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P-003648/2022

Answer given by Mr Sinkevičius  
on behalf of the European Commission  
(8.12.2022)

In 2019, the Commission launched an infringement procedure against Hungary for incorrect transposition of the Environmental Impact Assessment (EIA) Directive<sup>1</sup> as part of a horizontal exercise verifying the transposition of the revised<sup>2</sup> Directive in all Member States.

For Hungary<sup>3</sup>, the shortcomings included general exemptions, definitions, fines, and cost of procedures. The transposing laws were amended several times since then, and the Commission is in a dialogue with Hungary.

Depending on their concrete design, the projects referred in question can fall within the scope of the EIA Directive. The Directive provides that projects likely to have significant effects on the environment are subject to an assessment of their environmental effects before development consent is given. These projects are defined in Annexes I and II of the Directive.

Battery factories can fall under Annex II, point 10 a). For such projects, there is no automatic obligation for an EIA. The national authorities have to determine, through case by case examination, thresholds or criteria, whether the project is to be made subject to an assessment because of its likely significant effects on the environment, taking into account the relevant selection criteria set out in Annex III. If the authorities find that the project will have significant effects on the environment, an EIA has to be carried out.

The Commission will continue to monitor and enforce as appropriate the correct transposition and application of the EIA Directive.

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<sup>1</sup> 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, OJ L 26, 28.1.2012, p. 1.

<sup>2</sup> Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment, OJ L 124, 25.4.2014, p. 1.

<sup>3</sup> [https://ec.europa.eu/commission/presscorner/detail/GA/INF\\_19\\_4251](https://ec.europa.eu/commission/presscorner/detail/GA/INF_19_4251)