member States and the Commission shall exchange information on the experience gained in applying this Directive.

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* articles 11.3, 11.4, 12, 13 and 14 are the articles 2, 3 and 4 respectively of the directive 97/11/EC

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).

3. Five years after the entry into force of this Directive, the Commission shall send the European Parliament and the Council a report on the application and effectiveness of Directive 85/337/EEC as amended by this Directive. The report shall be based on the exchange of information provided for by Article 11 (1) and (2).

4. On the basis of this report, the Commission shall, where appropriate, submit to the Council additional proposals with a view to ensuring further coordination in the application of this Directive.

Article 12*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 14 March 1999 at the latest. They shall forthwith inform the Commission thereof.

When Member States adopt these provisions, they shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

2. If a request for development consent is submitted to a competent authority before the end of the time limit laid down in paragraph 1, the provisions of Directive 85/337/EEC prior to these amendments shall continue to apply.

Article 13*

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Communities*.[14 march 1997]

Article 14*

This Directive is addressed to the Member States.

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* articles 11.3, 11.4, 12, 13 and 14 are the articles 2, 3 and 4 respectively of the directive 97/11/EC

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 including the dismantling or decommissioning of such power stations or reactors[1] (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. (a) Installations for the reprocessing of irradiated nuclear fuel.
(b) Installations designed:
- for the production or enrichment of nuclear fuel,
- for the processing of irradiated nuclear fuel or high-level radioactive waste,
- for the final disposal of irradiated nuclear fuel,
- solely for the final disposal of radioactive waste,
- solely for the storage (planned for more than 10 years) of irradiated nuclear fuels or radioactive waste in a different site than the production site.

4. - Integrated works for the initial smelting of cast-iron and steel;
- Installations for the production of non-ferrous crude metals from ore, concentrates or secondary raw materials by metallurgical, chemical or electrolytic processes.

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, i.e. those installations for the manufacture on an industrial scale of substances using chemical conversion processes, in which several units are juxtaposed and are functionally linked to one another and which are:
(i) for the production of basic organic chemicals;
(ii) for the production of basic inorganic chemicals;
(iii) for the production of phosphorous-, nitrogen- or potassium-based fertilizers (simple or compound fertilizers);
(iv) for the production of basic plant health products and of biocides;
(v) for the production of basic pharmaceutical products using a chemical or biological process;
(vi) for the production of explosives.

[1] Nuclear power stations and other nuclear reactors cease to be such an installation when all nuclear fuel and other radioactively contaminated elements have been removed permanently from the installation site

7. (a) Construction of lines for long-distance railway traffic and of airports[2] with a basic runway length of 2 100 m or more;
(b) Construction of motorways and express roads[3];
(c) Construction of a new road of four or more lanes, or realignment and/or widening of an existing road of two lanes or less so as to provide four or more lanes, where such new road, or realigned and/or widened section of road would be 10 km or more in a continuous length.

8. (a) Inland waterways and ports for inland-waterway traffic which permit the passage of vessels of over 1 350 tonnes;
(b) Trading ports, piers for loading and unloading connected to land and outside ports (excluding ferry piers) which can take vessels of over 1 350 tonnes.

9. Waste disposal installations for the incineration, chemical treatment as defined in Annex IIA to Directive 75/442/EEC[4] under heading D9, or landfill of hazardous waste (i.e. waste to which Directive 91/689/EEC[5] applies).

10. Waste disposal installations for the incineration or chemical treatment as defined in Annex IIA to Directive 75/442/EEC under heading D9 of non-hazardous waste with a capacity exceeding 100 tonnes per day.

11. Groundwater abstraction or artificial groundwater recharge schemes where the annual volume of water abstracted or recharged is equivalent to or exceeds 10 million cubic metres.

12. (a) Works for the transfer of water resources between river basins where this transfer aims at preventing possible shortages of water and where the amount of water transferred exceeds 100 million cubic metres/year;
(b) In all other cases, works for the transfer of water resources between river basins where the multi-annual average flow of the basin of abstraction exceeds 2 000 million cubic metres/year and where the amount of water transferred exceeds 5 % of this flow.
In both cases transfers of piped drinking water are excluded.

13. Waste water treatment plants with a capacity exceeding 150 000 population equivalent as defined in Article 2 point (6) of Directive 91/271/EEC[6].

14. Extraction of petroleum and natural gas for commercial purposes where the amount extracted exceeds 500 tonnes/day in the case of petroleum and 500 000 m3/day in the case of gas.

15. Dams and other installations designed for the holding back or permanent storage of water, where a new or additional amount of water held back or stored exceeds 10 million cubic metres.

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[2] 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 Organization (Annex 14).
[3] For the purposes of the Directive, 'express road` means a road which complies with the definition in the European Agreement on Main International Traffic Arteries of 15 November 1975.
[4] OJ No L 194, 25. 7. 1975, p. 39. Directive as last amended by Commission Decision 94/3/EC (OJ No L 5, 7. 1. 1994, p. 15).
[5] OJ No L 377, 31. 12. 1991, p. 20. Directive as last amended by Directive 94/31/EC (OJ No L 168, 2. 7. 1994, p. 28).
[6] OJ No L 135, 30. 5. 1991, p. 40. Directive as last amended by the 1994 Act of Accession.

16. Pipelines for the transport of gas, oil or chemicals with a diameter of more than 800 mm and a length of more than 40 km.

17. Installations for the intensive rearing of poultry or pigs with more than:
(a) 85 000 places for broilers, 60 000 places for hens;
(b) 3 000 places for production pigs (over 30 kg); or
(c) 900 places for sows.

18. Industrial plants for the
(a) production of pulp from timber or similar fibrous materials;
(b) production of paper and board with a production capacity exceeding 200tonnes per day.

19. Quarries and open-cast mining where the surface of the site exceeds 25 hectares, or peat extraction, where the surface of the site exceeds 150 hectares.

20. Construction of overhead electrical power lines with a voltage of 220 kV or more and a length of more than 15 km.

21. Installations for storage of petroleum, petrochemical, or chemical products with a capacity of
200.000 tonnes or more.

ANNEX II

PROJECTS SUBJECT TO ARTICLE 4 (2)

1. Agriculture, silviculture and aquaculture

(a) Projects for the restructuring of rural land holdings;

(b) Projects for the use of uncultivated land or semi-natural areas for intensive agricultural purposes;

(c) Water management projects for agriculture, including irrigation and land drainage projects;

(d) Initial afforestation and deforestation for the purposes of conversion to another type of land use;

(e) Intensive livestock installations (projects not included in Annex I);

(f) Intensive fish farming;

(g) Reclamation of land from the sea.

2. Extractive industry

(a) Quarries, open-cast mining and peat extraction (projects not included in Annex I);

(b) Underground mining;

(c) Extraction of minerals by marine or fluvial dredging;

(d) Deep drillings, in particular:
- geothermal drilling,
- drilling for the storage of nuclear waste material,
- drilling for water supplies,
with the exception of drillings for investigating the stability of the soil;

(e) Surface industrial installations for the extraction of coal, petroleum, natural gas and ores, as well as bituminous shale.

3. Energy industry

(a) Industrial installations for the production of electricity, steam and hot water (projects not included in Annex I);

(b) Industrial installations for carrying gas, steam and hot water; transmission of electrical energy by overhead cables (projects not included in Annex I);

(c) Surface storage of 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 processing and storage of radioactive waste (unless included in Annex I);

(h) Installations for hydroelectric energy production;

(i) Installations for the harnessing of wind power for energy production (wind farms).

4. Production and processing of metals

(a) Installations for the production of pig iron or steel (primary or secondary fusion) including continuous casting;

(b) Installations for the processing of ferrous metals:

(i) hot-rolling mills;
(ii) smitheries with hammers;
(iii) application of protective fused metal coats;

(c) Ferrous metal foundries;

(d) Installations for the smelting, including the alloyage, of non-ferrous metals, excluding precious metals, including recovered products (refining, foundry casting, etc.);

(e) Installations for surface treatment of metals and plastic materials using an electrolytic or chemical process;

(f) Manufacture and assembly of motor vehicles and manufacture of motor-vehicle engines;

(g) Shipyards;

(h) 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. Mineral industry

(a) Coke ovens (dry coal distillation);

(b) Installations for the manufacture of cement;

(c) Installations for the production of asbestos and the manufacture of asbestos-products (projects not included in Annex I);

(d) Installations for the manufacture of glass including glass fibre;

(e) Installations for smelting mineral substances including the production of mineral fibres;

(f) Manufacture of ceramic products by burning, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain.

6. Chemical industry (Projects not included in Annex I)

(a) Treatment of intermediate products and production of chemicals;

(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) Industrial plants for the production of paper and board (projects not included in Annex I);

(b) Plants for the pretreatment (operations such as washing, bleaching, mercerization) or dyeing of fibres or textiles;

(c) Plants for the tanning of hides and skins;

(d) Cellulose-processing and production installations.

9. Rubber industry

Manufacture and treatment of elastomer-based products.

10. Infrastructure projects

(a) Industrial estate development projects;
(b) Urban development projects, including the construction of shopping centres and car parks;

(c) Construction of railways and intermodal transshipment facilities, and of intermodal terminals (projects not included in Annex I);
(d) Construction of airfields (projects not included in Annex I);

(e) Construction of roads, harbours and port installations, including fishing harbours (projects not included in Annex I);

(f) Inland-waterway construction not included in Annex I, canalization and flood-relief works;

(g) Dams and other installations designed to hold water or store it on a long-term basis (projects not included in Annex I);

(h) Tramways, elevated and underground railways, suspended lines or similar lines of a particular type, used exclusively or mainly for passenger transport;

(i) Oil and gas pipeline installations (projects not included in Annex I);

(j) Installations of long-distance aqueducts;

(k) Coastal work to combat erosion and maritime works capable of altering the coast through the construction, for example, of dykes, moles, jetties and other seadefence works, excluding the maintenance and reconstruction of such works;

(l) Groundwater abstraction and artificial groundwater recharge schemes not included in Annex I;

(m) Works for the transfer of water resources between river basins not included in Annex I.

11. Other projects

(a) Permanent racing and test tracks for motorized vehicles;

(b) Installations for the disposal of waste (projects not included in Annex I);

(c) Waste-water treatment plants (projects not included in Annex I);

(d) Sludge-deposition sites;

(e) Storage of scrap iron, including scrap vehicles;

(f) Test benches for engines, turbines or reactors;

(g) Installations for the manufacture of artificial mineral fibres;

(h) Installations for the recovery or destruction of explosive substances;

(i) Knackers' yards.

12. Tourism and leisure

(a) Ski-runs, ski-lifts and cable-cars and associated developments;

(b) Marinas;

(c) Holiday villages and hotel complexes outside urban areas and associated developments;
(d) Permanent camp sites and caravan sites;

(e) Theme parks.

13. - Any change or extension of projects listed in Annex I or Annex II, already authorized, executed or in the process of being executed, which may have significant adverse effects on the environment;
- Projects in Annex I, undertaken exclusively or mainly for the development and testing of new methods or products and not used for more than two years.

ANNEX III

SELECTION CRITERIA REFERRED TO IN ARTICLE 4 (3)

1. Characteristics of projects

The characteristics of projects must be considered having regard, in particular, to:
- the size of the project,
- the cumulation with other projects,
- the use of natural resources,
- the production of waste,
- pollution and nuisances,
- the risk of accidents, having regard in particular to substances or technologies used.

2. Location of projects

The environmental sensitivity of geographical areas likely to be affected by projects must be considered, having regard, in particular, to:
- the existing land use,
- the relative abundance, quality and regenerative capacity of natural resources in the area,
- the absorption capacity of the natural environment, paying particular attention to the following areas:
(a) wetlands;
(b) coastal zones;
(c) mountain and forest areas;
(d) nature reserves and parks;
(e) areas classified or protected under Member States' legislation; special protection areas designated by Member States pursuant to Directive 79/409/EEC and 92/43/EEC;
(f) areas in which the environmental quality standards laid down in Community legislation have already been exceeded;
(g) densely populated areas;
(h) landscapes of historical, cultural or archaeological significance.

3. Characteristics of the potential impact

The potential significant effects of projects must be considered in relation to criteria set out under 1 and 2 above, and having regard in particular to:
- the extent of the impact (geographical area and size of the affected population),
- the transfrontier nature of the impact,
- the magnitude and complexity of the impact,
- the probability of the impact,
- the duration, frequency and reversibility of the impact.

ANNEX IV

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. An outline of the main alternatives studied by the developer and an indication of the main reasons for this 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[1] 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.

6. A non-technical summary of the information provided under the above headings.

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

[1] 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.

7. TRANSPOSITION TABLE, THE IMPLEMENTATION OF THE EUROPEAN DIRECTIVE ON THE ASSESSMENT OF CERTAIN PUBLIC AND PRIVATE PROJECTS ON THE ENVIRONMENT

7. TRANSPOSITION TABLE, THE IMPLEMENTATION OF THE EUROPEAN DIRECTIVE ON THE ASSESSMENT OF CERTAIN PUBLIC AND PRIVATE PROJECTS ON THE ENVIRONMENT

The Directive on EIA of 1985 (85/337/EEC) and the Directive on EIA of 1997 (97/11/EC) are implemented in the Environmental Management Act and in the EIA Decree 1994.
The following tables show where the articles of the directives are implemented in the Dutch legislation.

Directive 85/337/EEC as amended by the Directive 97/11/EG	**The Environmental Management Act**
art. 1, par 1, 2, 4 and 5	--- (means: no implementation necessary)
art. 1.3	art. 7.1, par 3
art. 2.1	art. 7.2, par 1 to 4
art. 2.2	---
art. 2.2a	---
art. 2.3	art. 7.5, par 1c + par 8
art. 3	art. 1.1, par 2 + art. 7.10
art. 4.1	art. 7.2 + EIA Decree (art. 2, par. 1 + annex part C)
art. 4.2	art. 7.4 + artt. 7.8a to 7.8e + EIA Decree (art.2, par 2 + annex part D)
art. 4.3	art. 7.4 + art. 7.8b, par 4
art. 4.4	art. 7.8b, par 5 and 6 + art. 7.8d, par 4 and 5
art. 5.1	art. 7.10 + 7.11
art. 5.2	artt. 7.12 to 7.15
art. 5.3	art. 7.10 + 7.11
art. 5.4	art. 19.2
art. 6.1	art. 7.20 + 7.25
art. 6.2	art. 7.23
art. 6.3	art. 7.20, par 2 and 3 + artt. 7.21 to 7.24
art. 7.1	artt. 7.38a to 7.38d
art. 7.2	art. 7.20, par 3d, 7.38a + 7.38b
art. 7.3	art. 7.12, par 4c + 7.20, par 3d + 7.38a, par 1
art. 7.4	art. 7.38a, par 2
art. 7.5	art. 7.38a, par 4, artt. 7.38a to 7.38g
art. 8	art. 7.27; 7.35;7.37;7.38f
art. 9.1	art. 7.38
art. 9.2	art. 7.38a, par 1
art. 10	artt. 19.3 to 19.5
art. 11	---
art. 12	---
art. 13	---

Other articles of directive 97/11/EC	
art. 2	---
art. 3.1	---
art. 3.2	art. II of the EIA Decree
art. 4	---
art. 5	---
Annexes:	
I and II see the separate transposition table	
III	art. 7.8b, par 4
IV	art. 7.10, par 1 + par 3 + par 4

The transposition of the annexes I and II of the directive 97/11/EC in the parts C and D of the Annex of the EIA-Decree 1994

Directive 97/11/EC **EIA-Decree 1994**

Annex I

I,1	C.21.1, C.26
I,2	C.22.1, C.22.2, C.22.3
I,3a	C.22.4
I,3b	C.22.5, C.23
I,4	C.21.3, C.21.4
I,5	C.21.5
I,6	C.21.6
I,7a	C.2.1, C.6.1, C.6.2
I,7b	C.1.1, C.1.2
I,7c	C.1.3, C.1.4, C.1.5
I,8a	C.3.1, C.4
I,8b	C.4
I,9	C.18.1, C.18.2
I,10	C.18.1, C.18.4
I,11	C.15.2
I,12a	C.19.1
I,12b	C.19.2
I,13	C.18.1, C.18.6
I,14	C.17.2
I,15	C.15.3
I,16	C.8
I,17	C.14
I,18a	C.20.1
I,18b	C.20.2
I,19	C.16.3, C.16.4
I,20	C.24
I,21	C.25

Directive 97/11/EC **EIA-decree 1994**

Annex II

II,1a	C.9.1, C.9.2, D.9
II,1b	C.9.1, C.9.2, C.11.3, C.28, D.9, D.11,4
II,1c	C.9.1, C.9.2, C.13, C.27.1, C.27.2, C.27.3, D.9, D.13
II,1d	C.10.1, C.10.2, D.27
II,1[e]	D.14
II,1f	D.28
II,1g	C.13
II,2a	D.16.1, D.16.2
II,2b	C.17.1, C.17.2, D.29.1
II,2c	C.16.1, C.16.2
II,2d	C.15.1, C.15.2, D.17.2
II,2[e]	D.29.2
II,3a	C.22.2, D.22.1
II,3b	D.8.1, D.8.2, D.24
II,3c	D.25.2
II,3d	D.25.3
II,3[e]	D.25.1, D.25.4
II,3f	D.29.3
II,3g	C.22.3, C.23, D.22.3
II,3h	D.31
II,3i	D.22.2
II,4a	D.32.1, D.32.2
II,4b	D.32.1, D.32.2
II,4c	D.32.1, D.32.2
II,4d	D.32.1, D.32.2
II,4[e]	D.32.3
II,4f	D.32.5
II,4g	D.32.6
II,4h	D.32.7
II,4i	D.32.8
II,4j	D.32.9
II,4k	D.21.2
II,5a	D.21.2
II,5b	D.30

Directive 97/11/EC **EIA-decree 1994**

Annex II

II,5c	D.21.5
II,5d	D.33
II,5[e]	D.46
II,5f	D.47
II,6a	D.21.6, D.34.5
II,6b	D.34.1, D.34.2, D.34.3, D.34.4, D34.5
II,6c	D.25.1
II,7a	D.35
II,7b	D.35
II,7c	D.36
II,7d	D.37.1, D.37.2
II,7[e]	D.38.2, D.38.3
II,7f	D.39.1
II,7g	D.40
II,7h	D.35
II,7i	D.38.1
II,8a	D.20.2
II,8b	D.41.1
II,8c	D.41.2
II,8d	D.20.3
II,9	D.34.5
II,10a	C.11.2, D.11.2
II,10b	C.11.1, C.11.2, D.11.1, D.11.3
II,10c	C.2.1, C.2.2, D.2
II,10d	D.6.1
II,10[e]	C.1.1, D.1.1, D.4.1
II,10f	C.3.2., C.3.3, C.12.1, C.12.2, C.12.3, D.3, D.12.1, D.12.2
II,10g	D.15.3
II,10h	C.2.2
II,10i	D.8.1
II,10j	D.48
II,10k	D.12.3
II,10l	C.15.2, D.15.1
II,10m	D.19.1, D.19.2

Directive 97/11/EC	EIA-decree 1994
Annex II	
II,11a	D.43
II,11b	C.18.1, C.18.3, D.18.1, D.18.2, D.18.3
II,11c	C.18.1, D.18.4
II,11d	C.18.1, C.18.3, D.18.3
II,11[e]	C.18.1, C.18.5, D.18.3
II,11f	D.32.7
II,11g	D.33, D.34.5
II,11h	D.45
II,11i	D.39.2, D.41.2
II,12a	C.10.1, D.10.1
II,12b	C.10.3, D.10.3
II,12c	C.10.1, C.10.2, D.10.1, D.10.2
II,12d	C.10.1, D.10.1
II,12[e]	C.10.1, D.10.1
II, 13, 1th line	Part C: 1.4, 1.5, 2.1, 2.3, 3.2, 3.3, 6.3, 12.2, 12.3, 15.1, 16.1, 16.2, 16.3, 16.4, 19.1, 21.2 Part D: 1.2, 2, 3, 4.2, 5, 6.2, 7, 8.1, 8.2, 9, 10.1, 10.2, 10.3, 11.2, 12.1, 12.2, 12.3, 13, 14, 15.2, 15.3, 16.1, 16.2, 17.1, 17.2, 18.3, 18.4, 18.5, 18.6, 19 to 48
II, 13, 2th line	These projects are not as a category excluded from the EIA or screening requirements