

Spain

Country: [Spain](#) [1]

EIA Law: Law 21/2013 of 9 December 2013

Law Link: [Link](#) [2]

EIA Guidelines or Other Guidance: Guidance and Directives

Guidance Link: [Link](#) [3]

Projects Requiring EIA: Government projects

Private Projects

Abridged Assessments: No

Best Practices in Lieu of EIA: No

Who Conducts Screening: Government

Who Conducts Screening Detail: Royal Legislative Decree 1/2008 (as amended), Articles 6, 16

Criteria for Screening: List or appendix of project or activity types

Possible impact to, or adjacent to, a protected area

Criteria for Screening Detail: Royal Legislative Decree 1/2008 (as amended), Article 3 & Annexes I, II. Projects listed in Annex I require an EIA. Projects listed in Annex II or that may impact a Natura 2000 may require an EIA at the discretion of the authority. The screening decision must be made available to the public and meet the criteria in Annex III.

Who Prepares EIA: Project Proponent (with or without contractor)

Who Pays for EIA: Project Proponent

EIA Contractor Qualifications: No

Conflict of Interest: No

Terms of Reference: Yes

Terms of Reference Detail: "To determine the extent and level of detail of the environmental impact study, the environmental agency will consult the public authorities concerned about the initial project document. The consultation may be extended to other natural or legal persons, public or private, involved in the protection of the environment." Royal Legislative Decree 1/2008 (as amended), Articles 5(2), 8

Days for Decision Maker Review: 90 days

Automatic Approval: No

Written Decision: Yes

Written Decision Detail: Royal Legislative Decree 1/2008 (as amended), Article 12

Authority to Impose Conditions: Yes

Authority to Impose Conditions Details: Royal Legislative Decree 1/2008 (as amended), Article 12(1)

Expiry of Decision: 5 years (may vary if under jurisdiction of Autonomous Region)

Expiry of Decision Detail: Royal Legislative Decree 1/2008 (as amended), Article 14. However, "[t]he environmental agency may decide, at the request of the developer that this statement is still valid in the absence of substantial changes to the essential elements that have formed the basis for the assessment of environmental impact."

Financial Assurances or Bond: No

Interdisciplinary Team: No

Interdisciplinary Team Detail: The criteria is not discussed in the Spanish EIA law.

Range of Alternatives: Yes

Range of Alternatives Detail: Royal Legislative Decree 1/2008 (as amended), Article 7(1)(b)

No Action Alternative: No

No Action Alternative Detail: This criteria is not discussed in the Spanish EIA law.

Type(s) of Impact Analysis: Direct environmental impacts

Cumulative environmental impacts

Social impacts

Cultural impacts

Mitigation: Yes

Mitigation Detail: The EIA must contain measures planned to reduce, eliminate or compensate for significant environmental effects. Royal Legislative Decree 1/2008 (as amended), Article 7(1)(d)

Monitoring Plans: Yes

Monitoring Plans Detail: The EIA must contain an environmental monitoring program. Royal Legislative Decree 1/2008 (as amended), Article 7(1)(e)

Public Notice of Draft EIA: Yes

Draft EIA Available: Yes

Draft EIA Available Detail: Royal Legislative Decree 1/2008 (as amended), Article 9

Draft EIA Locations: Internet

Agency or ministry office

Public Notice of Final EIA Detail: Royal Legislative Decree 1/2008 (as amended), Article 12

Final EIA Available: Yes

Final EIA Available Detail: Royal Legislative Decree 1/2008 (as amended), Article 12

Final EIA Locations: Internet

Agency or ministry office

Fee to View EIA Documents: No

Fee to Obtain EIA Documents: Yes

Availability of Reference Studies: Yes

Availability of Reference Studies Detail: Royal Legislative Decree 1/2008 (as amended), Article 9

Public Notice of Final Decision: Yes

Public Notice of Final Decision Detail: "The decision on the authorization or approval of the project will be made public by the authority when it is adopted. . . ." Royal Legislative Decree 1/2008 (as amended), Article 15

Public Scoping: Yes

Public Scoping Detail: Royal Legislative Decree 1/2008 (as amended), Articles 8 & 9

Public Review of TOR: Yes

Public Review of TOR Detail: Royal Legislative Decree 1/2008 (as amended), Articles 5,9

Public Participation Opportunities: Scoping

Terms of reference

Review of draft EIA

Public Meetings and/or public hearings

Review of final EIA

Public Meetings: Yes

Public Meetings Detail: Royal Legislative Decree 1/2008 (as amended), Article 9

Public Input at Meeting: Yes

Public Input at Meeting Detail: Royal Legislative Decree 1/2008 (as amended), Article 9

Criteria to Hold Public Meeting: Public meeting and/or hearing is automatically required

Days for Public to Review Final EIA: Not specified

Public Comments on Draft EIA: Yes

Public Comments on Draft EIA Detail: Royal Legislative Decree 1/2008 (as amended), Article 9

Public Comments on Final EIA: No

Public Comments on Final EIA Detail: It is not clear whether members of the public are permitted to submit comments on a final EIA. The law only specifies that the final EIA must be made public. See Royal Legislative Decree 1/2008 (as amended), Article 12

Response to Public Comments: Yes

Response to Public Comments Detail: Results from the public information meetings and from public consults shall be taken into account by the project proponent and the relevant authorities. Royal Legislative Decree 1/2008 (as amended), Article 9

Facilitation of Public Participation: No

Citizen Judicial Review: Yes

Citizen Judicial Review Detail: See Article 22 of Law 27/2006, of July 18, which regulates the rights of access to information, public participation and access to justice in environmental matters.

<http://www.elaw.org/system/files/es.Ley272006.pdf>

Project Monitoring: Yes

Project Monitoring Detail: Royal Legislative Decree 1/2008 (as amended), Article 18

Days for Public to Review Draft EIA: 30 days

Modified: June 8th, 2020

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Links

[1] <https://elaw.org/countries-and-regions/spain>

[2] <https://www.boe.es/buscar/pdf/2013/BOE-A-2013-12913-consolidado.pdf>

[3] <https://www.miteco.gob.es/es/calidad-y-evaluacion-ambiental/temas/evaluacion-ambiental/guias-directrices/>

