



## EUROPEAN COMMISSION

DIRECTORATE-GENERAL  
REGIONAL POLICY

Convergence, Competitiveness and Cross-border programmes Denmark, Estonia, Finland, Latvia,  
Lithuania, Poland, Sweden

The Director

Brussels, 20 10.2009\*009779  
DG REGIO.H1/MT/spD(2009) 880600

**Subject: Section F.3 of the application form for major projects (Annex XXI and XXII of Regulation (EC) No 1828/2006)**

Following the request of the Ministry of Regional Development addressed to the Commission services during the seminar on preparation of energy projects in 2007-13 which took place in Warsaw on 5 June 2009, I would like to present to you the position of Commission services on the content of section F.3 of the major project application form.

Section F.3.1 of the application form relates to the development consent. The development consent procedures are regulated by the national legislation. The point F.3.1 is of relevance for the compliance with the EIA Directive<sup>1</sup>, but also for the general feasibility and maturity of the project. Generally, the Member States require development consents for major projects before they can start (irrespective of whether the EIA was required or not). Therefore, this information is interesting not only for checking environmental compliance but also for understanding of the preparedness of the project. Another argument in favour of such understanding of the application form is point F.3.2.1 which refers also to projects not covered by the Annexes of the Directive. Therefore, point F.3.1 relates to all projects (i.e. these which are covered by the Annexes of the Directive and those which are not covered). The link of point F.3.1 with the EIA Directive derives from the requirement of the Directive which obliges the MS to conduct all the procedures foreseen by the Directive (assessment, consultation, decision on EIA) prior to the development consent.

Hence, Commission services' suggestion for filling point F.3.1 of the application form is to refer to the development consent for all types of projects which under the Polish law require the development consent to implement the project. The Commission is aware of the so called 'tacit agreement' for some projects. For such projects, we suggest including appropriate explanation that the project is subject to the tacit agreement procedure and

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<sup>1</sup> COUNCIL DIRECTIVE of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment

Mr Adam Zdziebło  
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