

Outline of the Act Partially Amending the Environmental Impact Assessment Act



The purpose of this amendment is to review the environmental impact assessment procedures (EIA procedures) for a project where structures are soon going to require reconstruction, and to promote the utilization of the environmental information included in the documents created in the course of those EIA procedures (EIA documents).

■ Background

- The Environmental Impact Assessment Act is a law of procedure prescribing the processes necessary to enable the project proponent to independently create a better project plan by considering measures for environmental conservation in advance of a project.
- More than a quarter of a century has passed since the Act came into effect, and now some projects include structures that are subject to EIA procedures and **are soon going to require reconstruction**.
- Since the existing Act **does not include any provisions on the type of reconstruction** where the location or scale of the relevant project does not change significantly, a review of the project location, a survey of the surrounding environment, and other procedures required for a new project are also required for that type of reconstruction. **It is possible to streamline those requirements while also keeping due environmental consideration.**
- The public availability period for EIA documents by the **project proponent** under the existing Act is mainly limited to **approximately one month**, which is **not sufficient if the information in any existing EIA documents is to be used** for effectively assessing the next project proponent or for assessing the cumulative environmental impact of multiple adjacent projects.

■ Main Points of the Amendment

① Reviewing the EIA Procedures for Reconstruction Projects

- The document on primary environmental impact consideration for **reconstruction projects* (document on primary environmental impact consideration for reconstruction)** no longer has to include surveys on matters such as the general conditions in the surroundings of the area for possible implementation of the project since no significant changes are made to the location of the project. However, the document is to clarify the **environmental consideration for any newly built structures** based on the environmental impact of the existing project.
*A project that involves building a structure of the same kind to replace a removed or abandoned existing structure in the same or an adjacent area.
- **The Minister of the Environment, etc. can state opinions on the document on primary environmental impact consideration for reconstruction**, including any concerns regarding the existing project.

For Reconstruction Projects

	Currently	After the Amendment
Outline of the project	✓Required	✓Required
Surveys, forecasts, and evaluation for selecting the area for possible implementation of the project	✓Required	×Not Required
Environmental consideration for the structures	✓Required	✓Required (Concrete environmental consideration to be stated based on the environmental impact of the existing project))
Opinions from the Minister of the Environment	✓Yes	✓Yes

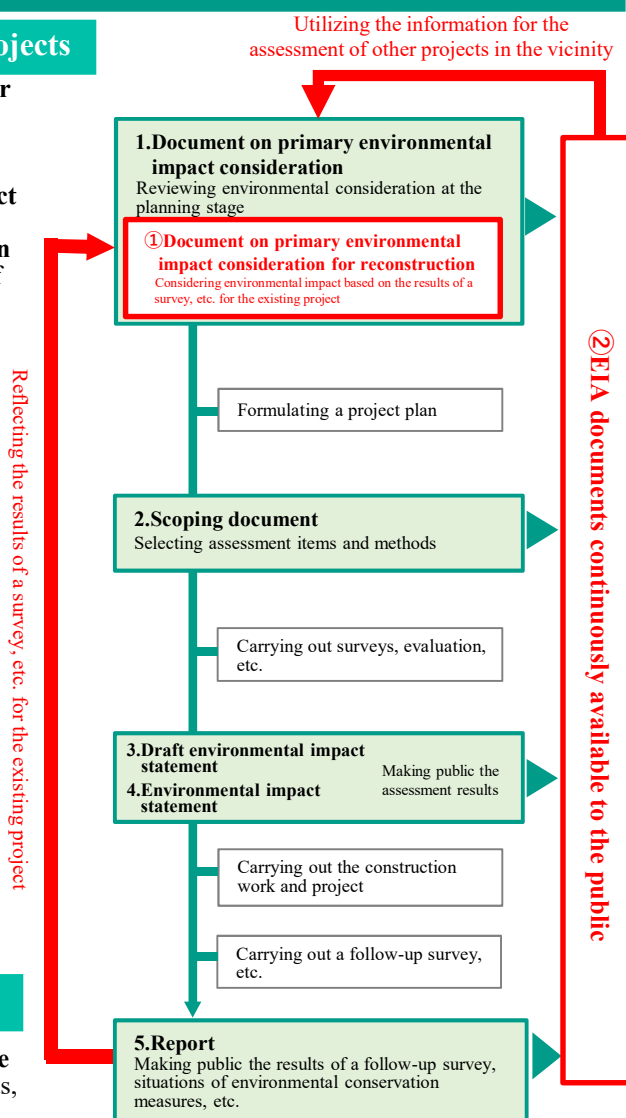
② EIA Documents Continuously Available to the Public

- The EIA documents will **continue to be available to the public online** even after the period of public inspection by the project proponent ends, once the **Minister of the Environment has obtained those EIA documents**.

*In addition, the revisions that could not be made to the provisions of Articles 21, 41, and 54 of the Act in the amendment of 2011 will be made to those provisions.

<Effective date> The day specified by Cabinet Order within a period not exceeding **2 years** from the date of promulgation

For item ②, the day specified by Cabinet Order within a period not exceeding **1 year** from the date of promulgation



環境影響評価法の一部を改正する法律案の概要



工作物の建替えの時期を迎える事業に対する環境影響評価手続（アセス手続）の見直しを図るとともに、アセス手続において作成した書類（アセス図書）に含まれる環境情報の活用を進める。

■ 背景

- 環境影響評価法は、事業者自らが事業の実施前に環境保全のための検討をし、よりよい事業計画を作り上げていくためのプロセスを定めた手続法。
- 同法の施行から四半世紀以上が経過し、アセス手続の対象となる**工作物も建替えの時期**を迎える事業が生じている。
- 現行法は、事業の位置や規模が大きく変わらない**建替えに対する規定がなく**、新規事業と同様に、事業位置の検討や周辺環境の調査を課しており、**適正な環境配慮は維持しつつ、合理化することが可能**。
- 現行法に基づく**事業者**によるアセス図書の公表期間は**概ね1か月程度**に限られており、後続事業者における効果的なアセスの実施や近傍の複数の事業による累積的な環境影響の評価に、**既存のアセス図書の情報を十分に活用できない**。

■ 主な改正内容

① 建替事業を対象としたアセス手続の見直し

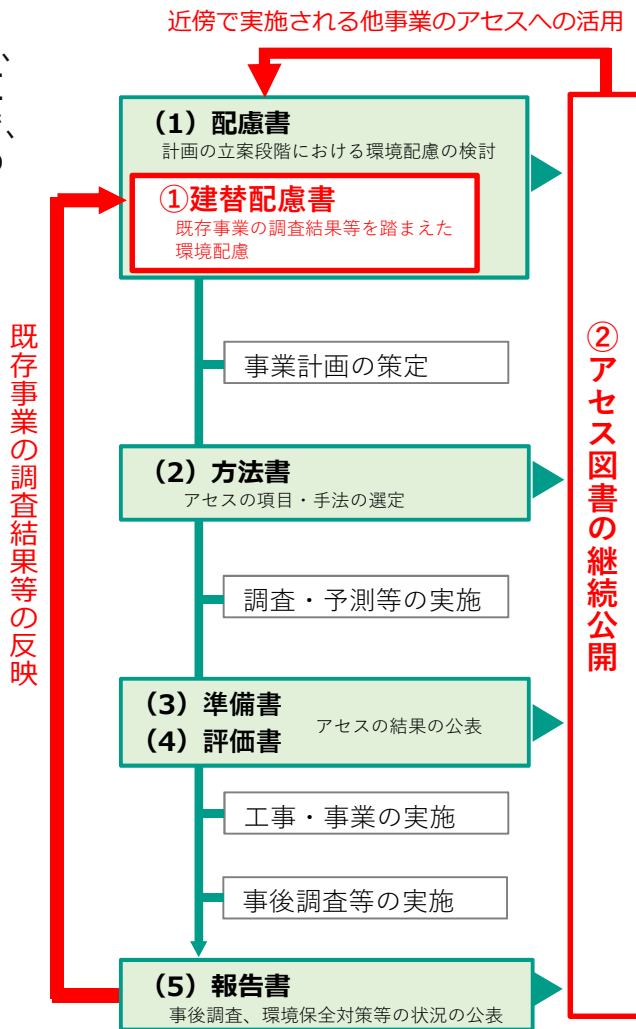
- **建替事業※**に係る配慮書（**建替配慮書**）については、位置が大きく変わらないことから、**事業実施想定区域に係る周囲の概況などの調査を不要とする一方で、既存事業の環境影響を踏まえ、新設する工作物についての環境配慮の内容を明らかにすることとする**。
※既設工作物を除却又は廃止し、同種の工作物を同一又は近接した区域に新設する事業。
- **環境大臣等**は、既存事業に伴う懸念事項を含め、**建替配慮書に対する意見を述べることを可能とする**。

建替事業の場合

	現行	改正後
事業概要	○必要	○必要
事業実施想定区域の選定に係る調査・予測・評価	○必要	×不要
工作物に係る環境配慮	○必要	◎必要 (既存事業の環境影響を踏まえ、具体的な環境配慮を記載)
環境大臣意見の提出	○あり	○あり

② アセス図書の継続公開

- 事業者による縦覧期間後においても、**環境大臣がアセス図書**を入手した上で、**インターネットにより継続公開**することを可能とする。



※このほか、平成23年改正において手当てする必要があった法第21条、第41条及び第54条について、規定の修正を行う。

＜施行期日＞ 公布の日から起算して**2年**を超えない範囲で政令で定める日

ただし、②については公布の日から起算して**1年**を超えない範囲で政令で定める日