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Answer given by Ms Roswall
on behalf of the European Commission
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Any project falling within the scope the Environmental Impact Assessment (EIA) Directive¹ and likely to have significant effects on the environment by virtue, inter alia, of its nature, size or location, shall be made subject to an assessment before authorisation². Where Member States chose to apply a streamlined (joint or coordinated) procedure for assessments of the environmental impacts of a given project arising from two or more Directives, such a procedure shall comply with the obligations under these Directives. In addition, the Court of Justice of the EU has clarified that Article 2(1) of the EIA Directive requires an environmental impact assessment to be carried out if, in the case the granting of development consent comprises more than one stage, it becomes apparent, in the course of the second stage, that the project is likely to have significant effects on the environment by virtue inter alia of its nature, size or location³.

Urban planning is a Member States' competence. Nevertheless, the adoption or authorisation of any plans, programmes or projects related to urban planning must comply with the provisions of all applicable EU legislation, including those of the Strategic Environmental Assessment Directive⁴.

It is primarily for the national administrative and judicial authorities to ensure that EU environmental law is correctly applied. In its role as guardian of the Treaties, the Commission will monitor the application of the provisions of EU law and may decide to take appropriate action if systemic problems arise⁵.

¹ Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment, OJ L 26, 28.1.2012, p. 1–21, as amended by Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014, OJ L 124, 25.4.2014, p. 1–18.

² Article 2(1) of the EIA Directive.

³ C-290/03, p. 49, https://infocuria.curia.europa.eu/tabs/affair?lang=en&sort=AFF_NUM-DESC&searchTerm=%2522c%252D290%252F03%2522&publishedId=c-290%2F03.

⁴ Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment, OJ L 197, 21.7.2001.

⁵ Communication of 19 January 2017 (EU law: Better results through better application - C/2016/8600, OJ C 18, 19.1.2017, p. 10–20) and in the Communication of 13 October 2022 - COM(2022) 518 final - Enforcing EU law for a Europe that delivers.