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ANNEX

ANNEX

Proposal for a

regulation of the European Parliament and of the Council

on speeding-up environmental assessments

ANNEX

Toolbox for strategic sectors or categories

I. Overriding public interest

For projects referred to in Article 14(1) of this Regulation and where Union legislation refers to this provision according to Article 14(2) of this Regulation, then, with regard to the environmental assessments and the obligations referred to in Article 4(7) of Directive 2000/60/EC, Article 9(1), point (a), of Directive 2009/147/EC, Articles 6(4) and 16(1) of Directive 92/43/EEC, certain projects developed for strategic sectors or categories shall be considered to be of public interest and may be considered to have an overriding public interest and to serve the interests of public health and safety provided that all the conditions set out in those Directives are fulfilled.

When assessing the fulfilment of the conditions referred to in paragraph 1, the strategic nature of the project, shall be given specific consideration. In such case, Member States may, in duly justified and specific circumstances, to restrict the application of this paragraph to certain parts of their territory, to certain types of technology or to projects with certain technical characteristics.

II. Tacit approval

For projects referred to in Article 14(1) of this Regulation and where Union legislation refers to this provision according to Article 14(2) of this Regulation, then, in the authorisation procedures for projects developed for strategic sectors or categories, Member States shall ensure that the lack of reply by the relevant competent authorities within the established deadline results in the specific intermediary administrative steps to be considered as approved, except where the specific project is subject to an environmental impact assessment pursuant to Directives 2000/60/EC, 2009/147/EC, 2011/92/EU or Directive 92/43/EEC or where the principle of administrative tacit approval does not exist in the national legal system of the Member State concerned.

The previous paragraph shall not apply to final decisions on the outcome of the permit-granting procedure, which shall be explicit. All decisions shall be made publicly available.

III. Dispute settlement

For projects referred to in Article 14(1) of this Regulation and where Union legislation refers to this provision according to Article 14(2) of this Regulation, then all dispute resolution procedures, litigation, appeals and judicial remedies related to projects within strategic sectors or categories before any national courts, tribunals or panels, including with regard to mediation or arbitration, where they exist in national law, shall be treated as most expeditious if and to the extent to which national law provides for such expediated procedures and provided that the usually applicable rights of defence of individuals or of local communities are respected.