



J&E

Appropriate Assessment



A powerful tool
for protecting
European nature

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Croatian, Czech, Estonian, German, Hungarian, Romanian, Slovakian, Slovenian, Spanish translations

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1. What is an appropriate assessment?

Appropriate assessment is a mechanism to ensure protection of Natura 2000 from harmful human activities, especially construction plans and projects. In essence it does so by requiring evaluation of potential impacts of some planned activity before it is permitted by authorities. If a plan may have significant adverse effects on the site, measures to prevent those effects will be sought. Without appropriate assessment, the project or plan cannot be authorised.

Appropriate assessment is regulated in Article 6 of the EU ‘Habitats’ Directive (hereinafter also: HD). But there’s more than meets the eye: the Court of Justice of EU (CJEU) has further specified the rules in numerous cases.

2. How does it work?

EU Habitats’ Directive requires that impacts of any plan or project, which may have significant effects on a Natura 2000 site (special protection site - “SPA” or site of Community importance - “SCI”) have to be assessed before their authorisation. Plans and projects are terms that should be interpreted broadly; they can be either construction plans or other intervention that may be damaging to the site’s integrity (for details, see section 3).

3. Appropriate assessment consists of 4 “steps”

1. **Screening** – determines whether a plan or project may have significant effects on the site concerned. Significant impacts would be presumed and step 2 undertaken, unless it is proven that the project does not undermine conservation objectives of the site.

2. **Assessment of impacts** - specific adverse effects on the site and the degree of jeopardy to the site are identified. Assessment must be based on best scientific knowledge available and take into account cumulative effects. This is also the stage where mitigation measures are identified and assessed. If a plan or project might harm the integrity of the site despite all identified mitigation measures, the authorities cannot allow it to be carried out as a rule.

3. **Assessment of alternatives** – in case the plan or project is harmful to the integrity of the site, non-harmful alternative solutions to achieving the objectives (e.g. alternative locations to a seaport) must be sought as a next step.

4. **Exceptional permitting** – If no better alternatives are found, the plan or project may only be permitted exceptionally, in case there are imperative reasons of over-riding public interests. Projects not in over-riding public interests cannot be permitted. If the plan or project is exceptionally allowed, compensatory measures must be taken to “offset” the damage done by the project.

4. More information on the Appropriate Assessment

- [J&E short guide to the appropriate assessment rules and case law](#) (2016)
- [European Commission home page on Nature Directives](#) (in English)