



eEnviPer Glossary of Terms

Numerous technical terms are used in the process of applying for or administering an environmental permit. This glossary is designed to establish a common language for environmental permits.

1 Best Available Techniques (BAT)

To meet the requirements of the EU Directive on Integrated Pollution Prevention and Control, investors must use Best Available Techniques, i.e. “the most effective and advanced stage in the development of activities and their methods of operation, which indicate the practical suitability of particular techniques for providing in principle the basis for emission limit values designed to prevent and, where that is not practicable, generally to reduce emissions and the impact on the environment as a whole”:

- “Techniques” shall include both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned;
- “Available” techniques shall mean those developed on a scale which allows implementation in the relevant industrial sector, under economically and technically viable conditions, taking into consideration the costs and advantages, whether or not the techniques are used or produced inside the Member State in question, as long as they are reasonably accessible to the operator; and
- “Best” shall mean most effective in achieving a high general level of protection of the environment as a whole.

2 Consultation of interested parties

Information about Environmental Impact Assessments must be made available to interested parties sufficiently early in the decision-making process, so that all stakeholders have the possibility to express their opinion. This process must balance transparency and participation, and be carried out with due regard for rules and practices regarding commercial and industrial secrecy. Reasonable time limits are usually provided, allowing sufficient time for all the interested parties to be informed and react.

Interested parties include stakeholders from:

- The competent authorities;
- The public (citizens); and
- Non-governmental organisations dealing with environmental issues.

All opinions expressed must be crosschecked and taken into account in the establishment of the final decision.

3 Investor

The owner of a private or public project who applies for an environmental permit, or the public authority that initiates a project.

4 Environmental authority

The competent public authority or agency responsible for respecting the national or European Union legislation relating to environmental permits processes and the protection of the environment in general.

In some cases (e.g. Croatia, Turkey), the national government is the environmental authority responsible for the environmental permits process. However, the competent authority may vary according to the project's category; i.e. in Greece, the Ministry of Environment and Climate Change is responsible for projects with severe environmental impacts; Decentralized Administrations for the projects with average impact; and the Regions for projects with limited and local impact.

5 Environmental conditions

The terms and conditions approved through the environmental permits process and designated in the environmental permit. The requirements and measures set by these terms and conditions are the minimum that must be met and taken during the construction and operation of a project or activity, in order to ensure the prevention or addressing of environmental impacts and the protection of the environment in general.

The environmental conditions should cover all the components of the environment (soil, water, atmosphere, living organisms and their habitats, natural resources and the landscape), as well as the management of all types of environmental impact, including waste, pollutants and contamination factors (such as solid, recyclable, toxic, dangerous and radioactive waste), wastewater management and reuse, natural resources saving, air pollutants' emission reduction, noise reduction and energy saving.

The owner of the project or an appointed technician is responsible for the compliance with the environmental conditions.

6 Environmental control

An environmental control is a procedure carried out by the environmental authority, aiming to ascertain whether requirements are fulfilled for the effective protection of environment.

A site visit is the first step of the environmental control procedure, which may take place:

- a) During the environmental permits process of a new project, in order to confirm that the site is appropriate in terms of land use, distance from sensitive ecosystems and other activities, etc., and also in order to crosscheck the information provided by the Environmental Impact Study.
- b) During the operation of the project, on a regular or occasional basis, to check whether the production scheme complies with the environmental conditions.
- c) In case an investor asks for modification or extension of the environmental permit for their project.
- d) In case a complaint is submitted, either by another competent authority, the police, a non-governmental organisation, or by a citizen or a group of citizens, which highlights environmental problems or impacts caused by the operation of the project.

During the environmental controls, the environmental authority might take photos and / or specimens for chemical or microbiological analyses. The authority composes the “site visit report”, in which all the findings of the environmental control are described and documented. The “site visit report” is an important documentation in the decision-making process and its outcome.

In the case that violation of the environmental conditions is confirmed, or a project is found to operate without the obligatory environmental permit, administrative penalties or fines shall be imposed and the project may face criminal penalties. In the case of severe and continuous environmental damage due to the violation of environmental conditions, the authority might decide to withdraw the environmental permit of the project.

7 Environmental impacts

Environmental impacts are small, medium or large scale, direct or indirect, adverse effects on the environment as a whole or on one or more of its components, caused by the construction and /or operation of a developmental, industrial, or infrastructural project and the practicing of various human activities. Environmental impacts are due to a series of factors, such as the release of substances, microorganisms, radiation, heat or noise, the overuse of natural resources, the cause of abnormal, harmful, or undesirable effects on organisms, changes in land use, etc.

8 Environmental Impact Assessment

Environmental Impact Assessment (EIA) is a procedure undertaken to ensure that the environmental implications of decisions, concerning individual projects or public plans and programmes, are taken into account before any decisions are made. Environmental assessment can be carried out on the basis of Directive 2011/92/EU (known as the “EIA Directive”) or, for public plans or programmes, on the basis of Directive 2001/42/EC (known as the “Strategic Environmental Assessment Directive” or “SEA Directive”). The common principle of both Directives is to ensure that plans, programmes and projects likely to have significant effects on the environment are made subject to an environmental assessment, prior to their approval or authorisation. Consultation with the public is a key feature of environmental assessment procedures.

9 Environmental Impact Study

An Environmental Impact Study is a study carried out by an environmental scientist, engineer or other specialist or consultant which aims to identify, describe and assess in an appropriate manner, in the light of each individual case and in accordance with the scientific rules and the legal demands, the direct and indirect effects of a project on the following environmental parameters:

- Human beings, fauna and flora;
- Soil, water, air, climate and the landscape;
- The interaction between the factors mentioned in the first two points above;
and
- Material assets and cultural heritage.

The information to be provided should 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; and
- A non-technical summary of the information mentioned above.

In addition, the study should include any documents and spatial data which confirm the information provided, as well as documents or certificates which are possibly required for the environmental authorisation (in case they are already issued by the competent authorities), as well the site maps and the designs of the project.

The environmental authority evaluating the study may ask for additional data and information. The study is finalised when certified by the environmental authority and it constitutes then an integral part of the environmental permit.

10 Environmental permit

An environmental permit is the technical and legal document establishing the environmental conditions for the construction and / or function of a project or activity. This administrative deed is issued by the competent environmental authority and constitutes the outcome of the environmental permits process. It confirms the elements relating to environmental protection under the plan/programme, based on the Environmental Impact Study and current environmental legislation.

11 Environmental permits process

The environmental permits process is the decision-making process starting with the application of the investor of a project to obtain an environmental permit. This application is accompanied by the Environmental Impact Study. The next steps of this procedure include:

- The survey and evaluation of the information, data and spatial data provided by the Environmental Impact Study by the competent environmental authority;
- The request, application and issuing procedure of any documents or certificates which constitute prerequisites for the environmental authorisation of a project, in case they are not already included in the study;
- A site visit (environmental control) for the crosschecking of the information and data provided by the Environmental Impact Study, if necessary or obligatory according to the legislation;
- The consultation of interested parties, if obligatory according to the legislation;
- The re-examination and evaluation of the results and conclusions of all preceding steps;
- The decision and the issuing of the environmental permit document or the rejection of the application document; and
- The publication of the environmental permit or of the rejection document, so that citizens get informed about the outcome of the environmental permits process.

Citizens have the right to raise an objection against the environmental permit within a limited period of time after its publication.

12 Environmental liability

Environmental liability is an application of the "polluter pays" principle outlined in the Treaty establishing the European Community. Arrangements for applying it are set out in Directive 2004/35/EC. It applies to environmental damage and the risk of damage resulting from commercial activities, once it is possible to establish a causal link between the damage and the activity in question. Environmental damage is defined as direct or indirect damage caused to the environment as a whole or to one or more of its components.

13 Environmental management

Environmental management refers to a set of practices covering any actions that aims to reduce or eliminate the environmental impacts of a project or human activity

14 Environmental report

An environmental report is created for projects and activities with limited and local environmental impacts, for which the standard environmental commitments are not designated by the law. It is the text that provides all the necessary information about the project or activity, which is 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; and
- A non-technical summary of the information mentioned above.

15 Extension of an environmental permit

Environmental permits are valid for a certain period of time. In the case where a project is not completed within the originally expected timeframe, the owner of a project should apply (before the expiration of the existing permit) for an extension (also called “prolongation” or “renewal”). The request for an extension should provide all the necessary information and data concerning the project’s operation and the effectiveness of the measures taken for the protection of the environment.

The environmental authority should publish the information and data provided, so that citizens are informed. However, a consultation phase or a public debate is not a precondition at this stage. The environmental authority carries out an environmental control and evaluates its results and conclusions together with the information and data on the modification of the project and decides whether a new Environmental Impact Study is necessary. If not, the renewal (prolongation) of the environmental permit is directly issued, including additional environmental conditions if necessary.

16 Level of perturbation

One of the main first steps of an Environmental Impact Study, as well as of the environmental permits process, is the designation of the “level of perturbation” to which a project corresponds. This correspondence is crucial for the choice of the site where the project is to be established (land use limitations), as well as for its design and the measures to be taken for the effective protection of the environment.

There are three levels of perturbation: “high”, “average” and “low”. The correspondence is carried out according to various criteria provided by the legislation, which are similar to those used for the project categorisation.

17 Modification of an environmental permit

After the design or construction of a project or even during its operational phase, modifications may arise, such as the expansion of the project, the modernisation of the machinery, the augmentation of the production, the changes in the productive process, the addition of new production lines, etc. These changes may result in a more or less intense environmental impact of the project.

An investor must apply to the competent authority for the modification or amendment of the project's environmental permit, providing all required information about the proposed modifications.

The environmental authority should publish the data provided, so that the citizens are informed. However, a consultation phase or a public debate is not a precondition at this stage. The environmental authority carries out an environmental control and evaluates its results and conclusions together with the information on the modification of the project and decides whether a new Environmental Impact Assessment is necessary. If not, a “modification of the environmental permit” document is directly issued, which designates the modified or additional environmental conditions.

18 Objections and appeals

Citizens as well as competent authorities have the right to raise objections to an environmental permit, within a limited period of time after its publication. The objection is then examined by the public administration of one level higher than the competent environmental authority who has issued the environmental permit.

19 Project categorisation

Projects likely to have significant effects on the environment are made subject to a categorisation according to, inter alia, their type, size, quantity of raw material used per day, manufacturing process, the types of waste they produce and their location. Based upon a combination of these criteria, projects are distinguished as:

- Those having severe environmental impacts;
- Those having environmental impacts of average severity;
- Those with limited and local environmental impact that can be effectively prevented or confronted with a series of standard conditions and measures.

The environmental permits process as well as the type of Environmental Impact Assessment should also be adapted to the category of each project.

20 Protected areas

Protected areas are areas under a special protection regime, due to their high value either as archaeological or historical sites or as nature reserves. Protection and conservation rules applied to these areas may set prohibitions or restrictions on the land use or management of these areas. Such restrictions must be respected during the environmental permits process of a project planned or operating within these areas or close to their borders.

The European Natura 2000 network is a set of areas in the European Union in which plant and animal species and their habitats must be protected. Protection arrangements are laid down by the "Birds Directive" (1979) and the "Habitats Directive" (1992). The network comprises Special Protection Areas (SPAs) for the conservation of over 180 bird species and sub-species and Special Areas of Conservation (SACs) for the conservation of over 250 types of habitat, 200 animal species and over 430 plant species. Natura 2000 today accounts for over 20% of the land area of the EU. The Member States are responsible for managing these areas and must ensure conservation of the species and habitats designated by Community law. Limitations in land use and human activities, as well as Special Management and Conservation Plans should be taken into account during environmental permits process, which requires a special ecological assessment additional to the Environmental Impact Study or the standard environmental commitments.

21 Spatial data

Spatial data refers to any data with a direct or indirect reference to a specific location or geographical area.

The Directive 2007/2/EC (INSPIRE Directive) lays down general rules aimed at the establishment of the Infrastructure for Spatial Information in the European Community, for the purposes of Community environmental policies and policies or activities which may have an impact on the environment.

22 Standard environmental commitments

Standard environmental commitments are mandatory standard environmental requirements designated by the legislation as the least measures to be taken for the protection of the environment by certain types of small-sized projects which have limited and local environmental impact. The standard environmental commitments are declared by the owner of the project or the environmental consultant and are integrated into the establishment permit or the operational permit of the project.

23 REFERENCES

Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment ('Strategic Environmental Assessment'-, 'SEA - Directive').

Directive 2004/35/CE of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage. *Official Journal L 143* , 30/04/2004 P. 0056 - 0075.

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.

Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE).

Environmental Terminology and Discovery Service, European Environment Agency: <http://www.eea.europa.eu>.

Environment index website of the European commission: <http://ec.europa.eu/environment/eia/eia-legalcontext.htm>

EU Council Directive 2009/147/EC on the conservation of wild birds.

EU Council Directive 96/61/EC of 24 September 1996 concerning Integrated Pollution Prevention and Control. *Official Journal L 257* , 10/10/1996 P. 0026 - 0040.

EU Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora.