

# Concept of Reverse Environmental Impact Assessment

Leila Neimane, PhD student in Law, University of Latvia -  
Sciex-NMSch fellow in the Institute for European Global Studies,  
University of Basel (CH)

# Content

Topicality of Theme

Coming Closer to Concept of  
REIA

REIA Issues in EIA Directive 2014

Conclusions

## TOPICALITY OF THEME

There is the worldwide recognition that climate change is one of the biggest challenges faced by the human society, considering the unequivocal effects of the climate change posed on the state of the environment.

TOPICALITY OF THEME

# 38 000 EUR penalty for cleaning of overgrowing land (Latvia, 25.12.2014.)



#IAIA15: Florence

April, 2015

# Historic Development - Mitigation- Adaptation Dichotomy

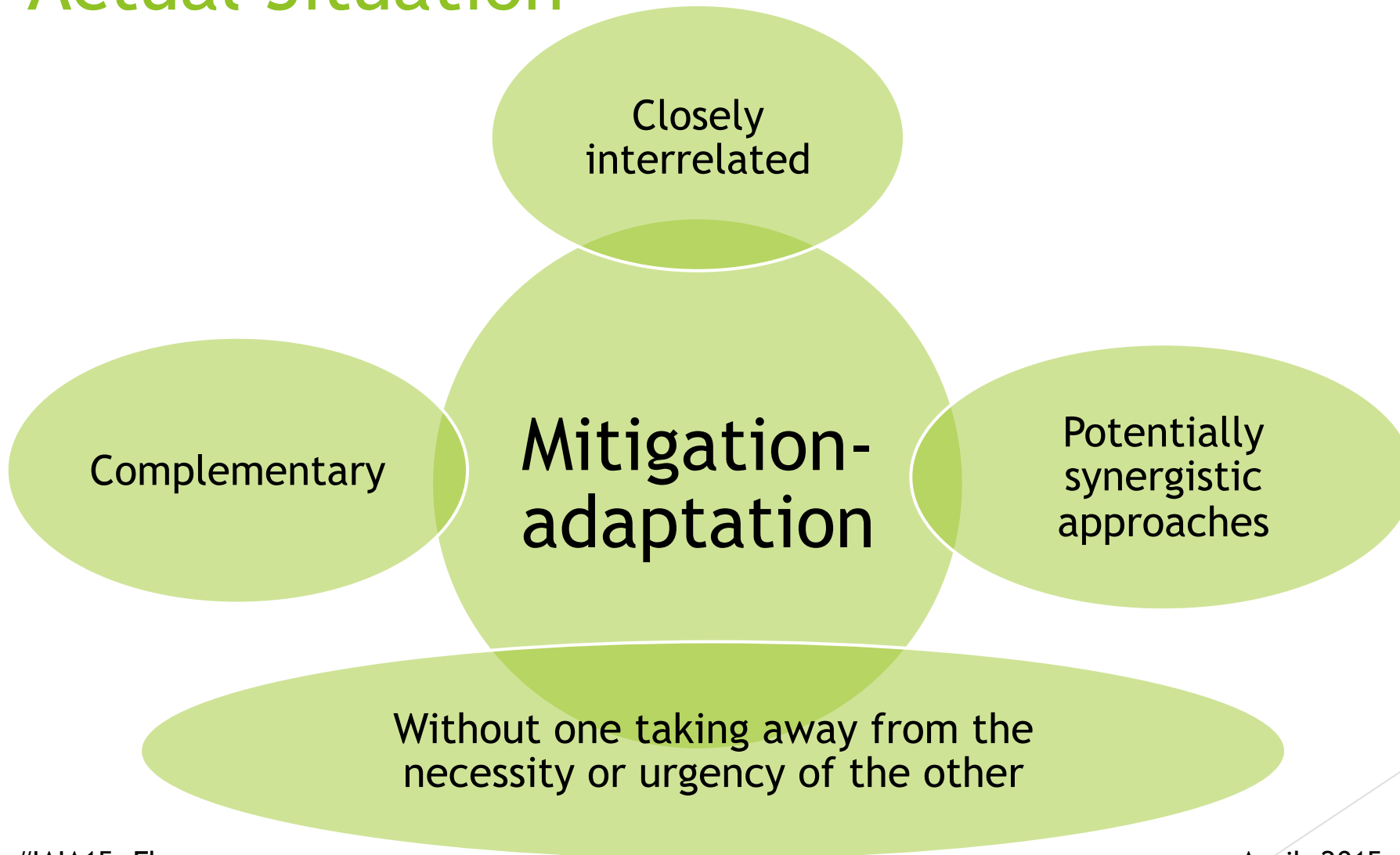
## Mitigation

- Main focus of the EIA
- Impact on the environment,
- Impact on the climate change

## Adaptation

- The antidote of mitigation
- «the neglected stepsister»
- «the poor cousin of mitigation»

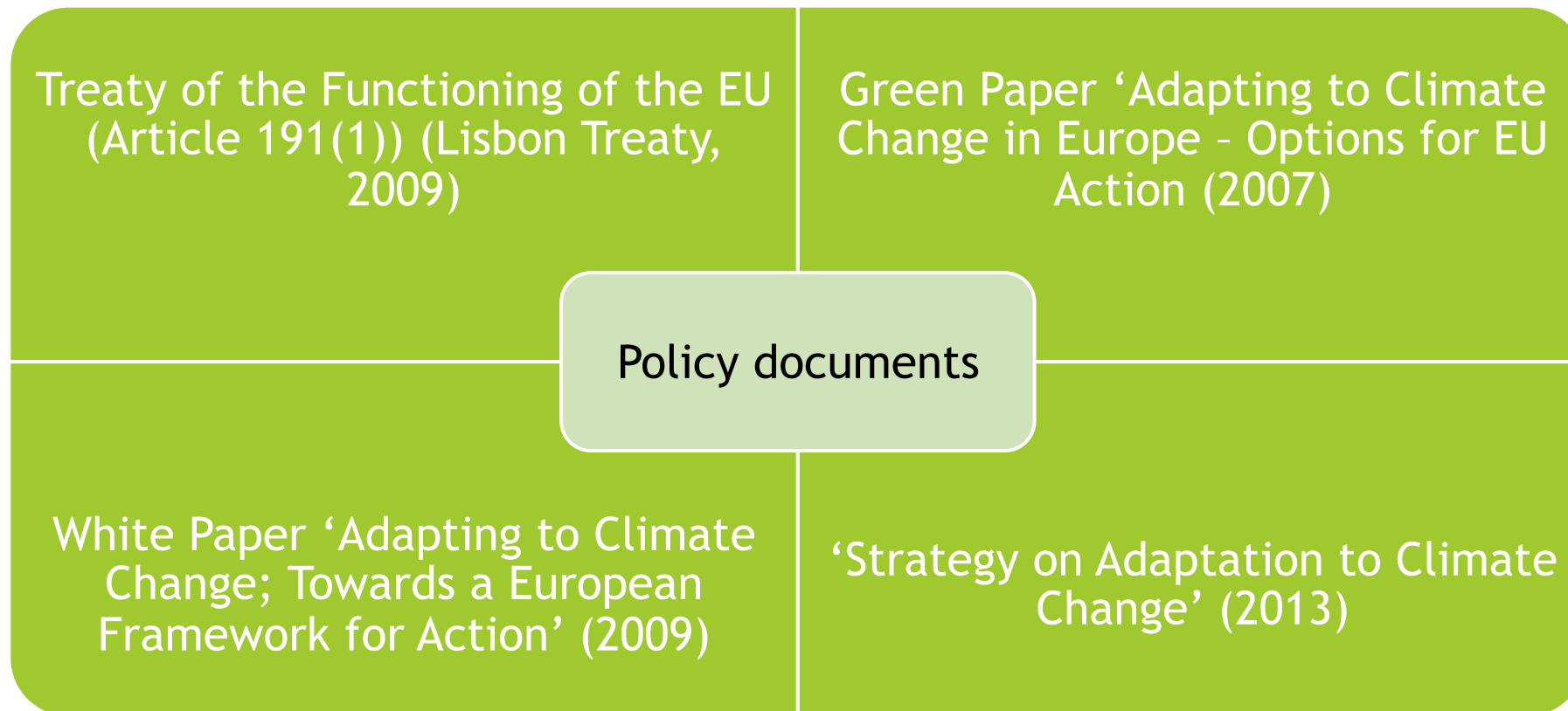
# Actual Situation



# Levels of Incorporation of Climate Change (legal view)



## High Level Policy Documents of Climate Change in the EU (first level)





## Definitions of the REIA (the USA)

D(f-1)... REIA - states at how changes in the environment might affect the project (Gerrard M.B., 2012).

D(f-2)... REIA - the impacts that the 'transformed environment - a result of of the adverse effects of climate change - may cause to a project (Parejo Navajas T., 2014).

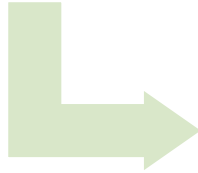
## EIA documents (first and second level)

EIA



- European Commission «Guidance on Integrating Climate Change and Biodiversity into Environmental Impact Assessment» (2013)

Directive



- Directive 2014/52/EU of the European Parliament and of the Council of 16 April amending Directive on the assessment of the effects of certain public and private projects on the environment.

EIA as legally-required and systematic tool is well suited to tackle the problems caused by climate change (European Commission).

# Climate Change Legal Norms in EIA Directive 2014

## Preventive Spirit

Preamble:

1. Recital 7
2. Recital 13
3. Recital 15

## Body of the Directive

1. Art. 3
2. Art. 4
2. Art. 5

## Annexes of the Directive

1. Annex III
2. New Annex II.A (screening)
3. Annex 4 (scoping)

## Example - Recital 13:

Climate change will continue to cause damage to the environment and compromise economic development. In this regard, it is appropriate to assess the impact of projects on climate (for example greenhouse gas emissions) and their vulnerability to climate change.

## Article 3(2):

The effects referred to in paragraph 1 on the factors set out therein shall include **the expected effects deriving from the vulnerability of the project to risks of major accidents and/or disasters** that are relevant to the project concerned.

# Conclusions

- ▶ Climate change proofing applied to both screening and scoping.
- ▶ Scoping case - it is the developer's right (and not a 'real' duty) to provide relevant information.
- ▶ Fairly broad room of manoeuvre for Member States.
- ▶ Usual problem - minimum and maximum implementation.
- ▶ Comitology procedure.
- ▶ The need of the extension of the concept 'reverse EIA' to SEA (in this case - reverse SEA).

Thank You for Attention!

