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**Rethinking Impact Assessments:
Integrating Disability Justice into Environmental Governance**

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Erasmus Mundus Joint Master on Climate Change and Diversity:
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**UNIVERSITÀ
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Master Thesis

Rethinking Impact Assessments: Integrating Disability Justice into Environmental Governance

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Declaration of Mobility

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This program has a duration of 24 months. The course started at UNIPD in Italy, for the first semester. The second semester was spent at Universidad Andina Simón Bolívar in Quito (Ecuador). The third semester was blended with the international Winter School in Kenya. The fourth semester was spent for internship and thesis at the *United Nations Development Programme* in Spain, under the supervision of *Professor Alberto Diantini* from the *University of Padova*.

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Declaration of Authorship

1. The author hereby declares that this thesis was compiled independently, using only the sources and literature listed in the bibliography.
2. The author hereby declares that all sources and literature used have been properly cited.
3. The author hereby declares that this thesis has not been submitted to obtain a different or the same academic degree.
4. The author acknowledges that, during the preparation of this thesis, artificial intelligence-based tools, including DeepL for translation and ChatGPT (by OpenAI) for linguistic refinement and textual revision, were employed solely as auxiliary support to improve clarity and language accuracy. All ideas, analyses, and interpretations presented in this thesis originate from the author, and the final text was critically reviewed and validated to ensure academic integrity, originality, and coherence with the research objectives.

Munich, 20.11.2025

Valentin Hanzer

Summary

This thesis analyses the extent to which the national Environmental Impact Assessment laws of Italy, Germany, Austria and Spain incorporate an inclusive perspective on disability. Recognising that Environmental Impact Assessment is one of the central instruments of environmental governance in Europe, the study identifies a persistent gap between the commitments assumed by the Member States under the Convention on the Rights of Persons with Disabilities of the United Nations and the limited attention that national legislation dedicates to accessibility, participation and social justice. The overall aim is to evaluate how disability is positioned within the legal frameworks and, based on these findings, to develop a conceptual and procedural framework that can guide more inclusive practices.

The research adopts a qualitative design based on documentary analysis of the laws in force in the four countries, all of which derive from Directive 2011/92/EU on environmental impact assessment, as amended by Directive 2014/52/EU. It applies a method of qualitative content analysis that combines deductive and inductive strategies and is structured around three analytical levels: visibility of disability, justice and rights, and accessibility and participation. This approach allows for a systematic examination of the presence, absence or ambiguity of disability-related references within the legal texts, as well as a comparison of convergent and divergent patterns across the four cases.

The results reveal the complete absence of references to persons with disabilities and the lack of regulatory mechanisms intended to ensure accessibility, inclusive participation or recognition of social diversity. Social aspects, when mentioned, are confined to broad categories such as the population or human health, confirming the concerns raised in the literature on Social Impact Assessment regarding the tendency of European environmental legislation to overlook the most vulnerable groups. This omission is especially significant given that the States examined are bound both by the Convention on the Rights of Persons with Disabilities and by European accessibility regulations. Taken together, the legal frameworks maintain a technocratic focus centred on environmental protection, with limited integration of the principles of equality and non-discrimination that should guide contemporary environmental governance.

On the basis of these findings, the thesis develops the Inclusive Environmental Impact Assessment Guideline, a conceptual and operational framework that translates the core principles of Social Impact Assessment, extended through Disability Justice, into practical guidance applicable to all stages of the assessment process. The guideline conceives inclusion as a continuous process, spanning scoping, the preparation of baseline information, impact evaluation, decision-making and post-decision monitoring.

Overall, the research offers a double contribution. First, it provides a comparative diagnosis that reveals structural limitations within the national legal frameworks and their implications for environmental governance in Europe. Second, it formulates a practical framework that enables progress towards more accessible, participatory and socially just environmental impact assessments. The thesis concludes that disability inclusion is an essential criterion for evaluating the ethical, democratic and social quality of contemporary environmental governance and for strengthening the role of the social dimension within Environmental Impact Assessment.

Resumen

Esta tesis analiza en qué medida y de qué manera los marcos nacionales de Evaluación de Impacto Ambiental de Italia, Alemania, Austria y España incorporan una perspectiva inclusiva de la discapacidad. Partiendo del reconocimiento de que la Evaluación de Impacto Ambiental es uno de los instrumentos centrales de la gobernanza ambiental europea, el estudio muestra una brecha persistente entre los compromisos asumidos por los Estados en virtud de la Convención de las Naciones Unidas sobre los Derechos de las Personas con Discapacidad y la escasa atención que las legislaciones nacionales prestan a la accesibilidad, la participación y la justicia social. El objetivo general consiste en evaluar el grado de inclusión de la discapacidad en los marcos jurídicos y, a partir de los resultados, desarrollar un marco conceptual y procedimental que oriente hacia prácticas más inclusivas.

La investigación adopta un diseño cualitativo basado en el análisis documental de las leyes vigentes en los cuatro países, todas ellas derivadas de la Directiva 2011/92/UE sobre la evaluación de las repercusiones de determinados proyectos públicos y privados en el medio ambiente, modificada por la Directiva 2014/52/UE. Se emplea un método de Análisis de Contenido Cualitativo que combina estrategias deductivas e inductivas y que se articula en tres niveles analíticos: visibilidad de la discapacidad, justicia y derechos, y accesibilidad y participación. Este enfoque permite examinar de manera sistemática la presencia, la ausencia o la ambigüedad de referencias a la discapacidad en los textos legales, así como comparar los patrones convergentes y divergentes entre los países analizados.

Los resultados evidencian la ausencia total de referencias a las personas con discapacidad y la falta de mecanismos normativos destinados a garantizar accesibilidad, participación inclusiva o reconocimiento de la diversidad social. Las alusiones a cuestiones sociales se limitan a categorías amplias como la población o la salud humana, confirmando las críticas de la literatura de Social Impact Assessment respecto a la tendencia de la normativa ambiental europea a invisibilizar a los grupos más vulnerables. Esta omisión resulta especialmente significativa considerando que los Estados analizados están sujetos tanto a la Convención de las Naciones Unidas sobre los Derechos de las Personas con Discapacidad como a la normativa europea

en materia de accesibilidad. En conjunto, los marcos legales mantienen un enfoque tecnocrático centrado en la protección ambiental, con escasa integración de los principios de igualdad y no discriminación que deberían guiar la gobernanza ambiental contemporánea.

A partir de estos hallazgos, la tesis desarrolla la Guía de Evaluación de Impacto Ambiental Inclusiva, un marco teórico y operativo que traduce los principios fundamentales de la Social Impact Assessment, ampliados mediante la Justicia de la Discapacidad, en orientaciones prácticas aplicables a todas las fases de la evaluación. La guía concibe la inclusión como un proceso continuo, desde la definición del alcance y la elaboración de líneas de base hasta la evaluación de impactos, la toma de decisiones y el seguimiento.

En conjunto, la investigación ofrece una contribución doble. Por un lado, proporciona un diagnóstico comparativo que revela limitaciones estructurales en los marcos legales nacionales y sus implicaciones para la gobernanza ambiental europea. Por otro, formula un marco propositivo que permite avanzar hacia evaluaciones de impacto ambiental más justas, accesibles y participativas. La tesis concluye que la inclusión de la discapacidad constituye un criterio esencial para evaluar la calidad ética, democrática y social de la gobernanza ambiental contemporánea y para reforzar el papel de la dimensión social dentro de la Evaluación de Impacto Ambiental.

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List of Abbreviations

BOE	-	Boletín Oficial del Estado
CDS	-	Critical Disability Studies
CRPD	-	Convention on the Rights of Persons with Disabilities (UN)
EEA	-	European Environment Agency
EIA	-	Environmental Impact Assessment
EU	-	European Union
IAIA	-	International Association for Impact Assessment
IEIA	-	Inclusive Environmental Impact Assessment Guideline
NGO	-	Non-Governmental Organization
OECD	-	Organisation for Economic Co-operation and Development
QCA	-	Qualitative Content Analysis
SDGs	-	Sustainable Development Goals (UN)
SEA	-	Strategic Environmental Assessment
SIA	-	Social Impact Assessment
TFEU	-	Treaty on the Functioning of the European Union
UN	-	United Nations
UVPG	-	Gesetz über die Umweltverträglichkeitsprüfung
UVP-G 2000	-	Umweltverträglichkeitsprüfungsgesetz 2000
VAS	-	Valutazione Ambientale Strategica
VIA	-	Valutazione di Impatto Ambientale
WHO	-	World Health Organisation

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1. Introduction

The accelerating pace of climate change has made extreme weather events a recurrent and destructive feature of contemporary life (e.g. Stott, 2016; La Sorte et al., 2021). Across Europe, periods of heat, drought, and intense rainfall have increased, revealing both the fragility of natural systems and the unequal capacity of societies to withstand environmental shocks (EEA, 2022). The catastrophic floods that struck the Ahr Valley in Germany in July 2021 epitomise this dual crisis. Scientific analyses indicate that such events are no longer anomalies but foreseeable consequences of a warming climate: compared to pre industrial conditions, the probability of extreme rainfall in Western Europe has risen considerably due to anthropogenic climate change (Kompetenzzentrum für Klimawandelfolgen, 2021). What happened in the Ahr Valley, however, illustrated not only environmental transformation but also its deep social repercussions and the inequity of climate impacts.

Among the 134 people who lost their lives, twelve were residents of a home for persons with disabilities in Sinzig, who drowned on the ground floor of their facility (Brunner et al., 2023). Their deaths exposed a structural blind spot in emergency and spatial planning, which continue to presume an able-bodied public. The absence of accessible warning systems, evacuation procedures, and individualised safety planning transformed a preventable environmental hazard-related disaster, into a human catastrophe. This neglect reflects a wider pattern in environmental governance, where the needs and everyday realities of persons with disabilities are rarely anticipated or institutionally represented (Waddington and Priestley, 2021).

The Ahr Valley flood therefore stands as more than a national tragedy. It is a diagnostic event that reveals how climate change interacts with pre-existing forms of social inequality. Environmental crises do not simply affect vulnerable groups. They expose how vulnerability itself is produced through exclusionary infrastructures, inaccessible information, and governance practices that fail to consider human diversity. International organisations such as the World Health Organisation (WHO) and the United Nations Office for Disaster Risk Reduction (UNDRR) emphasise that resilience depends on inclusion, accessibility, and participation (WHO, 2013; UNDRR, 2023). When these conditions are absent, resilience becomes selective.

While much discussion has focused on crisis response, the Ahr Valley event exposes deeper limitations in the preventive architecture of environmental governance. Instruments within the broader family of impact assessments, particularly the Environmental Impact Assessment (EIA), were created to anticipate the consequences of human interventions and to prevent foreseeable harm. EIA is the only environmental translated into practice assessment instrument grounded in binding European Union legislation, and therefore provides the principal regulatory mechanism through which Member States must integrate environmental and specific social considerations into planning and decision-making. Despite these ambitions, EIA practice has remained shaped by a predominantly biophysical understanding of impact.

The Ahr Valley case demonstrates the consequences of this conceptual narrowing. Prior to the flood, planning processes in the region were guided by assessment regimes that treated impact largely in ecological and technical terms (Brunner et al., 2023). Accessibility, care infrastructures, and differentiated social vulnerabilities were positioned at the margins of environmental concern. This separation of environmental and social dimensions reveals an enduring structural limitation of EIA: it does not fully address the social infrastructures that condition how people experience environmental change.

From this perspective, the Ahr Valley flood becomes a turning point for rethinking what impact should mean within environmental assessment. It shows that ecological and social dimensions are inseparable, and that the credibility of EIA depends on acknowledging this interdependence. Integrating disability, accessibility, and social equity into EIA frameworks is therefore not an optional extension of environmental protection but a necessary condition for ensuring that preventive governance is effective for all.

Starting from this context, this thesis examines how national EIA laws in Italy, Germany, Austria, and Spain address disability within the preventive architecture of environmental governance. The legal texts constitute the binding basis through which Member States implement the EIA Directive, and they therefore offer a window into how social and disability related concerns are framed at a foundational level. Although the Directive requires the consideration of certain social factors, it does not provide a systematic framework for analysing social change or inclusion. To address this gap, the thesis draws on Social Impact Assessment (SIA) as a complementary conceptual

orientation. SIA provides analytical tools for understanding social impacts, distributional effects, participation, and lived experience, which serve here as a reference point for evaluating the treatment of social dimensions in national EIA legislation. Disability forms the primary analytical lens, as it is a legally recognised category and a salient dimension of inequality, while an intersectional perspective is used selectively to highlight internal heterogeneity and the broader logics of exclusion reflected in neutral or abstract legal language. The study is based on a comparative qualitative analysis of national EIA laws, with the aim of identifying structural blind spots and contributing to the formulation of an Inclusive Environmental Impact Assessment Guideline.

2. Research Framework

2.1. Research Question and Objectives

This thesis is guided by the overarching question of: **How far and in what ways national EIA laws in Italy, Germany, Austria, and Spain reflect a disability-inclusive perspective?** At its core, this inquiry addresses a significant gap in current environmental legislation. While EIAs are mandated across the European Union (EU) as central instruments for ensuring that development projects comply with ecological standards and mitigate adverse consequences, the integration of the social dimensions into EIA theory and practice has been far less consistent.

Moreover, where social concerns are acknowledged, they tend to be framed in broad and technocratic terms, often reducing complex issues of equity, participation, and justice to procedural checklists (e.g. Vanclay, 2003; Vanclay, 2023). Within this setting, disability remains particularly underrepresented. Persons with disabilities are rarely treated as rights-holders within the formal architecture of EIA law and practice but instead tend to be subsumed under vague references or overlooked altogether. This omission not only sidelines a significant portion of the population but also reflects broader structural inequalities that environmental law and policy have historically failed to address (e.g. Chouinard, 2012; Waddington & Priestley, 2021).

The main research question of this study therefore asks to what extent the existing national EIA laws incorporate, obscure, or exclude disability-related concerns, and what this reveals about the inclusiveness of EIA regimes more broadly. By situating disability at the centre of its inquiry, the thesis reveals a core paradox: the European Union and its Member States publicly endorse human rights, disability rights, and nondiscrimination, yet as demonstrated in this research, disability remains almost entirely absent from EIA law.¹ This contrast exposes a persistent normative tension

¹ The European Union formally ratified the UN Convention on the Rights of Persons with Disabilities (CRPD) in 2010, becoming the first regional integration organisation to accede to a UN human rights treaty, while all Member States completed their ratifications by March 2018 (Council of the European Union, 2010). The Convention remains the normative basis for EU disability policy and is explicitly reaffirmed in the European Disability Rights Strategy 2021-2030, which seeks to translate its principles of equality, participation, and accessibility into binding policy objectives (European Commission, 2021).

between formal commitments to equality and the structural practices that continue to reproduce exclusion. The research question of this study does not emerge in isolation but is embedded in a broader research project of investigating how social justice, accessibility, and participation are operationalized within environmental governance.

To answer this question, the thesis pursues two interrelated objectives. The first is diagnostic: to identify how disability is positioned within national EIA laws, paying attention both to explicit recognition in legal provisions and to more implicit framings that shape disability inclusion. This comparative perspective is intended to provide an empirically grounded understanding of the gaps, contradictions, and opportunities within the current legal landscape.

The second objective is constructive: to build on these insights in order to formulate an Inclusive Environmental Impact Assessment guideline that directly addresses the shortcomings identified in current practice. Emerging from the empirical findings of the legal analysis, the guideline translates principles from Disability Studies, Disability Justice, and human rights law into practical orientations for national EIA legislation of EU Member States and EIA practice. Rather than proposing an abstract model, it offers normative direction and procedural guidance for designing and conducting assessments that are genuinely inclusive. Its role is therefore both prescriptive and operational: to articulate the values that should underpin inclusive assessment processes and to indicate how these values can be implemented across each procedural phase.

Alongside these two objectives, the thesis introduces Social Impact Assessment (SIA) as an essential conceptual and analytical reference point. Although SIA is not the empirical object of study, it provides the most developed framework for identifying, analysing, and managing social change within assessment processes. SIA is therefore used in this thesis as a lens through which to evaluate whether national EIA laws meaningfully engage with social dimensions, including participation, equity, and the lived experience of affected groups. In practical terms, SIA informs both the design of the coding scheme and the structure of the Inclusive Environmental Impact Assessment Guideline, ensuring that the legal analysis is anchored in established principles of social assessment rather than relying solely on legislative interpretation.

In this way, the research question provides a unifying thread between the empirical task of identifying how disability is currently addressed and the normative ambition of formulating a practical guideline that embeds principles of justice and accessibility into the procedures of environmental assessment. The objectives ensure that the thesis not only critiques the limitations of current law but also contributes to the search for improvement. Ultimately, disability is positioned not as a marginal or secondary issue but as an indicator for the inclusiveness and democratic quality of EIA law within the EU. By examining how national legislation frames or neglects disability, the study highlights the extent to which existing procedures support or undermine accessibility, participation, and equality, and demonstrates how impact assessments could be reconfigured to advance social justice alongside environmental protection.

2.2. Positionality and Reflexivity

My positionality is shaped by my social background, transnational experiences, and my identity as a disabled person. I am of German and Austrian nationality and have lived in all four countries examined in this thesis. I speak German, English, and Spanish and I am learning Italian, which enabled me to engage directly with the national legal texts in their original languages.

Growing up with a mobility disability has made accessibility, institutional assumptions, and unequal expectations part of my everyday experience. Early encounters with exclusion in school settings and more recent engagement in a municipal participatory process in Munich made visible how easily disabled persons are overlooked in procedures that present themselves as neutral or universally accessible. At the same time, I recognise that my own experience of disability is shaped by the fact that I grew up in a white middle class context, which influences how I navigate public institutions and which forms of support or recognition are available to me. This awareness is essential, since the experiences of disabled persons differ significantly depending on additional layers of inequality such as class, gender or migration status. Acknowledging this shaped my decision to adopt an explicitly intersectional analytical perspective in this thesis.

My academic trajectory further influences how I approach the research. I studied philosophy and economics in my bachelor studies with a focus on global inequalities

and analytical reasoning, and I completed an extracurricular programme in Disability Studies and intersectionality. These experiences shaped my interest in the normative dimensions of environmental governance and the ways in which social and environmental vulnerabilities intersect. My decision to pursue a master in climate change and sustainable territorial development reflects a desire to understand how climate impacts and social structures interact and how preventive governance can address these dynamics. Alongside my studies, I founded several projects promoting disability justice in youth and sport contexts, and I am actively involved in the para sport community as a para triathlete. These engagements inform my understanding of participation, recognition, and social inclusion, and they motivate my interest in examining how disability is positioned within EIA.

This positionality also shapes my methodological stance. I chose to analyse legal texts because the law represents the formal status quo and therefore provides a grounded basis for understanding how inclusion, participation, and social responsibility are structured within preventive environmental governance. My analytical orientation and my normative commitments to equity, accessibility, and disability rights influence how I interpret the texts and which patterns attract my attention. Based on my own encounters with institutions and participatory processes, I expected disability to be largely absent from the national EIA laws. While this expectation was confirmed, I approached the coding process with openness to concepts emerging from the material itself, as reflected in the development of the codebook after the pilot phase.

The research also involved challenges, particularly in interpreting legal terminology across different jurisdictions and in identifying exclusion that appears in the form of omission rather than explicit provision. These challenges required sustained reflexive awareness to ensure that personal experiences and expectations informed, but did not predetermine, the analysis. Recognising this positionality enhances the transparency of the research and clarifies why the study foregrounds disability, justice, and participation in its examination of EIA law.

2.3. Scope and Limitations

This thesis examines the national EIA frameworks of Italy, Germany, Austria, and Spain. The analysis is confined to national level legislation and does not address

subnational or regional frameworks, nor does it investigate the application of EIAs in individual projects. It also does not include a detailed examination of the EU EIA Directive itself, even though it provides the binding framework that shapes national transposition. This choice reflects the aim of the thesis to analyse how Member States operationalise these directives in their domestic legislation rather than to conduct a doctrinal analysis of the directive as such. By concentrating on statutory provisions, the study highlights the normative expectations embedded in domestic law and the ways in which these texts position or fail to position disability within the architecture of environmental legislation.

The temporal scope of the research is restricted to the most recent consolidated versions of the respective EIA laws available at the time of writing.² Earlier legal frameworks and historical trajectories are not considered in detail. While this narrow temporal frame does not capture the full evolution of EIA legislation, it allows the thesis to assess the adequacy of current provisions against contemporary standards of disability rights and Disability Justice.

The thematic focus of this thesis centres on disability as a distinct and primary category of analysis. Intersectionality is therefore not employed to conduct a comprehensive examination of all forms of oppression, but as a lens that clarifies how disability is experienced in differentiated ways and why disabled persons cannot be treated as a homogeneous group. This perspective also helps reveal how the marginalisation of disabled persons within EIA legislation reflects broader logics of exclusion, such as the use of vague categories like “the population”, neutral language that obscures social difference, and participatory arrangements designed around standard bodily norms.³ Intersectionality is applied selectively to identify points where disability intersects with other axes of inequality, for example socioeconomic status, gender, rurality, or migration background, without claiming to systematically map each

² The analysis is based on the national EIA laws in their consolidated form as available up to August 2025, which served as the reference point for this study. Amendments or reforms introduced after this date are not included in the assessment.

³ Marginalisation is one of the five faces of oppression identified by Iris Marion Young, alongside exploitation, powerlessness, cultural imperialism, and violence. It refers to structural processes through which specific groups are excluded from meaningful participation in social, economic, and political life, often through institutional arrangements that render their needs invisible or peripheral (Young, 1990, pp. 53-63).

dimension. This approach maintains conceptual clarity and keeps disability at the core of the analysis while enabling a deeper understanding of the structures that produce vulnerability and exclusion across groups.

By defining its scope in this way, the study necessarily entails certain limitations. The exclusion of implementation practices means that the analysis cannot provide insight into how legal provisions are interpreted by authorities, experienced by communities, or contested in practice. Similarly, the concentration on four countries offers comparative depth but not comprehensive coverage of all EU Member States. The findings therefore should be read as indicative of structural tendencies rather than exhaustive of the diversity of EIA regimes across the Union.

Recognising these boundaries is essential for situating the contribution of this thesis. Its value lies not in providing a universal account of disability inclusion in environmental governance, but in generating a focused and systematic legal analysis that exposes structural blind spots and identifies pathways for the formulation of a disability-inclusive guideline. In doing so, the study contributes to the development of practical orientations for more accessible, participatory, and just EIA procedures.

2.4. Structure

The structure of the thesis reflects its aim to link conceptual debates on disability and EIA with a systematic analysis of European EIA legislation and the formulation of a practical guideline for more inclusive EIA practice. Chapter 3 develops the theoretical and conceptual foundations of the study. It begins by examining the European legal framework that governs EIA, since this provides the binding reference point for all national regulations within the EU. The chapter then introduces SIA as a conceptual and methodological framework that helps illuminate the social dimensions that EIA procedures often marginalise. SIA is included because its long-standing focus on participation, lived experience, and social justice offer analytical tools that are helpful for assessing the treatment of disability within EIA law. The chapter finally draws on Disability Studies and Disability Justice to establish the normative benchmarks that guide the empirical analysis. Together, these perspectives provide the conceptual grounding for evaluating national EIA legislation and for formulating the Inclusive Impact Assessment Guideline presented in the later chapters.

On this foundation, Chapter 4 introduces the methodological approach. It outlines the design of the study, explains how qualitative content analysis is applied to the legal texts, and describes the coding strategy used to examine the national EIA laws of Italy, Germany, Austria, and Spain. This chapter also reflects on the analytical choices made and situates them in relation to the research objectives, thereby preparing the ground for the document analysis.

Chapter 5 investigates the national frameworks themselves. Each case study is explored in detail in order to identify how disability is addressed, obscured, or omitted within the statutory provisions that regulate environmental assessments. The country analyses form the empirical core of the thesis, providing insight into the extent to which national legislation accommodates or neglects the recognition of disabled persons in environmental decision-making. The findings from these individual cases are then brought together in Chapter 6, which develops a comparative discussion. By identifying patterns of convergence and divergence across the four countries, this chapter highlights broader tendencies within the European legal landscape and points to areas where reform is most urgently required. The comparative analysis applies an intersectionality lens that reveals how power relations and forms of marginalisation are embedded within legal and procedural structures. Through this perspective, the discussion moves beyond a comparison of formal provisions to uncover the underlying dynamics that shape visibility, participation, and inclusion within EIA frameworks.

Chapter 7 builds on these insights by proposing the Inclusive Environmental Impact Assessment Guideline. The rationale for introducing SIA earlier in the thesis becomes fully visible at this stage. SIA provides the most established conceptual and procedural framework for understanding social change, participation, and equity within assessment processes, and therefore serves as the analytical reference point for evaluating the social dimensions of EIA legislation. In the empirical analysis, selected principles of SIA were used to guide the coding of national EIA laws, particularly in relation to participation, long term social impacts, and the recognition of affected groups. At the same time, the analysis revealed that neither SIA nor European EIA law, in their standard formulations, take disability fully into account. The Guideline therefore extends the SIA tradition by integrating insights from Disability Studies and Disability Justice into its approach to social inclusion. In doing so, it both strengthens

SIA conceptually and offers concrete procedural orientations that can assist legislators and authorities in making EIA practice more responsive to disability inclusion.

Through this integration, the guideline does not replace existing SIA foundations but develops them in two complementary directions. First, it adapts SIA concepts to the legal and procedural architecture of EU EIA legislation, translating them into steps that can be incorporated into national legislation and administrative routines. Second, it adds an explicit disability perspective that responds directly to the gaps identified in the comparative analysis. As a result, the guideline functions as a bridge between SIA as an established social framework and EIA as a binding regulatory instrument, showing how the two can be brought together in ways that make EIA procedures more disability-inclusive and attentive to social difference.

In this way, the thesis moves from conceptual foundations to methodological design, from national case studies to comparative synthesis, and finally to the development of a normative and procedural guideline. Each stage builds on the previous one, ensuring coherence between the guiding question, the evidence generated, and the applied significance of the findings.

3. Theoretical and Conceptual Foundations

3.1. EU Legislation on Impact Assessments

This section provides an overview of how impact assessment has been shaped within the European Union and how social dimensions have entered the regulatory landscape. The following subsections trace the evolution of EU legislation on impact assessment, outline how social considerations have been integrated into the EU legal order, and examine the role of soft law and policy frameworks in shaping assessment practice. Taken together, this section shows how environmental, social, and procedural objectives have gradually converged within EU governance, while also revealing the persistent limitations that frame the treatment of social issues within contemporary impact assessment regimes.

3.1.2. The Evolution of EU Legislation on Impact Assessment

EU involvement in impact assessment originated in the environmental field. The EIA Directive (85/337/EEC), adopted in 1985, introduced the first binding obligation for authorities to examine the likely significant effects of certain public and private projects before granting approval (European Council, 1985). This marked a decisive shift from reactive to preventive forms of decision-making, establishing ex-ante evaluation as a principle of environmental governance. Over time, the scope of the EIA expanded beyond the assessment of physical environmental factors to encompass public health, social conditions, and participation rights (Glasson & Therivel, 2012). The 2014 amendment (Directive 2014/52/EU) consolidated these developments by explicitly referring to climate change and human health among the areas to be examined (European Parliament, 2014). The evolution of the Directive thus reflects a gradual broadening of what “impact” entails, linking ecological integrity with human well-being and social accountability.

As the Commission refined its approach to policy preparation, the EIA framework assumed a formative role in shaping broader practices of ex ante evaluation within EU governance. Its legal form as a directive is particularly significant: directives bind Member States to the results to be achieved while allowing them discretion as to the

form and methods of implementation (European Union, 2008). This flexibility enables adaptation to different legal traditions and administrative capacities but has also produced a degree of unevenness in application. The European Commission (2009) noted that although all Member States had established comprehensive regulatory frameworks, implementation and quality differed significantly, with some systems incorporating more detailed procedures and safeguards than others. Such divergence reflects not only differences in institutional capacity but also varying political priorities and levels of commitment to participatory and evidence-based governance.

By the early 2000s, the European Commission came to view the fragmented, sector-specific approach to assessment as inefficient and lacking coherence (European Commission, 2001). The *White Paper on European Governance* called for a more transparent and participatory policy process built on evidence and inclusivity (ibid.). This ambition materialised in the *Communication on Impact Assessment* (European Commission, 2002), which introduced the integrated impact assessment system. The reform represented a conceptual and procedural shift. In the *Communication on Impact Assessment* (European Commission, 2002), the Commission proposed replacing the fragmented model of separate environmental, economic, and social assessments with a single, integrated framework. The aim was to ensure that policy design systematically considered trade-offs and synergies across these dimensions, rather than treating them as discrete concerns. This new approach reflected a broader transformation of EU governance under the *Better Regulation Agenda*, which sought to make lawmaking more transparent, proportionate, and grounded in evidence (European Commission, 2015). Within this agenda, impact assessment was no longer conceived as a peripheral technical exercise but as an intrinsic component of policymaking, intended to demonstrate that Union intervention was both justified and proportionate compared to national alternatives. As Radaelli (2009) observes, this integration of analytical and procedural functions turned impact assessment into a key instrument of legitimacy, linking evidence-based policymaking to the democratic accountability of EU action.

Throughout the following decade, impact assessment became firmly institutionalised as a standard element of the EU legislative process. The *Better Regulation Agenda*, first launched in 2005 and updated in 2015, provided detailed methodological guidance on how assessments should be designed, reviewed, and communicated (European Commission, 2015). The *Interinstitutional Agreement on Better Law-Making* (European

Union, 2016) subsequently codified impact assessment as a shared responsibility of the Commission, the Council, and the European Parliament. The creation of the Regulatory Scrutiny Board in 2015 further consolidated this institutional framework, providing independent oversight of the quality and consistency of assessments (European Commission, 2015). Through these reforms, impact assessment evolved from a managerial instrument into what many observers have described as a procedural cornerstone of EU governance, an institutional mechanism through which environmental, social, and economic considerations would be systematically integrated into legislative and policy development (Renda, 2011).

3.1.2. Social Dimensions within the EU Legal Order

Within the broader framework of EU governance, social dimensions have progressively evolved into a recognised analytical component of policymaking, even though they are not governed by a single, dedicated directive (Radaelli & Meuwese, 2009). The horizontal social clause in Article 9 of the *Treaty on the Functioning of the European Union* (TFEU) obliges the EU to consider requirements relating to employment, social protection, the fight against social exclusion, and a high level of education, training, and human health in the definition and implementation of all its policies. Articles 151 to 153 of the TFEU set out the Union's broader social policy objectives, while Article 11 establishes a parallel principle for environmental protection (European Union, 2008). Together, these provisions provide a constitutional foundation for the integration of social and environmental considerations into all areas of EU decision-making, affirming that economic integration and market efficiency must be balanced with the pursuit of social cohesion and sustainable development.

This constitutional commitment is operationalised through a range of policy instruments, most notably the *Better Regulation Guidelines* and the accompanying *Better Regulation Toolbox*. These documents translate the general principles of the Treaties into concrete methodological requirements for policy preparation and evaluation. Every impact assessment conducted by the European Commission must consider potential effects on social outcomes such as health, education, inequality, inclusion, and fundamental rights, and must identify measures to mitigate any adverse consequences (European Commission, 2021). The 2021 revision of the guidelines

further strengthened the emphasis on fairness and social inclusion, aligning the analytical framework with the objectives of the *European Green Deal* and the *Sustainable Development Goals*. In this way, the EU's Better Regulation framework functions as a bridge between high-level treaty commitments and the practical governance mechanisms through which social and environmental justice are pursued.

The EU's decision to rely predominantly on directives as the legal vehicle for impact assessment, rather than regulations, reflects both strategic and constitutional considerations (Craig & de Búrca, 2011). Social and environmental policy areas are characterised by shared competence and by the need to respect national diversity in welfare regimes, labour relations, and administrative practice (European Union, 2008). Directives therefore function as instruments of coordination that enable the Union to pursue common objectives while allowing Member States discretion in their implementation. This approach reflects the principle of subsidiarity, according to which action at the Union level is justified only when objectives cannot be adequately achieved by the Member States, while the principle of proportionality requires that the Union measures do not exceed what is necessary to achieve their intended purpose (ibid.). The resulting legal architecture thus maintains a delicate balance between integration and flexibility, allowing collective progress without undermining national autonomy.

Yet this design inevitably produces variability in outcomes. Member States differ significantly in their institutional capacity, political priorities, and administrative traditions (European Commission, 2019). Some integrate social considerations comprehensively into decision-making, embedding distributional and participatory analysis throughout the EIA process, while others treat such elements as procedural formalities (ibid.). These divergences are further amplified by the absence of a dedicated SIA framework at the EU level. Unlike EIA or Strategic Environmental Assessment, SIA is neither regulated through a directive nor conceptually standardised in EU EIA legislation.⁴ Although the European Union references SIA in some contexts, the concept is less institutionalised and is treated within the framework of ex post policy

⁴ Strategic Environmental Assessment (SEA) refers to the evaluation of the environmental effects of plans and programmes under Directive 2001/42/EC, functioning as a complement to project level EIA.

evaluation rather than as a forward-looking assessment tool akin to the EIA (European Commission, 2010).

Against this background, it becomes clear why this thesis engages with SIA in its conceptual framework. While SIA is not a regulatory requirement within the EU and does not form part of European EIA legislation, it constitutes the most systematically developed approach for analysing social change, equity, and participation within the wider family of impact assessments. In the absence of an EU-level SIA framework, SIA provides a normative and analytical reference point for identifying what a more socially-attentive and disability-inclusive EIA could entail. The present study therefore uses SIA not as an empirical object of analysis but as a conceptual lens: it helps to reveal where national EIA laws recognise or marginalise social and justice related dimensions, and it informs the later formulation of the Inclusive Impact Assessment Guideline. In this sense, SIA is employed as a complementary framework that compensates for the conceptual gaps left by EU legislation.

This lack of regulatory guidance leaves social dimensions dispersed across environmental directives without a unifying approach and contributes to uneven attention to equity, participation, and vulnerability in national implementations. As a result, the depth of stakeholder engagement and the quality of public participation continue to vary widely, depending on national cultures of consultation, accountability, and administrative transparency (Hartley and Wood, 2005). Consequently, although the overarching objectives of EIA within the EU are shared, the extent to which social dimensions are substantively incorporated may differ across jurisdictions. This variation reflects the Union's pluralistic governance ethos, which balances common objectives with flexibility and subsidiarity.

3.1.3. Soft Law and Policy Frameworks in EU Impact Assessment

Alongside binding legal acts, the EU relies extensively on soft law instruments to guide and harmonise implementation across its Member States. These include the *Better Regulation Guidelines and Toolbox*, Commission Staff Working Documents, and the *Guidelines on the Application of the Charter of Fundamental Rights* (2018), all of which influence how environmental and social impacts are defined, measured, and communicated. Policy frameworks such as the *European Green Deal* (2019) further

reinforce the integration of environmental, social, and economic considerations, embedding the notion of a “just transition” at the core of EU climate and development policy.

Although soft law instruments do not carry direct legal force, they exert substantial normative influence (Senden, 2004). They establish methodological standards, shape expectations among policymakers and practitioners, and serve as reference points for judicial and political scrutiny (ibid.). Over time, this has generated an informal yet effective harmonisation of administrative practice across the Union (Radaelli & Meuwese, 2009). Many Member States have voluntarily aligned their national systems with the principles of the *Better Regulation* framework, seeking to ensure consistency and credibility in both domestic and European contexts (Renda, 2011).⁵

A key example of this harmonising role is provided by the *European Commission’s Guidance on the preparation of the Environmental Impact Assessment Report (2017)*, which interprets and operationalises Directive 2014/52/EU. The document provides detailed recommendations on scoping, data collection, stakeholder participation, and the presentation of results, aiming to promote transparency and comparability of assessments across Member States. While not legally binding, the guidance effectively functions as a shared methodological benchmark, clarifying expectations for the treatment of topics such as human health or climate change.

Together, these soft law and policy frameworks demonstrate that the EU’s governance of environmental assessment operates through a layered architecture: binding directives provide the legal backbone, while guidance documents and policy frameworks translate their objectives into administrative and methodological practice. This interplay between binding legislation and soft governance instruments reshaped both the procedural architecture and the normative orientation of impact assessment. Rather than signalling a straightforward broadening of the concept of impact toward social justice or human wellbeing, the integration of environmental, economic, and social dimensions under the Better Regulation Agenda redefined assessment as a tool

⁵ For example, the Netherlands and Germany are frequently cited as having well-developed regulatory management systems and close alignment with the EU Better Regulation agenda, particularly in relation to stakeholder consultation, regulatory oversight, and impact assessment procedures (OECD, 2019).

of policy coordination and administrative coherence. Through this process, impact assessment evolved into a central mechanism for legitimising EU decision-making, linking evidence-based reasoning with the principles of proportionality and efficiency, yet leaving questions of equity and distribution largely implicit.

3.2. Conceptualizing Social Issues within EIA

The preceding section showed that, although EU EIA legislation increasingly refers to certain social considerations, it offers only limited conceptual guidance on how social change, vulnerability, or participation should be understood. Yet, attending to social issues is essential in any assessment of environmental interventions, since the distribution of risks and opportunities is shaped by pre-existing social structures and differentiated capacities to respond. Within the wider family of impact assessments, SIA is the approach that most explicitly develops concepts for analysing social processes, distributional effects, and lived experiences. However, SIA remains weakly institutionalised in the EU and offers only limited elaboration of intersectional vulnerability and disability inclusion, which are central concerns of this thesis. For this reason, SIA is used here as a conceptual resource to clarify how social dynamics can be understood and to make visible the dimensions that EU EIA legislation often treats only minimally. The subsections below therefore introduce SIA, trace its evolution and limitations, and then develop the concepts of vulnerability and disability that require fuller recognition in EIA law. Together, these perspectives provide the theoretical basis for examining how EU Member States address or omit social issues within their EIA laws and for identifying what a more socially attentive and disability-inclusive EIA legal framework could entail.

3.2.1. Concepts and Evolution of SIA

SIA emerged in the early 1970s alongside EIA, as part of a wider institutionalization of environmental governance in the aftermath of environmental crises and in the wake of the United States National Environmental Policy Act (NEPA) of 1969. In its formative phase, SIA was conceived as an essentially technical exercise designed to predict, in advance, the likely social consequences of proposed projects, usually in support of

regulatory decision-making (Vanclay, 2003). Often appended as a discrete chapter to an EIA, and rarely influential in shaping final outcomes, early SIAs were constrained by a narrow methodological scope and a weak institutional position (ibid.). Nevertheless, the emergence of SIA represented a recognition that the social dimensions of development projects could not be subsumed within biophysical or economic analysis alone, and that the quality of life of affected populations warranted explicit and systematic consideration (e.g. Burdge & Vanclay, 1996; Vanclay, 2024).

Over the subsequent decades, both scholarship and practice have progressively expanded the conceptual and operational scope of SIA. A decisive turning point occurred with the adoption of the *International Principles for Social Impact Assessment*, which reframed SIA as “[...] the processes of analysing, monitoring and managing the intended and unintended social consequences, both positive and negative, of planned interventions and any social change processes invoked by those interventions” (Vanclay, 2003, p.6). This redefinition introduced a significant paradigmatic shift: the emphasis moved from one-off prediction towards adaptive management across the entire life cycle of a project, from conception to post-closure (Vanclay et al., 2015, p.57). The conceptualization of SIA as both a process and a philosophy underlined its normative foundations in social sustainability, equity, transparency, human rights, and the empowerment of affected communities (e.g. Vanclay et al., 2015; Imperiale & Vanclay, 2024).

In contemporary understanding, social impacts are conceived as encompassing “everything that affects people” in relation to a planned intervention, whether those effects are direct or indirect, tangible or intangible, and whether they occur at the level of the individual, household, community, or society at large (Vanclay et al., 2015, p.2). These impacts may include changes to ways of life, cultural practices, community cohesion, political participation, environmental quality, health and wellbeing, personal and property rights, and even people’s fears and aspirations (ibid.). Importantly, impacts are experienced unequally within affected populations, reflecting pre-existing vulnerabilities, capacities, and resilience, and are often mediated by perceptions of the legitimacy of the intervention (e.g. Vanclay 2015; Vanclay, 2023). A key conceptual refinement in SIA theory has been the distinction between social change processes and social impacts, with the recognition that while not all changes generate impacts, all impacts arise from processes of change (Vanclay, 2002).

The evolution of SIA practice has been marked by a widening of its temporal and thematic boundaries. Originally centred on ex ante regulatory compliance, SIA is now more often embedded in project management systems as part of ongoing social performance strategies (e.g. Vanclay, 2024; Vanclay et al., 2015). This has entailed a gradual shift from a focus on minimizing harm to an emphasis on enhancing the positive contributions of projects, particularly through mechanisms such as benefit-sharing, local procurement, and community development initiatives (ibid.). In parallel, the scope of SIA has extended beyond discrete projects to include the assessment of policies, programmes, and spatial development plans, as well as applications in disaster risk reduction and climate resilience planning (Imperiale & Vanclay, 2024).

The integration of human rights considerations has further reshaped the conceptual foundations of SIA. The alignment of SIA practice with the *United Nations Guiding Principles on Business and Human Rights* has made respect for human rights, the establishment of effective grievance mechanisms, and the operationalization of free, prior, and informed consent central to contemporary SIA (Vanclay, 2024, pp.780-782). In this way, SIA has increasingly been positioned as a governance instrument, capable of mediating between diverse actors and reconciling development objectives with the protection of social values and the rights of affected populations (e.g. Vanclay, 2024; Vanclay, 2015).

While these developments have expanded the ambitions of SIA, they have also exposed enduring limitations. Many assessments continue to be commissioned too late to influence fundamental project design, are under-resourced, or are produced within contractual arrangements that compromise the independence of practitioners (Vanclay, 2024, pp.782, 783). In addition, cultural and political-institutional barriers persist, particularly in governance systems dominated by top-down decision-making and “command-and-control” approaches to risk management, which constrain the genuine participation and empowerment of local communities (Imperiale & Vanclay, 2024, p.1583). Building on this trajectory, the authors propose a further paradigm shift towards community-based SIA, grounded in the co-production of knowledge, transformative learning, and the integration of resilience-building objectives into all stages of development planning. In this view, SIA is reframed not merely as a mechanism for managing the impacts of development, but as an anticipatory process for reducing the risks of development and strengthening the adaptive capacities of

communities in the face of social and environmental change (Imperiale & Vanclay, 2024).

3.2.2. The SIA Process

SIA has been represented in diverse ways across scholarship and practice. In many instances, it has been treated as a subsidiary part of EIA, typically included as a chapter or appendix within EIA reports and thereby undervalued (Vanclay, 2024, p.783). Elsewhere, regulatory systems have positioned it more distinctly, either as a parallel process or as a stand-alone requirement separate from EIA (ibid.). These variations underline the persistent ambiguity in how SIA is situated institutionally. Against this backdrop, the International Association for Impact Assessment (IAIA) has sought to strengthen the status of SIA through its *Guidance for Social Impact Assessment* (Vanclay et al., 2015). The document frames SIA not as an ancillary procedure but as a systematic life cycle process in its own right, one that can operate alongside and remain compatible with the more granular and sequential articulations of the EIA tradition.

Building on this institutional positioning, SIA is also anchored in a procedural framework that provides a structured approach for identifying, analysing, and managing the social consequences of planned interventions. The IAIA *Guidance for Social Impact Assessment* (Vanclay et al., 2015) describes SIA as an iterative process comprising four main stages: (1) understanding the issues, which includes initial screening, scoping, and stakeholder analysis; (2) predicting, analysing, and assessing likely impact pathways; (3) developing and implementing strategies for mitigation, enhancement, and management; and (4) designing and carrying out monitoring and evaluation systems (ibid. p.7). This segmentation highlights that SIA is not a one-off technical exercise but a cyclical process embedded throughout the whole project life cycle.

Although the segmentation of SIA differs across the literature, the underlying architecture is consistent. The IAIA guidance presents SIA in four broad phases, while many EIA frameworks describe the project cycle in a seven-step sequence encompassing screening, scoping, baseline studies, impact analysis, mitigation and alternatives, reporting, and monitoring (Glasson et al., 2012). These formulations do

not represent fundamentally different models, but rather alternative ways of naming and structuring the same iterative life-cycle process. The seven steps of the EIA cycle can be readily located within the four phases of the SIA framework, underscoring their conceptual compatibility. This hybrid perspective is particularly relevant for the present study: it ensures fidelity to the IAIA's internationally recognised guidance while also providing alignment with the EIA procedures mandated under EU law. This compatibility is crucial for the subsequent development of the Inclusive Impact Assessment guideline, which does not replace the established SIA architecture but extends it to systematically incorporate disability, accessibility, and justice-oriented considerations.

3.2.3. Intersectionality and the Limits of SIA

The SIA literature has progressively expanded its concern with questions of equity, participation, and justice. Over the past two decades, scholars have moved beyond the early technocratic focus on prediction and mitigation to emphasise that impact assessment must identify and engage those who are most affected and least empowered. Classic guidance highlights that vulnerable populations and the “worst off members of society” should be central to both analytical and participatory processes (Vanclay, 2015, p. 41). More recent contributions have extended this logic by calling for the systematic integration of gender, intersectionality, and attention to Indigenous Peoples, LGBTQI+ communities, migrants, and other historically marginalised groups (Lahiri Dutt and Ahmad, 2011; Imperiale and Vanclay, 2023; Shixnazar qizi, 2024). This evolution signals an important conceptual broadening: social assessment is no longer limited to enumerating distributive impacts but is increasingly recognised as a normative practice concerned with inclusion, recognition, and procedural fairness.

Despite this widening scope, disability remains almost entirely absent from the mainstream of SIA theory and practice. The omission is striking, given that many of the changes typically assessed, such as alterations to infrastructure, housing, mobility systems, or communication environments, have immediate and often disproportionate consequences for people with physical, sensory, or cognitive impairments. Ignoring disability not only undermines SIA's own normative commitments to justice, rights, and resilience (Vanclay, 2003), but also overlooks the broader societal benefits of universal

design and the potential role that SIA can have in enhancing social justice, including disability justice. Measures that ensure accessibility for disabled persons frequently enhance the usability and inclusiveness of environments for all, demonstrating that accessibility is not a niche concern but a central condition of social sustainability.

This absence cannot be explained by conceptual irrelevance but rather by a deeper structural tendency within both impact assessment and EU governance to treat the social as a secondary or residual category. While the European Union formally commits to combating social exclusion and discrimination, as enshrined in Article 9 TFEU and reiterated through the European Pillar of Social Rights and the European Green Deal, these commitments are rarely translated into concrete procedural requirements within assessment frameworks. Environmental and economic dimensions tend to dominate, while social considerations are often confined to broad references to human health or population. The result is an analytical imbalance: even where the language of inclusion appears in EU and national guidance, the operational mechanisms for identifying and addressing intersectional forms of exclusion remain underdeveloped.

This gap reveals a broader limitation within the contemporary paradigm of SIA. Although the field increasingly recognises diversity and vulnerability, it still tends to rely on categorical distinctions rather than relational understandings of inequality. Intersectionality, developed within Feminist and Critical Race Theory, offers a means to address this limitation by showing how overlapping systems of disadvantage produce specific forms of marginalisation that cannot be captured through single axis analysis. Applying such a lens to SIA highlights not only who is affected but also how institutional processes, administrative language, and procedural norms reproduce invisibility. In this sense, the challenge is not merely to add disability or any other category to existing frameworks, but to reconsider the analytical foundations of SIA so that difference and inequality are treated as integral dimensions of environmental and social governance rather than as peripheral concerns.

3.2.4. Intersecting Vulnerabilities in Environmental Governance

The preceding discussion of SIA has shown that, although SIA provides the most developed framework for analysing social processes within impact assessments, it remains limited in how it conceptualises intersectional vulnerabilities and does not address disability in any systematic way. These limitations become even more pronounced in the European context, where EIA law is the only binding regulatory instrument and where concepts such as vulnerability, disability, and social equity remain only minimally defined. To understand how national EIA legislation engages with social issues, and to prepare the ground for later examining disability as a central category of analysis, it is therefore necessary to clarify what vulnerability and intersectionality mean in this thesis. Introducing these concepts here makes it possible to explain why different groups experience environmental change unequally and why any attempt to make EIA more socially-attentive and disability-inclusive must begin with a clearer understanding of how vulnerability is produced and structured.

Environmental governance encompasses not only the management of ecological systems but also the organisation of social processes through which environmental decisions are negotiated, implemented, and contested (Lemos & Agrawal, 2006). Decisions concerning land use, infrastructure development, and resource allocation are inherently social, as they affect individuals and communities in differentiated ways. These decisions often redistribute opportunities and risks, determining who benefits from environmental change and who bears its costs (e.g. Vanclay, 2003; Vanclay, 2015). Governance that remains confined to biophysical or technical parameters overlooks how environmental interventions are embedded in broader societal contexts shaped by power, participation, and access (Imperiale & Vanclay, 2024). Social consequences should therefore be understood not as incidental outcomes but as expressions of how governance systems organise inclusion, recognition, and accountability.

To grasp why these consequences affect groups differently, a clear understanding of vulnerability is essential for analysing how environmental governance distributes risks and opportunities, because the social consequences of governance are mediated by the differentiated capacities of individuals and groups to absorb or respond to change. In this thesis, vulnerability is defined following Vanclay et al. (2015) as “a situation or condition characterised by low resilience, a higher likelihood of harm, and

a reduced ability [...] to cope with shock or negative impacts” (p. 98). Such vulnerability may stem from factors including low socio-economic status, disability, ethnicity, or other conditions that restrict access to resources and opportunities for development (ibid.).

To capture how governance interacts with these differentiated capacities, it is useful to distinguish between social and environmental vulnerability. Social vulnerability concerns the characteristics that shape people’s ability to anticipate, withstand, and recover from adverse events, including their access to social protection, political voice, and everyday support structures (e.g. Cutter, 1996; Adger, 2006). Environmental vulnerability refers to exposure to environmental stressors and hazards arising from physical conditions, spatial arrangements, and patterns of land use, always in interplay with the social structures that condition the ability to respond (Adger, 2006). Together, these perspectives highlight that vulnerability is not a natural or static state but a relational outcome produced through the intersection of environmental processes, social hierarchies, and institutional arrangements.

To understand how these arrangements emerge and become embedded in governance, it is necessary to turn to insights from Critical Social Theory. Within this tradition, the concept of “the social” extends beyond the identification of affected groups to include the institutional and historical configurations that produce vulnerability (Fraser, 2008). Environmental challenges intersect with existing hierarchies of class, gender, ethnicity, and ability, shaping both exposure to risk and capacity for response (e.g. Crenshaw 1989; Walker, 2011). Critical Theory highlights how governance mechanisms, despite claims of neutrality, often reproduce these hierarchies by privileging technocratic knowledge and excluding experiential or local perspectives (Dryzek, 2013). Such analyses reveal that environmental decision-making is embedded within broader political economies that prioritise certain forms of expertise and interest, thereby influencing those whose concerns are rendered visible or legitimate within policy frameworks (Imperiale & Vanclay, 2024).

Intersectionality provides a further conceptual refinement to this critique. Originating in the work of Crenshaw (1989, 1991) and further developed within Black Feminist scholarship, it demonstrates that systems of oppression are not discrete but mutually constitutive. Intersectional analysis challenges the assumption that social categories can be examined in isolation, showing instead how overlapping identities generate

distinct experiences of privilege and exclusion. It also cautions against treating any single axis of difference as representative of broader social inequalities, since such simplifications risk erasing internal diversity within marginalised groups (Hill Collins & Bilge, 2020). By conceptualising vulnerability as relational and structurally produced, intersectionality moves analysis beyond individualised understandings of disadvantage.

Applied to environmental governance, intersectionality exposes how environmental risks and decision-making processes are distributed along multiple and interlocking social dimensions (Kaijser & Kronsell, 2013). Individuals and groups with limited economic resources, restricted mobility, or constrained political representation often face cumulative disadvantages when their specific circumstances are not recognised in EIA procedures (Imperiale & Vanclay, 2024). In this context, EIA functions not only as a predictive tool but as a mechanism through which the inclusiveness and normative quality of governance can be examined. Incorporating intersectional awareness into assessment practice shifts attention from undifferentiated categories such as “the population” or “the public” to the diversity of experiences within them. It prompts evaluators to ask which groups are most affected, in what ways, and through which institutional mechanisms these inequalities are sustained.

Understanding environmental governance through the lens of intersecting vulnerabilities broadens the scope of what constitutes a social issue. Social impacts extend beyond employment, housing, or health outcomes to encompass the recognition of voices, visibility in decision-making, and equitable access to environmental benefits and protections (Vanclay, et al., 2015). Incorporating these dimensions reinforces the view that environmental governance is inseparable from social justice. Critical and intersectional perspectives thereby provide the analytical foundations for interpreting EIA as a practice that contributes to both environmental sustainability and the transformation of inequitable social structures.

3.3. Conceptualizing Disability

The preceding conceptual discussion showed that existing impact assessment frameworks, including both SIA and EU EIA legislation, provide only limited guidance on how intersectional vulnerabilities are produced and how different social groups

experience environmental change. Within this landscape, disability stands out as a particularly underdeveloped dimension: although many of the impacts considered in EIA processes disproportionately affect disabled people, neither SIA nor EIA frameworks offer a systematic way of recognising disability or addressing it analytically. This makes it necessary to examine disability on its own conceptual terms. Treating disability merely as one component of “vulnerable groups” obscures the social, political, and structural processes through which disablement is produced and sustained. This section therefore traces the major intellectual traditions that have shaped disability scholarship and activism, showing how different models of disability frame participation, equality, and justice in distinct ways. Together, these perspectives provide the conceptual grounding for understanding disability as a complex social phenomenon and for explaining why it must be explicitly incorporated into EIA rather than assumed to be covered implicitly under broader social categories.

3.3.1. Evolving Models of Disability

Understanding how disability has been conceptualised is essential for analysing its treatment within legal and policy frameworks. Disability is not a fixed or self-evident category but a socially, politically, and historically constructed phenomenon (e.g. Barnes & Mercer, 2004; Shakespeare, 2014). Across time, different models have sought to explain disability, each reflecting wider epistemological assumptions, political struggles, and institutional contexts (ibid.). The earliest and still deeply influential framework is what has been termed the individual or medical model, which locates disability within the body or mind of the individual (e.g. Oliver, 1996; Marks, 1997). Within the medical model, impairment and disability are collapsed into one, understood as a personal tragedy or pathology that requires treatment, rehabilitation, or cure (ibid.). This approach is closely intertwined with professional and welfare regimes, in which medical expertise and bureaucratic categorization define who counts as disabled and what forms of intervention are legitimate (e.g. Oliver, 1996; Waddington & Priestley, 2021). While this model has offered access to certain forms of care and social support, it has been widely criticized for individualizing social problems, reinforcing stigma, and legitimizing exclusion by positioning disabled persons primarily as passive recipients of medical or bureaucratic authority (e.g. Marks, 1997; Barnes & Mercer, 2004; Waddington & Priestley, 2021).

In response, the disability rights movement in the 1970s articulated what became known as the social model of disability. Pioneered by the Union of the Physically Impaired Against Segregation (UPIAS, 1976) and later elaborated by Oliver (1990), the social model distinguished between *impairment* as a bodily difference and *disability* as the oppression imposed by social, environmental, and institutional barriers (Oliver, 1996, pp.30, 31). This reframing was transformative, shifting attention away from individual deficits towards systemic exclusion and providing disabled activists with a conceptual framework to articulate collective oppression. The social model underpinned the rallying cry “Nothing About Us Without Us”, which became a central principle of the global disability rights movement (Charlton, 1998). The phrase encapsulated the demand that decisions, policies, and research concerning disabled people should not be made without their direct participation, a commitment later institutionalized in Article 4.3 of the *UN Convention on the Rights of Persons with Disabilities* (CRPD, 2006). This insistence on participation enabled a politics of solidarity and informed far-reaching legal and policy reforms. However, it has also faced criticism for its tendency to universalize disabled persons’ experiences, for underplaying the realities of pain and impairment, and for insufficient engagement with intersecting axes of inequality such as gender, race, class, and sexuality (e.g. Shakespeare, 2014; Goodley, 2011).

A further milestone was reached with the adoption of the CRPD in 2006, which consolidated decades of activism into a binding international treaty. The CRPD represents what has come to be called the human rights model of disability, which places dignity, agency, and equality at the centre of legal and political recognition (e.g. Kayess & French, 2008; Degner, 2016). Unlike the medical model, which treats disability as pathology, or the social model, which defines disability primarily in terms of barriers, the CRPD adopts a relational definition, recognising disability as the outcome of the interaction between persons with impairments and attitudinal and environmental obstacles that hinder full participation in society (e.g. CRPD, 2006; Kayess & French, 2008; Degner, 2016). The human rights model thus establishes persons with disabilities as rights-holders and states as duty-bearers, creating obligations to remove barriers, prevent discrimination, and ensure full inclusion. A human-rights-based approach to disability, as Waddington and Priestley (2020) argue, requires participation, accountability, empowerment, and alignment with international

human rights standards, thereby transforming disability policy from welfare provision to rights fulfilment.

Building on and extending these earlier frameworks, Critical Disability Studies (CDS) has emerged as a field that interrogates the cultural, political, and economic conditions that produce disability and ability as categories. Drawing on Feminist, Queer, Postcolonial, and Critical Race Theories, CDS critiques the binaries of disabled and non-disabled and interrogates how power operates through cultural ideals of normalcy, independence, and productivity (e.g. Goodley, 2014; Meekosha & Shuttleworth, 2009). Scholars such as Vera Chouinard (1997, 2012, 2025) have shown how spatial practices and planning produce ableist geographies that marginalize disabled bodies. Other authors like Fiona Kumari Campbell (2009, 2014) have drawn attention to the ways in which cultural norms of “ability” and “normalcy” underpin modern societies. Her work underscores that disability cannot be understood solely in terms of social barriers or rights but must also be analysed as part of the deeper cultural and political processes that value some bodies and minds over others. Although sometimes criticised as overly abstract, CDS has made vital contributions in foregrounding intersectionality, in exposing the affective and cultural dimensions of disablement, and in situating disability within broader struggles against inequality and oppression (e.g. Shakespeare, 2014; Goodley et al., 2019).

Taken together, these models demonstrate the evolving conceptualization of disability: from the medicalised framing of deficit and cure, through the social model’s emphasis on structural barriers, to the rights-based approach institutionalized in the CRPD, and finally to the critical perspectives that interrogate the cultural, political, and economic processes shaping disablement. Each has expanded the scope of analysis and action, providing increasingly sophisticated tools for understanding disability as a complex socio-political phenomenon. This conceptual trajectory not only grounds Disability Studies as a field of inquiry but also prepares the ground for more recent approaches that situate disability within wider struggles for equality and social transformation.

3.3.2. From Disability Rights to Disability Justice

3.3.2.1. Key Concepts

Building on these theoretical models, several key concepts have become central to contemporary understandings of disability, most notably *ableism* and *disablism*. These concepts deepen the critique of dominant frameworks and provide analytical tools for understanding how disability is socially produced, lived, and contested. They also prepare the ground for Disability Justice, a framework that extends beyond rights-based approaches to envision collective liberation.

The concept of *ableism* originated in disability rights activism in the United States during the 1970s, where it was used to describe discrimination against disabled people in parallel to racism and sexism (Hahn, 1988; Charlton, 1998). While the term circulated in activist and policy circles for several decades, it was Fiona Kumari Campbell who most systematically developed it as a theoretical framework. In *Contours of Ableism* (2009) Campbell conceptualises ableism not merely as individual prejudice but as a pervasive cultural logic that privileges certain forms of embodiment and cognition as “normal”, “healthy”, and “productive”, while rendering others deficient. From this perspective, *ableism* is not an incidental bias but a structuring feature of modern societies, underpinning systems of law, education, medicine, and the economy through the valorisation of able-bodiedness. In this sense, *ableism* operates in ways analogous to racism and sexism, producing and reproducing hierarchies of value that structure everyday life.

Closely related to the notion of ableism is the concept of *disablism*, which refers to the direct, structural, and material forms of discrimination experienced by disabled people (Jun, 2009, pp.288, 289). In contrast to ableism, which describes the broader cultural and ideological privileging of “ability”, disablism points to the concrete mechanisms of exclusion (ibid.). These range from inaccessible transport systems, workplaces, and public buildings to discriminatory employment practices, barriers in education and healthcare, and forms of violence or neglect that specifically target disabled people (e.g. Thomas, 2007; Goodley, 2014). Importantly, disablism is not limited to overt acts of prejudice but is embedded in the design of institutions and policies, frequently justified through apparently neutral criteria of efficiency, productivity, or fiscal discipline (Waddington & Priestley, 2019).

The concepts of *ableism* and *disablism* can also deepen the understanding of the medical and social model of disability. *Ableism* highlights how the medical model pathologises impairment, collapses the distinction between impairment and disability, and privileges the non-impaired body as the normative ideal (Jun, 2009, p.273). *Disablism*, in turn, extends the social model's focus on systemic barriers by naming the discriminatory structures, practices, and environments that actively produce exclusion (ibid.) Taken together, the two concepts refine the classic models by revealing both the cultural privileging of able-bodiedness and the material practices through which this privileging is institutionalised. In this way, they provide a more comprehensive account of how disability is produced and sustained as a form of socio-political oppression.

While the concepts of ableism and disablism clarify how cultural norms of ability and material structures of exclusion sustain disability oppression, they offer only a partial view of how inequality operates. Building on an intersectional perspective (as introduced earlier) disability scholarship has shown that ableism does not act in isolation but interacts with other systems of domination, including racism, sexism, classism, and colonialism. This insight challenges the notion of disabled people as a homogeneous category and draws attention to the differentiated and compounding forms of marginalisation that emerge at these intersections (Goodley, 2011). As Frederick and Shifrer (2019) observe, disability has often been treated analogously to race, a framing that overlooks how racialised and ableist structures co-produce distinct forms of inequality and resistance. An intersectional approach instead exposes how these forces intertwine in lived experience, broadening the analytical and political reach of Disability Studies and reinforcing the call for justice frameworks that address disability in relation to other axes of oppression.

3.3.2.2. Disability Justice

An intersectional perspective makes clear that disability is experienced in profoundly different ways depending on how it intersects with race, gender, class, sexuality, and colonial histories. It is therefore no surprise that the disability rights movement, while securing major advances in legal protections and social visibility, primarily reflected the experiences of those who were least marginalised within the disabled population - namely white, middle-class, physically disabled people (Frederick & Shifrer, 2019,

p.201). As scholars have argued, this reliance on liberal rights discourse and a narrow focus on formal equality left many voices unheard and many structural forms of oppression unchallenged (ibid. p.204). In response, Disability Justice emerged in the mid-2000s, led by queer disabled people of colour, to reframe disability politics in explicitly intersectional, anti-capitalist, and decolonial terms (e.g. Mingus, 2011; Sins Invalid, 2016; Piepzna-Samarasinha, 2018). As Patty Berne (2016, p.7) explains, “Disability Justice centres sick and disabled people of colour, queer and trans disabled folks of colour, and everyone who is marginalized in mainstream disability organizing”. For Disability Studies, this shift destabilises the universalisation of white, middle-class experiences and insists on recognising multiply marginalised disabled people as central knowledge-producers. Where the disability rights framework foregrounded access and inclusion within existing structures, Disability Justice insists on dismantling the interlocking systems of oppression - ableism, racism, sexism, heteropatriarchy, colonialism, and capitalism - that shape disabled lives (Sins Invalid, 2016, pp.18, 19; Piepzna-Samarasinha, 2018, p.5). It shifts the focus from individual rights to collective liberation, embedding disability struggles within broader movements for social and environmental justice.

The framework of Disability Justice was first systematically articulated by Sins Invalid through ten interrelated principles that continue to shape its praxis: intersectionality; leadership of those most impacted; anti-capitalist politics; cross-movement solidarity; wholeness; sustainability; cross-disability solidarity; interdependence; collective access; and collective liberation (Sins Invalid, 2016, pp.23-25). Taken together, these principles move beyond the pursuit of equality and inclusion to demand structural transformation. They call for centring the leadership of those most marginalised within disabled communities, rejecting capitalist logics that measure human worth through productivity, and forging solidarities across social movements (Piepzna-Samarasinha, 2018, pp.10-12). At the same time, they reconceptualise access not as an individualised accommodation but as a collective practice of care and accountability, and they reimagine liberation not as the achievement of discrete groups but as an interdependent struggle across differences (ibid.). In this sense, the principles of Disability Justice function not only as normative commitments for activism but also as conceptual resources that extend and deepen the theoretical horizons of Disability Studies.

The Disability Justice framework represents both a continuation and a transformation of earlier approaches to disability. It takes up the social model's critique of the medical model and the rights secured through the CRPD, but reorients the field by centring ableism, disablism, and intersectionality as constitutive dynamics rather than secondary tools. In doing so, it insists that disability must be theorised in relation to interlocking systems of capitalism, colonialism, heteropatriarchy, and white supremacy. Disability Justice thus moves beyond access and inclusion within existing structures to articulate a praxis grounded in those multiply marginalized within disabled communities. The ten principles formulated by Sins Invalid provide this praxis with coherence and direction, demanding collective access, cross-movement solidarity, and a vision of liberation that is necessarily interdependent. In this sense, Disability Justice extends the conceptual trajectory of Disability Studies while reframing disability as integral to wider struggles for social and environmental justice.

4. Methodology

4.1. Research Design

This section outlines the research design that structures the empirical component of the thesis. It explains how the methodological choices, case selection, and document collection procedures are organised to answer the research question concerning the extent to which national EIA laws recognise or exclude disability related concerns, and how these findings inform the development of the Inclusive Environmental Impact Assessment Guideline. The first subsection introduces the qualitative content analysis approach used to examine how disability is treated within national EIA legislation. The second subsection explains the rationale for selecting Italy, Germany, Austria, and Spain as comparative cases. The third subsection describes how the relevant legal texts were identified, retrieved, and prepared for systematic coding. Taken together, these elements provide the methodological foundation for the comparative analysis that follows and establish the empirical basis for translating the results into the guideline proposed in Chapter 7.

4.1.1. Methodological Approach

This study adopts a document-based qualitative methodology to examine the extent to which national EIA laws in Italy, Germany, Austria, and Spain incorporate a disability-inclusive perspective. The research design unfolds in two interrelated phases. In the first phase, the study conducts a qualitative document analysis of national EIA laws as the primary data source. This analysis employs Qualitative Content Analysis (QCA), which enables a systematic, transparent, and theory-informed interpretation of textual material (e.g. Forman & Damschroder, 2007; Assarroudi et al., 2018). QCA relies on the development and application of coding categories, making coding the central procedure through which textual data are organised and interpreted (ibid.). In this study, the coding process combines deductive and inductive strategies: deductive codes are derived from the literature on SIA, Disability Justice, and international disability rights frameworks, while inductive coding remains open to categories emerging directly from the legal texts themselves.

The analysis is supported by *Atlas.ti*, a qualitative data analysis software that facilitates structured organisation, coding, and comparison of textual data across multiple national contexts. This mixed strategy ensures that the study not only tests theoretical assumptions but also captures how disability and related issues are framed in law, where key references or safeguards are omitted, and where contradictions emerge between general principles and their concrete legal provisions. Throughout the cross-country comparison, an intersectional lens is applied. This lens is not used to produce a comprehensive analysis of all forms of oppression, but to illuminate the internal diversity of disabled persons, to highlight how their exclusion from EIA legislation reflects broader logics of marginalisation such as neutral language or vague references to “vulnerable groups”, and to identify points where disability intersects with other axes such as gender, socioeconomic status, rurality, or migration background. In this sense, intersectionality serves to deepen the disability focus without extending the analysis to a full mapping of all possible inequalities.

In the second phase, the insights generated from the document analysis serve as the foundation for the development of the Inclusive Impact Assessment Guideline. This guideline builds on established principles of SIA and the normative commitments of Disability Justice and Disability Rights, while being empirically refined through the identification of patterns, gaps, and opportunities within national EIA legislation. Specifically, the process involves examining where legal frameworks most commonly lack inclusivity and where potential entry points already exist for embedding social and disability-related considerations. In this way, the guideline evolves as both conceptually grounded and contextually responsive, translating the findings of the comparative legal analysis into practical recommendations. The ultimate purpose of this two-phase approach is not only to diagnose how disability is currently addressed in national EIA legislation but also to design a normative and procedural tool aimed at fostering inclusion and reducing exclusion within EIA processes.

4.1.2. Case Selection

The selection of cases in this study is informed by both analytical relevance and comparative diversity within the EU. The four countries - Italy, Germany, Austria, and Spain - have been chosen as they provide a balanced representation of different

institutional and legal-administrative configurations within the EU, while all being equally bound by the EIA Directive (2011/92/EU, as amended by 2014/52/EU). Germany and Austria exemplify federal systems in which the implementation of EU directives, including those related to social and environmental assessment, is shared between national and subnational authorities. Italy and Spain, by contrast, are regionalized unitary states where regional governments play a significant role in environmental governance and social policy.

This combination of federal and regionalized systems allows for an exploration of how varying institutional structures affect the integration of social dimensions within the framework of the EIA Directive. The selected cases therefore enable a comparative analysis that captures both the common EU-level legal framework and the diversity of national implementation practices. Additionally, the selection captures a balance between Central and Southern European legal cultures, offering insight into both the shared and divergent pathways through which EU environmental directives are transposed into national legislation. Importantly, all four countries maintain established EIA regimes and provide publicly accessible legal texts, ensuring both relevance and feasibility for document analysis. At the same time, the selection also reflects pragmatic considerations. The cases were chosen as a sample of convenience, shaped by time constraints and by the researcher's knowledge of the respective languages, which was necessary for working directly with the national legal texts in their authentic form. While the analysis is therefore not exhaustive of the diversity of EIA regimes across the EU, the selected countries nevertheless provide a meaningful cross-section that combines analytical diversity with practical feasibility.

4.1.3. Data Collection

The primary data for this study consists of the national EIA laws currently in force in Italy, Germany, Austria, and Spain. These legal documents constitute the formal basis for environmental governance and impact assessment procedures in each country and serve as authoritative sources for evaluating the extent to which disability-related dimensions are integrated into policy. The national EIA legislative texts are retrieved from official legal and governmental databases, ensuring the accuracy and legal validity of the material. The inclusion criterion for document selection was limited to

national-level EIA legislation that transposes the EU EIA Directive (2011/92/EU, as amended by 2014/52/EU). As such, the analysis excludes subnational laws, administrative guidelines, or non-binding policy instruments. A summary of the official titles and sources of the four national EIA laws is presented in *Table 1*.

For Germany, the relevant law is the *Gesetz über die Umweltverträglichkeitsprüfung* (Environmental Impact Assessment Law), which was obtained from the official website of the Federal Ministry of Justice, *Gesetze im Internet*.

Table 1: EIA laws and references by country (Germany, Austria, Spain, Italy)

Country	EIA Law	English Title	Retrieved from (URL)	Note
Germany	Gesetz über die Umweltverträglichkeitsprüfung	Environmental Impact Assessment Law	https://www.gesetze-im-internet.de/uvpg/	
Austria	Umweltverträglichkeitsprüfungsgesetz 2000	Environmental Impact Assessment Law 2000	https://www.ris.bka.gv.at/GeltendeFassung.wxe? Abfrage =Bundesnormen& Gesetzesnummer= 10010767	
Spain	Ley 21/2013, de 9 de diciembre, de evaluación ambiental	Law 21/2013 of December 9 on Environmental Assessment	https://www.boe.es/buscar/act.php?id =BOE-A-2013- 12913	
Italy	Decreto Legislativo 3 aprile 2006, n. 152 - Norme in materia ambientale	Legislative Decree No. 152 of April 3, 2006 - Environmental Code	https://www.altalex.com/documents/news/2011/08/12/codice-dell-ambiente-parte-ii-valutazione-impatto-ambientale-vas-e-ippc	EIA provisions are in part two (Parte Seconda)

In Austria, the corresponding legal text is the *Umweltverträglichkeitsprüfungsgesetz 2000* (Environmental Impact Assessment Law 2000), retrieved from the *Rechtsinformationssystem des Bundes* (Legal Information System of the Federal Government), a webpage hosted by the website of the *Bundeskanzleramt* (Federal Chancellery).

For Spain, the applicable legislation is *Ley 21/2013, de 9 de diciembre, de evaluación ambiental* (Law 21/2013 of December 9 on Environmental Assessment), accessed via the official platform of the *Agencia Estatal Boletín Oficial del Estado* (State Official Gazette Agency).

In the case of Italy, the relevant legislation is *Decreto Legislativo 3 aprile 2006, n. 152 - Norme in materia ambientale* (Legislative Decree No. 152 of April 3, 2006 - Environmental Code). The EIA provisions are located in *Parte Seconda* (Part two), titled *Procedure per la valutazione ambientale strategica (VAS), per la valutazione di impatto ambientale (VIA) e per l'autorizzazione integrata ambientale (IPPC)* (Procedures for Strategic Environmental Assessment (SEA), Environmental Impact Assessment (EIA), and Integrated Environmental Authorization). This document was retrieved from *Altalex*. Each legal text was downloaded in full, converted into analyzable PDF format, and uploaded into *Atlas.ti* for systematic coding and comparative qualitative analysis.

4.2. Data Analysis

This section outlines the analytical procedures through which the legal texts were examined and interpreted. It explains how the coding scheme was constructed, how the operational research questions were formulated, and how the final codebook was developed to guide systematic analysis. The first subsection describes the structure and application of the coding scheme, including the processes of identification, coding, and comparative interpretation. The second subsection introduces the operational research questions that shape the deductive logic of the analysis. The third subsection presents the complete codebook, detailing the clusters, codes, and criteria used to capture visibility, equity, justice, accessibility, and participation within national EIA laws. Together, these components provide the analytical foundation for the cross-country comparison conducted in the next chapter.

4.2.1. Coding Scheme

A structured coding scheme is developed and applied using *Atlas.ti*. The coding process follows a primarily deductive approach grounded in Disability Justice, the CRPD, and established SIA principles. However, the analysis remains open to

inductively emerging themes, particularly where legal texts contain provisions or framings not anticipated by the initial codebook but relevant to the research question.

The analysis proceeds in three structured stages: (1) identification, (2) coding, and (3) comparative analysis and interpretation. In the identification phase, each legal document is segmented into codable units based on their relevance to the analytical categories. This preparatory step enables the consistent application of codes across jurisdictions and improved comparability. The coding phase involves the systematic application of the pre-defined codes to the segmented legal texts. Coding is conducted in *Atlas.ti*, with embedded memo-writing used to document analytical decisions, uncertainties, and interpretive reflections throughout the process. To guide the development of the coding scheme and ensure alignment with the research objectives, seven operational research questions are formulated (see 4.2.2.). The final stage, comparative analysis and interpretation, involves examining both the within-case and cross-case patterns in the coded data. This included analysing which provisions are present or absent, the depth of normative framing, and whether disability-related concerns are treated explicitly, implicitly, or not at all.

4.2.2. Operational Research Questions

The coding scheme used in this study was developed to translate the normative dimensions of Disability Justice into an operational tool for the systematic analysis of legal texts. The coding process follows a deductive strategy, meaning that the codes were derived directly from the conceptual categories of Disability Justice. The construction of the codebook was guided by a set of seven operational research questions, each designed to capture a specific aspect of disability inclusion. These questions are organised hierarchically to reflect the underlying logic of inclusion: beginning with visibility (are persons with disabilities explicitly recognised in the text?), moving to equity and justice (are equity, intersectionality, and long-term social impacts addressed?), and culminating in accessibility and participation (are meaningful and

accessible opportunities for engagement provided, or are structural barriers reinforced?).⁶ The operational research questions are as follows:

1. Is there any integration of disability rights frameworks (e.g. CRPD)?
2. Do the national EIA laws explicitly mention disability or persons with disabilities?
3. Are there references to social equity, justice, or intersectional impacts in the assessment criteria?
4. Do the policies address long-term social impacts relevant to disabled persons, such as health, accessibility of living environments, social participation, and community resilience?
5. Does the law require or enable participation of marginalized or vulnerable groups?
6. Are there provisions for accessibility, reasonable accommodation, or procedural support for disabled stakeholders?
7. Are persons with disabilities structurally excluded through language, omission, or procedural barriers within the legal framework?

To operationalize these questions, the coding process is structured into three analytical levels. The first level employs descriptive codes, which capture direct references to key concepts derived from the Disability Justice literature, such as disability, accessibility, or participation. The second level uses interpretive codes, which assess the normative depth of these references - for example, distinguishing between symbolic mentions of disability and substantive procedural inclusion. The third level introduces pattern codes, developed in the later stages of analysis to synthesize findings across the four cases and identify broader thematic trends, such as systemic

⁶ The hierarchical structure from visibility to equity to participation reflects Nancy Fraser's tripartite conception of justice, first articulated in "Mapping the Feminist Imagination: From Redistribution to Recognition to Representation" (2005). Fraser distinguishes redistribution, recognition, and representation as interrelated dimensions of justice encompassing material equality, cultural visibility, and political inclusion.

exclusion or legal alignment with inclusive principles (e.g. Miles et al., 2014; Saldana, 2016).⁷

Before full-scale coding begins, the codebook is pilot-tested on selected extracts from each national law to ensure clarity, applicability, and cross-contextual relevance. This pilot phase allows for refinement of code definitions and improves interpretative consistency. Once finalized, the coding is applied systematically to the full texts, with memo-writing used throughout to document interpretative choices and analytical insights. The resulting coded data are then analysed to identify the extent and patterning of visibility, equity and justice, and accessibility and participation within each national EIA law, producing country specific findings and a comparative synthesis that subsequently informs the formulation of the Inclusive Impact Assessment guideline.

4.2.3. Code Book

The following codebook operationalises the research questions guiding this study. It serves as the analytical framework for examining how national EIA laws engage with disability and related concerns of equity, rights, and participation. The codes were developed deductively from the literature on SIA (Vanclay et al. 2015; Imperiale & Vanclay, 2024), Disability Justice (Sins Invalid, 2016; Piepzna-Samarasinha, 2018), and the CRPD.

Each code in this study is defined in accordance with the recommendations of MacQueen et al. (2008), who emphasize that “each codebook entry should contain the code, a brief definition, a full definition, guidelines for when to use the code, guidelines for when not to use the code, and examples” (p.121). Accordingly, every code includes a concise label, a full description of the concept it represents, an inclusion criterion, an exclusion criterion, and illustrative examples drawn from the data. The codes are further organised within clusters that follow a hierarchical order, reflecting the underlying logic of inclusion introduced in the operational research questions. This

⁷ For coding terminology, the work follows Saldaña (2016): descriptive codes that capture the basic topic of a passage in a word or short phrase; interpretive codes, which attribute meaning or inference beyond the descriptive level; and pattern codes that condense these into higher-order themes or explanations (pp. 102, 119, 236).

hierarchy begins with the basic issue of visibility, proceeds to the normative dimensions of rights and justice, and culminates in the procedural concerns of accessibility and participation. Structuring the codes in this way ensures that the analysis captures both the textual recognition of disability within legal frameworks and the substantive and procedural dimensions of inclusion.

Cluster A: Visibility of Disability

The first cluster of the codebook addresses whether persons with disabilities are explicitly visible within the legal frameworks governing impact assessment. Disability often remains hidden under generic categories such as “the population”, which risks masking specific needs and rights. In this study, such generic invocations are not treated as neutral but are coded as exclusionary, since they fail to capture the particular obligations owed to persons with disabilities. This distinction is crucial: the very existence of a comprehensive international legal framework on disability rights, most prominently the CRPD, demonstrates that neither constitutional guarantees of equality nor general human rights protections have been sufficient to secure the recognition of disability as a distinct legal and social category. Visibility is therefore treated here as the baseline condition for inclusion: unless persons with disabilities are explicitly acknowledged in law and connected to disability-specific rights instruments, subsequent commitments to justice and participation risk being undermined. The detailed coding categories that constitute this visibility dimension are summarised in *Table 2*.

Table 2: Cluster A

Code	Definition	Inclusion Criteria	Exclusion Criteria	Example	Analytical Note
Disability Rights Integration	References to disability rights frameworks such as the CRPD.	Explicit mention of the CRPD or principles applied.	Broad human rights language without reference to disability rights frameworks.	<i>No example identified in data.</i>	Exclusionary: general “human health” mention without referencing disability.

Explicit Disability Mention	Provisions that explicitly mention disability or persons with disabilities.	Terms such as “persons with disabilities”, “disabled people”, or equivalent legal phrasing.	Broader terms like “vulnerable groups” or “population” without specification of disability.	<i>No example identified in data.</i>	Direct mention of disability as a vulnerable group in impact assessment scope.
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Cluster B: Equity & Justice

The second cluster moves from visibility to the normative dimension of inclusion, here understood as the pursuit of sustainable inclusion. The codes in this cluster assess whether laws embed principles of equity, justice, or intersectionality in ways that ensure inclusion is not merely symbolic or short term, but anchored in structures capable of sustaining it over time. Social equity is approached through an intersectional lens: persons with disabilities are not only affected by disability specific barriers but also by overlapping axes of inequality such as gender, socioeconomic position, age, or migration background. In the coding process, provisions are therefore coded as Intersectional Equity when they acknowledge or enable attention to these compounded forms of disadvantage. At the same time, the framework recognises that national EIA laws within the EU seldom fully operationalise an intersectional understanding of equity. For this reason, the definition includes references to equity, justice, or intersectional considerations. The use of “or” reflects a methodological decision to identify not only fully fledged intersectional provisions but also more limited or emergent framings that nevertheless move in the direction of substantive equity. Detecting such partial or indirect entry points is essential for understanding how existing legal frameworks gesture toward fairness, even when they fall short of intersectional rigor, and for building a meaningful foundation for the Inclusive Environmental Impact Assessment Guideline developed later in this thesis.

A key dimension of sustainable inclusion lies in the treatment of long-term social impacts. This code is applied when the legal text requires or enables attention to consequences that extend beyond the immediate project cycle and into the future well-being of affected communities. For persons with disabilities, such impacts may include the accessibility and liveability of environments, the continuity of health and support

services, or opportunities for sustained social participation. More broadly, provisions that consider demographic change (such as shifts in age or gender balance linked to a project), impacts on employment (job creation, job loss, or changing labour structures), alterations of the environment and landscape, and risks to community cohesion are also coded here. The guiding question is whether the law prompts decision-makers to evaluate how projects reshape the social fabric over time, and whether such evaluation recognises disability as an integral part of these processes. In this sense, Cluster B captures not only the presence of intersectional equity, but their translation into a framework for sustainable inclusion. The detailed subcodes used to operationalise cluster B are presented in *Table 3*.

Table 3: Cluster B: Example drawn from Italy (D.Lgs. 152/2006)

Code	Definition	Inclusion Criteria	Exclusion Criteria	Example	Analytical Note
Intersectional Equity	References to social equity, justice, or intersectional considerations.	Mentions of fairness, justice, distribution of impacts, intersectionality, or protection of vulnerable groups.	Generic environmental impacts without social equity or justice framing.	<i>Fulfillment of social requirements related to the development of individual potential.</i>	Recognises vulnerable groups in equity framing, even if disability is not explicitly named.
Long-term Social Impacts	Provisions addressing long-term social outcomes, including health, accessibility, participation, and resilience, relevant to disabled persons.	References to inclusion, living environment, employment, community cohesion, or demographic impacts in project outcomes.	Short-term or purely economic impacts (e.g. job creation) without broader social implications are excluded.	<i>No example identified in data.</i>	Considers broader social participation and well-being.

Cluster C: Accessibility & Participation

The third cluster addresses the procedural dimension of inclusion. Even where disability is recognised and rights are acknowledged, inclusion remains ineffective if

persons with disabilities are not practically enabled to engage in assessment processes. For this reason, the cluster differentiates between three interrelated but distinct dimensions: Participation, Accessibility, and Accessible Information.

Participation refers to the active involvement of persons with disabilities in assessment procedures. Provisions are coded as Inclusive when they not only formally open participation to all but also explicitly welcome disabled persons and their representative organisations as stakeholders in decision-making. This dimension recognises that inclusion is not achieved simply by avoiding exclusion, but by creating spaces where disabled voices are substantively present.

Accessibility and Accommodation, by contrast, capture the material and institutional conditions that make participation possible. Here the focus lies on the removal of physical, architectural, and procedural barriers through measures such as universal design, reasonable accommodation, or adapted procedures. A law may acknowledge the right to participate, but unless accessibility is structurally guaranteed, participation risks remaining symbolic rather than real.

Accessible Information constitutes a third and distinct category. While it could formally be subsumed under accessibility, the role of information is so central in impact assessment procedures that it requires separate treatment.⁸ In a legal framework that relies heavily on public notification, consultation documents, and online publication of results, access to information is the precondition for participation itself. Without accessible communication - whether through formats usable by screen readers, simplified language, or alternative media - individuals may be invited to participate but remain effectively excluded from doing so. This makes clear why a policy can appear participatory in design while still being exclusive in practice: if the process is announced in inaccessible formats, the opportunity to participate is only theoretical.⁹

⁸ The importance of accessible information is also underscored in the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, commonly known as the Aarhus Convention (UNECE, 1998). The Convention establishes access to environmental information as a procedural right and obliges Parties to ensure that such information is provided in a timely and effective manner. Although it does not explicitly address disability, scholars have emphasised that its participatory guarantees presuppose accessibility as a condition for meaningful public engagement (Lee & Abbot, 2003).

Table 4: Cluster C: Examples are drawn from Germany (UVPG) and Italy (D.Lgs. 152/2006).

Code	Definition	Inclusion Criteria	Exclusion Criteria	Example	Analytical Note
Participation	References to the requirement or possibility for participation of marginalised groups, including persons with disabilities.	Provisions mandating or enabling public participation, consultations, hearings, or inclusion of vulnerable groups.	General references to transparency or information disclosure without mention of participation.	<i>Anyone may submit a written statement to the authority regarding the project and the environmental impact statement.</i>	Mandates explicit consideration of disabled persons' interests in participation.
Accessibility & Accommodation	Provisions ensuring accessibility, universal design, reasonable accommodation, or procedural support.	Requirements for accessible physical spaces, or support measures for participation.	Generic participation rights without specifying accessibility measures.	<i>The affected public may express their views in writing or orally for the record to the competent authority as part of the participation process.</i>	Requires accessibility measures that ensure effective participation.
Accessible Information	Availability of legal or assessment documents in accessible communication formats (e.g. digital accessibility).	Provisions or practices that require or provide information in easy-to-read/plain language or other accessible formats.	Generic requirements for publication or disclosure.	<i>All documentation related to the procedure, shall be promptly published by the competent authority on its official website and made accessible to anyone.</i>	Connects to CRPD Art. 9 and Disability Justice principle of collective access.

Structural Exclusion	Institutional or procedural designs that hinder participation of vulnerable groups.	Formal procedures that systematically limit or prevent inclusive participation.	Participation rights that explicitly enabled or support vulnerable groups.	<i>For the purposes of this definition, non-governmental organizations that promote environmental protection and meet the requirements set out in current national legislation, as well as the most representative trade unions, are considered to have an interest.</i>	Highlights the structural barriers that operate as the inverse of participation.
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Taken together, the codes in this cluster register whether laws move beyond declarative recognition and create the procedural conditions necessary for sustainable inclusion. At the same time, they also expose instances of structural exclusion, where gaps in accessibility or information design undermine the very participation that the law claims to promote. In line with the principle of “nothing about us without us”, Cluster C thus underscores that genuine inclusion requires not only legal recognition but also material access, communicative openness, and institutional willingness to ensure that participation is made real.¹⁰ The detailed subcodes used to capture Accessibility & Participation within this procedural cluster are presented in *Table 4*.

4.3. Methodological Limitations

While this study offers a systematic and theory-driven analysis of national EIA legislation from a disability justice perspective, some limitations should be

¹⁰ The slogan “nothing about us without us” was popularised by disability activists in the 1990s and is now widely used in disability rights discourse (Charlton, 1998).

acknowledged. First, the analysis is limited to formal legal texts, including all relevant annexes, but excluding other laws, decrees, or regulations that are referenced within these texts. It does not cover subnational regulations, administrative guidelines, or implementation practices. As a result, the study focuses on the normative and institutional framing of disability-related concerns within the legal structure, rather than on their practical enforcement or effectiveness.

Second, the deductive coding strategy, while grounded in a well-defined analytical framework, may limit the discovery of unexpected themes. Although the analysis remains open to inductively emerging patterns, the predefined structure may constrain the identification of novel framings that fall outside the conceptual scope of the theoretical framework. Lastly, the study's case selection focuses on four EU Member States and may not be representative of the broader diversity of EIA systems across Union. Nevertheless, the selected cases provide a meaningful basis for comparison and illustrate how different governance systems engage with issues of disability and inclusion in environmental policy.

These limitations notwithstanding, the study offers valuable insights into the structural treatment of disability justice in environmental impact governance and lays the groundwork for further inquiry into inclusive environmental policymaking.

4.4. Pilot Coding

During the pilot coding phase, an unforeseen difficulty quickly emerged. The initial coding scheme was primarily oriented toward detecting positive indicators of inclusion, such as explicit references to disability, commitments to accessibility, or provisions enabling participation. However, as the pilot coding progressed, it became evident that the absence of such references was often as revealing as their presence. The legal texts showed that exclusion frequently operated through silence, omission, or structural design, rather than overt denial. Consequently, while the preliminary codes were effective in identifying instances of recognition, they were less capable of capturing the systemic invisibility of disability and the more subtle mechanisms of exclusion embedded in legal language and procedure.

This observation required a re-conceptualisation of the analytical categories. Instead of considering exclusion as a marginal issue, the analysis sought to clarify the distinct mechanisms through which it was produced. Within the first cluster, concerned with visibility, a new category was introduced to mark provisions that gestured towards universal human rights without explicitly naming disability. This distinction proved essential, since general invocations of human rights or references to human health may appear, at first sight, to offer sufficient protection for persons with disabilities. In practice they risk subsuming disability under generic categories and erasing its specific dimensions. The importance of this differentiation becomes evident when read in light of Article 25 of the CRPD, which recognises that persons with disabilities “have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability”. The explicit articulation of disability rights in this provision demonstrates that general formulations of human rights or health rights are insufficient unless they are complemented by a clear acknowledgment of disability as a distinct legal and social category. Without such recognition, formal universality can conceal structural exclusions.

The third cluster, which examines accessibility and participation, underwent the most substantial refinement. During coding, it became evident that what had initially been grouped under Structural Exclusion in fact contained two analytically distinct dimensions. The first refers to Marginalisation: situations in which persons with disabilities are systematically sidelined through procedural design, institutional hierarchies, or the absence of representative bodies within decision-making structures. Such instances were retained under the revised category Marginalisation, as they point to the ways in which participation is structurally restricted or rendered tokenistic by the very organisation of environmental assessment processes.

The second dimension of structural exclusion concerns the failure to guarantee accessibility, captured through the new category Lack of Accessibility Requirements. This code applies to provisions that foresee public participation or the dissemination of information but do not explicitly require that these processes or materials be made accessible to all. Accessibility in this context refers to the use of formats and modes of communication that enable equal participation, such as easy-to-read versions, screen-reader-compatible documents, captioned audiovisual material, or the provision of sign language and alternative communication methods.

The distinction between the two categories lies in their focus: Marginalisation highlights barriers embedded in institutional arrangements and procedural design that marginalize disabled persons from decision-making, whereas Lack of Accessibility Requirements identifies legal omissions that hinder participation by failing to ensure that information and procedures are accessible in practice. Together, they expose how exclusion can arise both from the structure of governance itself and from the absence of explicit accessibility guarantees within otherwise participatory frameworks.

The refinement of the codebook during the analysis reflects a broader shift from a narrow concern with identifying inclusion to a more critical interrogation of exclusion as a constitutive element of legal frameworks. In methodological terms, this adjustment ensured that the analysis was able to move beyond simple recognition towards a diagnostic account of the silences, omissions, and structural barriers that shape the treatment of disability within EIA law. In this sense, the coding process became not only a tool of systematic categorisation but also an interpretive practice that revealed how exclusion may be reproduced precisely at the juncture where law appears to guarantee openness and participation.¹¹

¹¹ The updated table of the three clusters with all revised categories, including the additional exclusion codes, is provided in the Annex under A1-A3.

5. Policy Analysis: National EIA Frameworks

Chapter 5 presents the core empirical findings of the thesis. Building on the conceptual and methodological foundations developed in the preceding chapters, this chapter examines how the national EIA laws of Italy, Germany, Austria, and Spain recognise, neglect, or structurally exclude disability and related social concerns. The analysis follows the coding framework introduced in Chapter 4, organised into three analytical clusters: Cluster A (Visibility), Cluster B (Equity & Justice), and Cluster C (Accessibility & Participation). This structure makes it possible to trace how inclusion is enabled or foreclosed across different normative and procedural dimensions of the legal texts. By applying these clusters systematically to each national case, the chapter identifies the recurrent patterns that shape the treatment of disability within EIA legislation and provides the comparative evidence necessary to answer the research question and to inform the later development of the Inclusive Environmental Impact Assessment guideline.

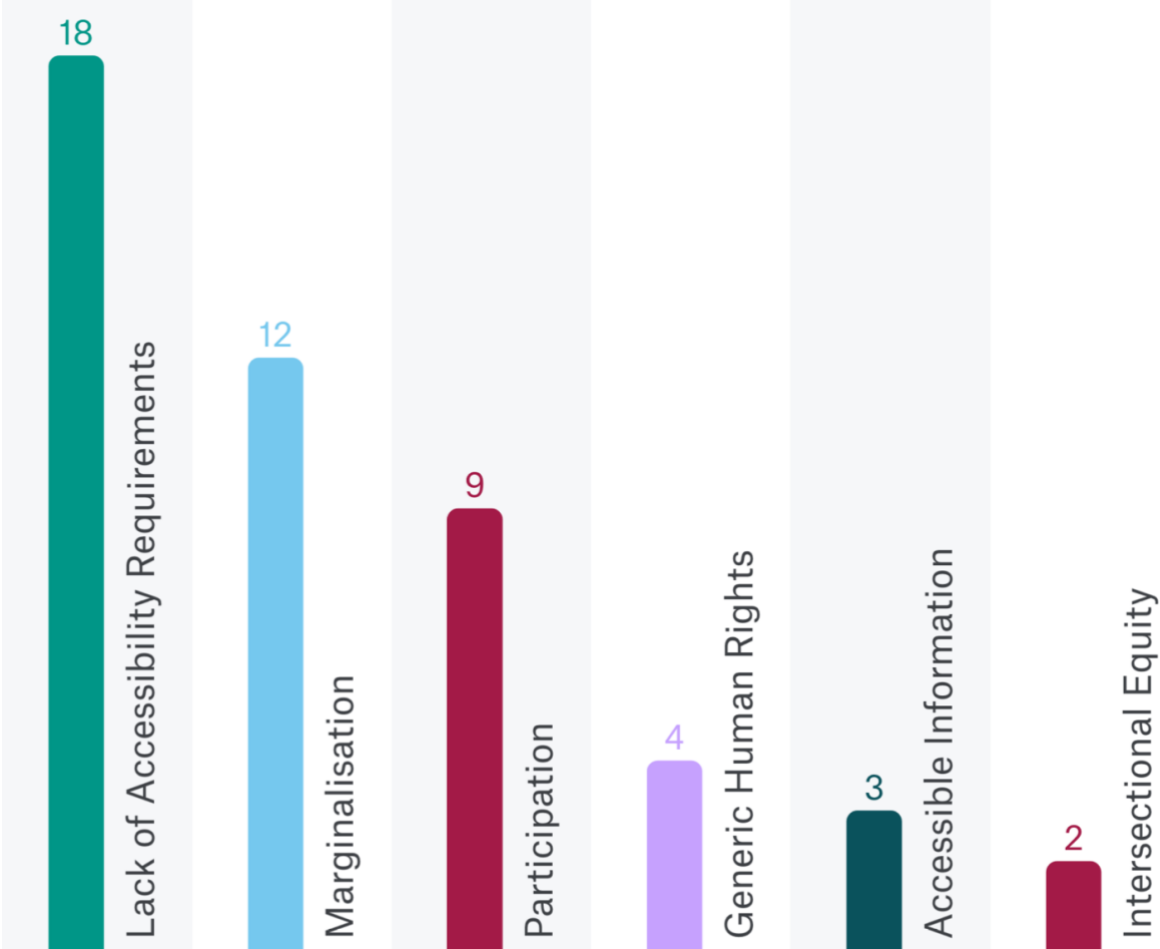
5.1. Italy: Legal Provisions and Gaps

Part Two of the Italian environmental law decree (*Decreto Legislativo 152/2006*), which regulates the *Valutazione di Impatto Ambientale (VIA)* (environmental impact assessments), the *Valutazione Ambientale Strategica (VAS)* (strategic environmental assessments), and the *Autorizzazione Integrata Ambientale (IPPC)* (integrated environmental authorisations), provides a detailed and comprehensive framework for EIA. However, when assessed through the lens of disability inclusion, the framework reveals a striking normative gap. The law lacks any provisions that address inclusion, accessibility, or social vulnerability, and nowhere does it recognise persons with disabilities as a distinct group. This omission suggests a procedural system that upholds transparency and participation in formal terms but risks failing to ensure that such participation is accessible or equitable in practice

The coding results reinforce this reading (see *Fig. 1*). Out of 48 coded segments, the most frequent category is Lack of Accessibility Requirements (18), followed by Marginalisation (12) and Participation (9), while Generic Human Rights (4), Accessible Information (3), and Intersectional Equity (2) appear only sporadically. The law never

once mentions *persone con disabilità* nor *persone vulnerabili* (persons with disabilities, vulnerable persons), or related concepts. Equally, there are no references to disability rights or to specific rights that apply to disabled persons. While this omission is structural rather than incidental, it indicates a framework that tends to treat social inclusion as external to environmental governance, rather than definitively doing so in all cases. This silence extends to international obligations: the CRPD and its principles of accessibility, participation, and equality are entirely absent. As a result, participation procedures and information requirements remain formally open but carry the risk of being materially inaccessible

Figure 1: Frequency of codes reflecting inclusivity and exclusion within the Italian EIA law.



Cluster A: Visibility of Disability

This imbalance between procedural sophistication and social exclusion becomes most apparent in Cluster A. In the Italian EIA law, such recognition is entirely absent. The law never refers to persons with disabilities or other vulnerable populations, relying instead on universal categories such as *salute umana* (human health). While these formulations are normatively significant, they cannot be assumed to capture the specific obligations owed to persons with disabilities. As the CRPD illustrates, a dedicated international framework was required precisely because general human rights protections have historically failed to address the particular needs and risks faced by disabled persons. The reliance on abstract invocations of *salute umana* therefore falls under the category of Generic Human Rights, highlighting the risk that universality without specificity results in exclusion. Within the Italian framework, this universalism functions as a substitute for visibility: by equating “the population” with an undifferentiated public, the law conceals the need for targeted safeguards. Article 5, which defines the key concepts guiding the entire assessment process, lists the environmental and social factors to be considered but omits any reference to disability, vulnerability, or accessibility. This omission at the definitional level may influence the entire procedural chain, where no mechanisms exist to identify or involve vulnerable persons as stakeholders. What begins as a linguistic absence in the opening articles thus becomes a structural feature of the law, potentially rendering disability invisible throughout the EIA process.

Cluster B: Equity & Justice

The second cluster reveals the same reliance on abstraction that characterised visibility. Equity and justice are invoked in the Italian EIA law, but always in generalised terms that remain detached from the lived realities of disadvantaged groups. For example, the law speaks of ensuring an *equa distribuzione dei vantaggi connessi all'attività economica* (equitable distribution of the benefits connected to economic activity), a formulation that projects fairness but provides no mechanism for identifying or addressing structural inequalities (Art. 4(3)). For persons with disabilities, who

continue to experience lower labour market participation or reduced university enrolment, such provisions are insufficient.¹²

This problem becomes particularly evident when examining the criteria that determine which projects are subject to assessment. Decisions about whether a plan, programme, or project must undergo evaluation are made with reference to the different level of environmental sensitivity of the area (Art. 6(3)), while no attention is given to whether social groups may be differently affected. Screening thus operates with an exclusively ecological lens. The absence of criteria relating to social equity, accessibility, or vulnerable groups means that projects with potentially disproportionate consequences for disabled persons can pass through the early stages of assessment without further scrutiny. Here the omission appears structural: by failing to build distributive justice into its screening logic, the law creates a risk of sidelining social vulnerability.

This imbalance is further reinforced at the institutional level. In multiple provisions, the Ministry of Cultural Heritage and Tourism is designated as a co-decision-maker, while no comparable role is foreseen for ministries responsible for social affairs or disability. In the procedures for VAS, for instance, the law specifies that the final opinion is to be issued jointly by the Minister of the Environment and the Minister of Cultural Heritage and Tourism (Art. 7(5)). The choice of institutional partners reveals a hierarchy of values: cultural and landscape protection are systematically integrated into decision-making, whereas social equity and accessibility tend to remain structurally excluded.

Against this background, a passage that approaches an intersectional perspective stands out. In the context of sustainable development strategies, the law requires that citizens and their associations participate *in rappresentanza delle diverse istanze* (in representation of diverse interests), and links sustainability not only to ecological stability but also to *requisiti sociali connessi allo sviluppo delle potenzialità individuali*

¹² Empirical evidence consistently shows that persons with disabilities in Italy face persistent structural disadvantages in key domains of social inclusion. According to the OECD, employment rates among working-age persons with disabilities remain well below those of persons without disabilities (OECD, 2023, p. 14). In higher education, data from the National Agency for the Evaluation of Universities and Research Institutes (ANVUR) show that students with disabilities constitute only a marginal proportion of total enrolments, with marked disparities across institutions and disciplines (ANVUR, 2022).

(the social requirements connected with the development of individual potential) (Art. 34(5)). This is a rare moment where the law acknowledges that sustainability has a social dimension and that diverse social groups should be taken into account. Yet the absence of explicit mentions of disability renders this recognition incomplete. Inclusion remains possible in principle, but not mandated in practice, leaving a risk that the opportunity to ground sustainability in an intersectional conception of justice remains unrealised.

Cluster C: Accessibility & Participation

The third cluster, which concerns the procedural dimension of inclusion, contains the most explicit provisions. The text repeatedly refers to consultation, the submission of observations, and the organisation of public inquiries. Participation is explicitly required or enabled, indicating that the framework goes beyond symbolic gestures and provides structured opportunities for engagement. These provisions convey a strong formal commitment to democratic participation. Nevertheless, the effectiveness of this commitment remains fragile, as participation rights can only be realised if they are accompanied by accessible procedures and communication formats.

However, these opportunities are undermined by a pervasive failure to guarantee accessibility. The law requires that documentation, consultation results, or final decisions be published on institutional websites, yet no standard of accessibility is provided. Without obligations to ensure screen-reader compatibility, easy-to-read language, or alternative formats, such publication risks excluding precisely those who rely most on adapted communication. In practice, access to information is the precondition for participation: where information is inaccessible, participation risks becoming a right only in theory.

The problem is further exacerbated by structural marginalisation. Although the “public concerned” formally includes recognised environmental NGOs and certain trade unions (Art. 5(3)), the law restricts participation rights to organisations whose mandate is explicitly environmental. This means that disability organisations or other groups representing socially marginalised communities are not automatically eligible to participate, even when their members are significantly affected by environmental decisions. As a result, the legal architecture does not intentionally exclude disabled

persons, but it omits them from the categories through which participation is structured. Their involvement is therefore not secured as a procedural right, but depends on discretionary outreach or individual initiative.

Finally, provisions requiring Accessible Information included the obligation to provide a non-technical summary of environmental impact studies to ensure that technical material can be understood by the general public (Art. 22(4)). This marks an awareness that information must be comprehensible, but it does not go far enough to address disability-specific needs. Comprehensibility is not the same as accessibility: without formats designed for persons with disabilities, the information risks remaining out of reach for many.

Taken together, the Italian case suggests that formal commitments to inclusion may not always translate into substantive participation for all groups. On the one hand, the EIA law is comprehensive in its commitments to transparency, and participation. On the other hand, it entirely fails to recognise disability, accessibility, or vulnerability as legal categories, and therefore provides no mechanisms to ensure that disabled persons are effectively included. The coding results underscore this imbalance.

In conclusion, the Italian EIA law appears participatory in design but may be exclusive in effect. Disabled persons are not seen, not named, and not guaranteed recognition as stakeholders. One possible explanation for the absence of disability-specific provisions is the assumption that the rights of persons with disabilities are already safeguarded in broader legal frameworks that guide the work of public authorities.¹³ In practice, however, the analysis suggests that this assumption often does not hold. Even the law itself, as made available on the official government website (www.normattiva.it), is not published in an accessible format.¹⁴ If the basic text of the legislation remains inaccessible, it becomes unlikely that the procedures it regulates will consistently guarantee inclusion. In a context where persons with disabilities already face structural disadvantages in employment, education, and daily life, such

¹³ One standard that should ensure digital accessibility in Italy is Law 9 January 2004, n. 4, formally titled *Disposizioni per favorire l'accesso dei soggetti disabili agli strumenti informatici* ("Provisions to promote the access of disabled persons to IT tools").

¹⁴ The PDF of the *Decreto Legislativo 3 April 2006, n. 152* was downloaded from www.normattiva.it and subsequently tested for accessibility using the online tool www.check.axes4.com. The result indicated: "Basic requirement for accessible PDFs not met!".

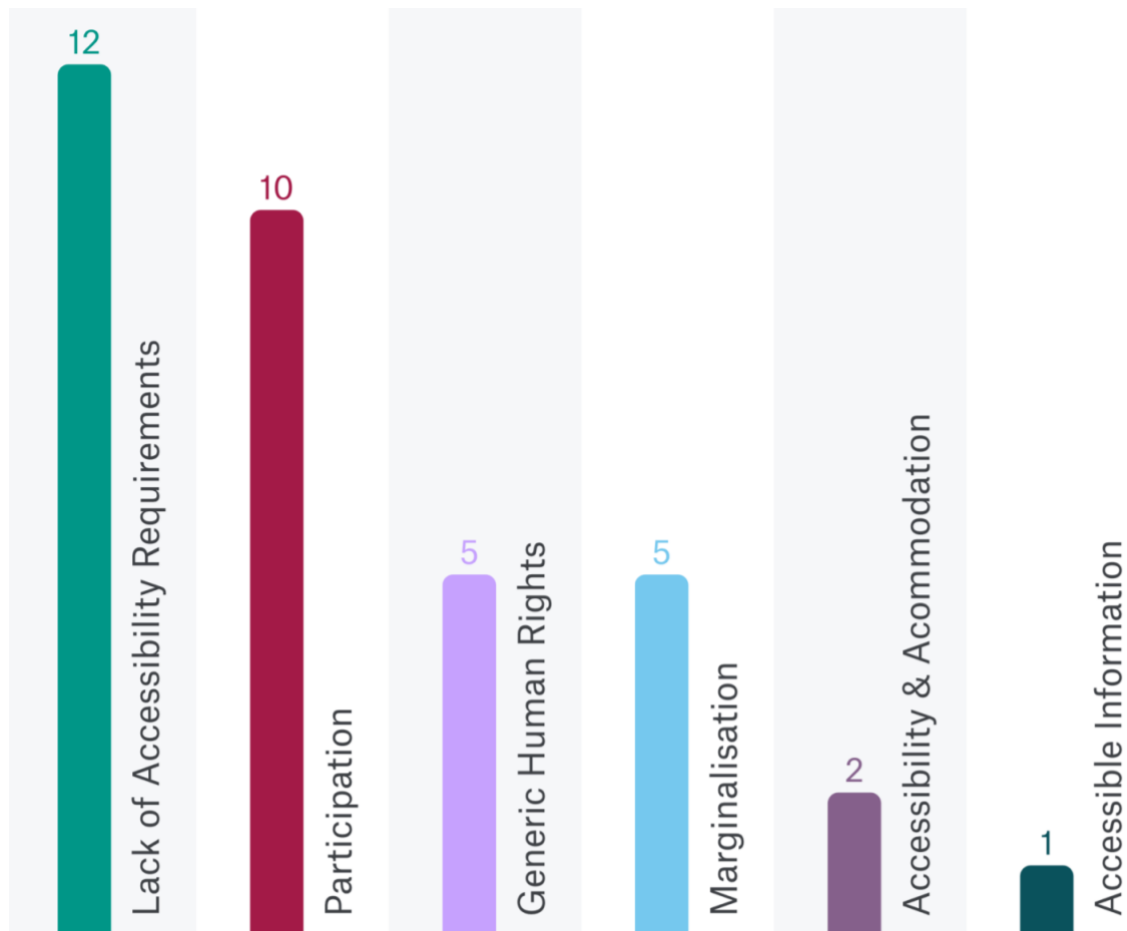
silences are not neutral but may contribute to perpetuate exclusion. The Italian case illustrates why sustainable inclusion cannot rely solely on generic references to human health or abstract notions of equity. It requires explicit recognition of disability as a legal and social category, embedded accessibility requirements, and institutional guarantees that disabled persons and their organisations are not only informed but also empowered to shape the environmental decisions that affect their lives.

5.2. Germany: Legal Provisions and Gaps

The German Environmental Impact Assessment Act (*Gesetz über die Umweltverträglichkeitsprüfung*, UVPG) is largely similar to the Italian framework, revealing a comparable pattern of omission when examined through the lens of disability inclusion: extensive procedural elaboration but a near-complete absence of social and accessibility considerations. Across the 35 coded segments, the most frequent category is Lack of Accessibility Requirements (12), followed by Participation (10), Generic Human Rights (5), Marginalisation (5), Accessibility and Accommodation (2), and Accessible Information (1) (see *Fig. 2*).

This distribution suggests a structural imbalance: while participation and procedural safeguards are clearly institutionalised, accessibility and social inclusion are only weakly embedded. Nowhere in the UVPG are *Behinderung*, *Menschen mit Behinderungen*, or *vulnerabel* (disability, persons with disabilities, or vulnerability) explicitly mentioned. Nor does the law contain any reference to accessibility standards, disability rights, or the CRPD. The omission appears structural rather than incidental, indicating that the framework tends to treat inclusion as external to environmental governance. Participation provisions are extensive, but they presuppose equal capacity to engage without addressing the barriers that may prevent it. As a result, the law risks creating a model of procedural transparency without substantive equality: an EIA system that is legally rigorous and administratively coherent but not sufficiently attentive to the conditions required for equitable participation.

Figure 2: Frequency of codes reflecting inclusivity and exclusion within the German EIA law.



Cluster A: Visibility of Disability

The absence of any reference to disability within the UVPG becomes particularly clear when turning to the visibility cluster. The UVPG provides no entry point for recognising disability as a relevant social category, nor does it contain a definition that would allow social factors to be systematically integrated into impact assessments. Article 16, which defines the required contents of the *UVP-Bericht* (Environmental Impact Report), illustrates the problem. The provision asks for a description of the environment and its components within the impact area of the project. Yet the term *Umwelt* (environment) is never defined in the statute. It could in principle include both the natural and social environment, but in practice, its scope is interpreted almost exclusively in ecological terms. This definitional gap can have exclusionary effects. If *Umwelt* is not understood as including the social and human context, then disability, accessibility, and social

inequality fall outside the scope of what is to be described and assessed. Consequently, although the UVPG defines environmental impacts with reference to specific *Schutzgüter* (protected assets) - including humans, in particular human health (Anlage 4(4b)) - this enumeration does not fully compensate for the absence of a broader social baseline. If the current social conditions are not described, the quality of any subsequent impact prediction concerning human well-being remains limited.

A further example of selective visibility can be found in Article 64, which regulates the conduct of cross-border environmental assessments. The provision requires that such procedures be carried out in accordance with Germany's *völkerrechtliche Verpflichtungen* (international legal obligations). This clause demonstrates that the legislator is willing to restate obligations that are, in legal terms, already binding, thus making international commitments visible within the text of the law. Since the reference to *völkerrechtliche Verpflichtungen* is formulated broadly, it also encompasses Germany's other international treaties, including the CRPD, even though these are not mentioned explicitly. The fact that such reinforcement occurs in the context of environmental cooperation, but not in relation to social or disability rights, suggests a selective approach to visibility.

Cluster B: Equity & Justice

The second cluster shows that the UVPG lacks any normative anchoring of social or distributive considerations. Its structure is dominated by procedural and ecological logic, leaving no space for an examination of how environmental burdens and benefits are shared among different social groups. The statute regulates in great detail how assessments are to be conducted and how authorities should cooperate in exceptional cases, such as transboundary procedures (Art. 61-64), yet it contains no provisions addressing distributional fairness or social vulnerability. This asymmetry suggests that intersectional equity is not conceived as a substantive goal of the assessment process.

Cluster C: Accessibility & Participation

The third cluster exposes accessibility as the decisive weakness of the German framework. The UVPG contains no specific provisions requiring information made

public by authorities to be accessible. This legislative silence is significant, as access to information constitutes the precondition for meaningful participation. When the law does not define accessibility as a procedural obligation, participatory rights risk remaining largely formal. The absence of accessibility requirements in the text of the UVPG therefore reflects a structural gap between the principle of transparency and the practical conditions of inclusion.

However, accessibility should nonetheless be ensured through broader legal frameworks. Binding national and European standards - most notably the *Barrierefreiheitsstärkungsgesetz* (Accessibility Enhancement Act), which implements the European Accessibility Act (Directive 2019/882) - oblige public authorities to guarantee digital accessibility in the provision of information and administrative services. These laws establish accessibility as a general administrative duty, yet the UVPG does not reference or operationalise them within its procedural framework.

The consequences of this omission become apparent in practice. The official portal for environmental impact assessments (www.uvp-verbund.de), through which project documentation is made publicly available, offers a clear illustration. Despite general accessibility obligations, non-accessible project files remain easy to find, and individual documents do not always meet basic standards, limiting the ability of some users to participate effectively.¹⁵ This example underscores that, even where accessibility is guaranteed in principle, the lack of explicit provisions in the UVPG can produce tangible consequences in practice. The lack of explicit accessibility requirements within the statute contributes to uneven implementation and may perpetuate exclusion.

Some provisions of the UVPG nevertheless show a limited awareness of Accessibility and Accommodation. Although the law does not systematically embed accessibility, certain formulations implicitly lower procedural barriers. For example, Article 21(1)

¹⁵ The accessibility of documents published on the UVP portal was tested using the online tool www.check.axes4.com. For instance, the project documentation for “*Änderung und Erweiterung der Rinderanlage auf 1.315 Rinderstellplätze, 250 Kälberplätze und die Erhöhung der Güllelagerkapazität auf 4.339 m³ in der Gemarkung Hödingen*” (published 30 September 2025) did not meet basic accessibility standards according to the tool’s evaluation.

allows members of the affected public to express their views *schriftlich oder zur Niederschrift* (either in writing or orally), a wording that - while not explicitly framed as an accessibility measure - can in practice assist individuals who encounter difficulties with written or digital communication. Likewise, Article 42(2) provides that plans and environmental reports must be made publicly available at suitable locations and for a sufficient duration to guarantee the effective participation of the affected public. These provisions indicate a degree of procedural openness that could support inclusion if paired with clear accessibility standards.

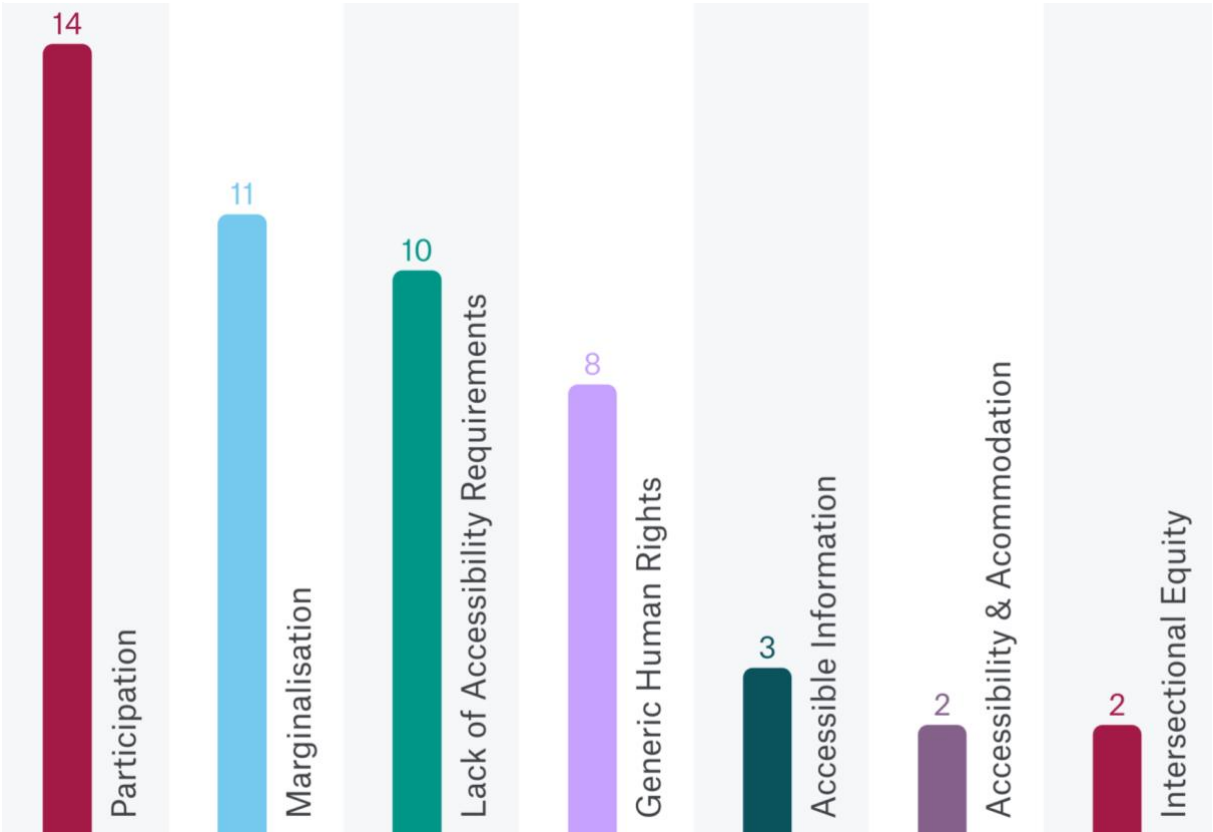
Participation itself is strongly anchored in the UVPG. The law explicitly provides for public involvement through consultation, submission of observations, and public hearings. This demonstrates a firm commitment to participatory governance and transparency. Yet, as noted above, the effectiveness of these provisions depends heavily on the accessibility of the information and channels through which participation occurs. When participation mechanisms rely on inaccessible materials or formats, inclusivity becomes conditional rather than guaranteed. Germany's environmental assessment system therefore combines high administrative sophistication with limited social sensitivity.

In summary, the German case illustrates the limitations of a procedural model of participation that is technically sophisticated but socially incomplete. The UVPG excels in regulating the *how* of environmental assessment, yet gives limited consideration to the *who*. While accessibility is not entirely absent, it is treated as supplementary rather than foundational. The law's failure to conceptualise *Umwelt* as including the social environment, together with its omission of disability and inclusion as analytical categories, produces a framework in which exclusion may arise through omission rather than intent. The capacity of authorities to cooperate internationally while failing to guarantee accessible information domestically exemplifies this imbalance. Achieving genuine inclusion would therefore require integrating accessibility standards explicitly into the UVPG's procedural design, recognising that access to information is not an ancillary requirement but a fundamental condition of participation.

5.3. Austria: Legal Provisions and Gaps

The Austrian Environmental Impact Assessment Act (*Umweltverträglichkeitsprüfungsgesetz 2000*, UVP-G 2000) is characterised by a strong procedural orientation that integrates public participation and transparency, yet pays limited attention to inclusion and social equity. The coding results reflect this pattern (see Fig. 3): Across the coded segments, the most frequent category is Participation (14), followed by Non-Accessible Information (10) and Structural Exclusion (10). Generic Human Rights (8) appears regularly, whereas Accessible Information (3), Accessibility and Accommodation (2), and Intersectional Equity (2) occur only sporadically. This distribution suggests a framework that provides extensive opportunities for public involvement, yet pays comparatively limited attention to the differentiated capacities and accessibility needs of participants.

Figure 3: Frequency of codes reflecting inclusivity and exclusion within the Austrian EIA law.



Cluster A: Visibility of Disability

Within the first cluster, which examines the visibility of disability, the UVP-G 2000 reveals a complete absence of explicit references to disability or related concepts. Inclusion is reflected only indirectly through general formulations such as *öffentliches Interesse, Gesundheit des Menschen* or *der Schutz von Menschen, Tieren, Pflanzen und deren Lebensräumen* (public interest, human health or the protection of humans, animals, plants, and their habitats) (Art. 1(1)). These references convey a predominantly biological understanding of human well-being rather than a social or relational one. Disability therefore remains invisible as a distinct legal and analytical category. Although this omission may partly be explained by the existence of Austria's separate disability equality framework (Bundes-Behindertengleichstellungsgesetz, BGStG), the lack of any cross-reference within the UVP-G nonetheless limits the extent to which disability-related concerns can be systematically integrated into environmental assessment and decision-making.

Cluster B: Equity & Justice

The second cluster shows that the UVP-G 2000 determines affectedness in strictly legal and spatial terms. The Act distinguishes several categories of actors entitled to participate, most prominently *Nachbarn/Nachbarinnen* (neighbours) and *Bürgerinitiativen* (citizens' initiatives). Under Article 19(1), neighbours are defined as persons whose life, health, property, or other legal rights may be endangered or disturbed by the construction, operation, or existence of a project. The provision also extends participation rights to owners of facilities in which persons are regularly present for limited periods. This is a progressive element, as it goes beyond residents and acknowledges that certain institutions host groups that may be affected by projects as well. Yet the formulation remains property-based, meaning that rights are conferred on the owners of such facilities rather than the individuals who work or spend time in them.

The law further strengthens collective forms of participation. According to Article 19(4), *Bürgerinitiativen* can be constituted by at least 200 persons entitled to vote in the affected municipalities. Once formally established, they enjoy full *Parteistellung* (party status), enabling them to access files, submit evidence, participate in hearings, and

appeal administrative decisions. In the Austrian administrative system, *Parteistellung* confers legally enforceable procedural rights, including the right to be heard and to challenge decisions before higher authorities or courts. This provision represents a significant procedural innovation, ensuring that organised community voices can influence environmental decision-making on an equal footing with other recognised parties.

Among the parties granted full *Parteistellung* under the UVP-G are recognised environmental organisations. Their procedural position, however, differs from that of *Nachbarn/Nachbarinnen* or *Bürgerinitiativen* in that they are formally integrated into the *Umweltanwaltschaften* (Environmental Ombuds Offices) at the federal and provincial levels - public bodies mandated to represent environmental interests in administrative proceedings. These institutions combine functions of oversight, advocacy, and legal participation, ensuring that environmental protection is continuously represented as a matter of public interest. This institutional anchoring provides environmental organisations with a stable presence in the assessment process, but no comparable mechanism exists for organisations representing social or disability interests. While this design strengthens environmental accountability, it may also reinforce a hierarchy of participation in which ecological concerns are structurally embedded, whereas social vulnerability and disability-related issues rely on voluntary initiative rather than institutional mandate.

Cluster C: Accessibility & Participation

As shown above, public involvement constitutes a major feature of the Austrian framework, a finding also reflected in the high number of references coded under the third cluster. The centrality of participation is evident already in Article 1(1), which states that „*Aufgabe der Umweltverträglichkeitsprüfung (UVP) ist es, unter Beteiligung der Öffentlichkeit auf fachlicher Grundlage die Umweltauswirkungen eines Vorhabens zu ermitteln, zu beschreiben und zu bewerten*“ (the task of the Environmental Impact Assessment is to evaluate the environmental effects of a project, under participation of the public and on a scientific basis). This formulation places participation at the core of the assessment procedure, yet accessibility remains the decisive condition for determining whether this right can be meaningfully realised

Regarding the accessibility of information, the UVP-G prescribes that documents must be made publicly available both in print and in electronic form, insofar as technically possible (Art. 9(1)). Furthermore, upon request, the authority must provide access *in einer technisch geeigneten Form* (in a technically suitable form) which, could in principle include accessible formats, although this remains optional rather than guaranteed. However, this model is reactive rather than proactive: accessibility depends on individual requests rather than being a structural requirement. Inclusivity should be ensured by design, not demanded by those already facing barriers. Publication requirements further illustrate both strengths and limitations. The law mandates that information about a project be announced not only on the authority's website but also in widely distributed newspapers, including at least one publication in the affected communities (Art. 9(5)). This localised dissemination is commendable, as it strengthens community-level transparency and awareness. Yet without explicit accessibility standards, these efforts may not reach all groups equally.

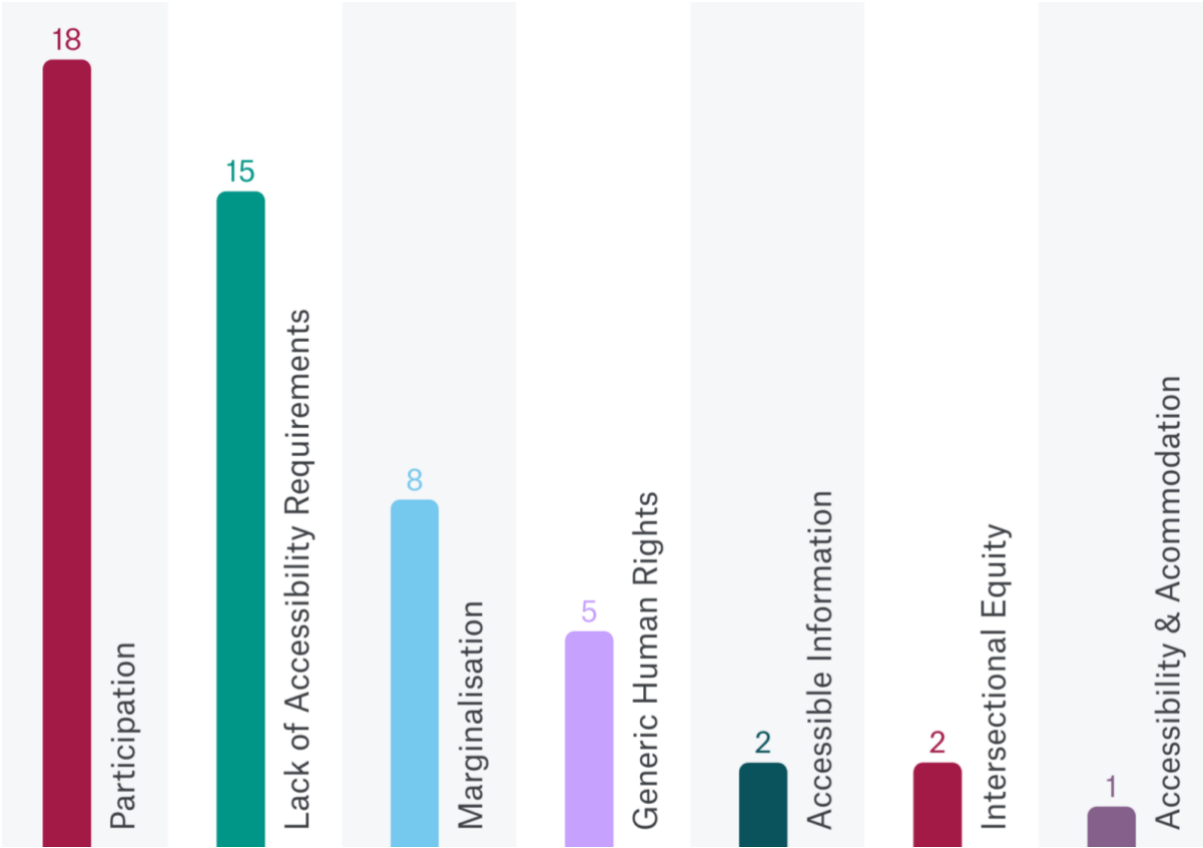
A modest attempt at accommodation can be found in the regulation of online hearings. The law provides that, where hearings are conducted digitally, all parties must be offered the opportunity to participate via audio-visual means. If a party lacks the necessary technical equipment, the authority is obliged to provide an alternative means for them to exercise their procedural rights (Art. 16). This provision recognises unequal access to technology and seeks to counterbalance it procedurally. However, it remains unclear whether such accommodations extend to disability-related needs or address accessibility beyond technical access.

Taken together, the Austrian UVP-G demonstrates a high degree of procedural refinement but only a limited integration of social and disability-related inclusion. Its participatory infrastructure through *Bürgerinitiativen*, *Umweltanwaltschaften*, and public consultations is among the most developed in the European context. Yet this inclusivity remains functionally segmented: ecological participation is institutionally anchored, whereas social and disability-related forms of participation rely on ad hoc engagement. Accessibility is acknowledged only implicitly and operationalised through reactive provisions rather than proactive guarantees. The result is a system that performs procedural democracy effectively but may not yet achieve social inclusivity in substance.

5.4. Spain: Legal Provisions and Gaps

The Spanish Environmental Assessment Law (*Ley 21/2013, de evaluación ambiental*) presents a framework that, much like other cases, demonstrates a clear procedural sophistication combined with a striking absence of social and accessibility considerations. Across the coded segments, the most frequent category is Participation (18), followed by Lack of Accessibility Requirements (15), Marginalisation (8), and Generic Human Rights (5). Explicit references to Accessible Information (2), Intersectional Equity (2), and Accessibility and Accommodation (1) appear only sporadically (see *Fig. 4*). This distribution suggests a framework in which participatory mechanisms are highly developed in formal terms, while the social conditions necessary for meaningful and inclusive participation receive comparatively little attention.

Figure 4: Frequency of codes reflecting inclusivity and exclusion within the Spanish EIA law.



Cluster A: Visibility of Disability

The absence of any reference to disability within the Spanish EIA Law becomes particularly evident when examining the question of visibility. The law provides no entry point for recognising disability as a relevant social category, nor does it contain a definition that would allow social factors to be systematically integrated into environmental assessments. The imbalance is already visible in the preamble, which defines the purpose of the law narrowly as *un instrumento eficaz para la protección medioambiental* (an effective instrument for environmental protection), omitting any reference to human beings, health, or social well-being. This formulation suggests that the protection of the environment is conceived primarily in ecological terms rather than social ones. A similar pattern appears in Article 2, which outlines the guiding principles of environmental assessment. While prevention, coordination, and public participation are listed among these principles, there is no mention of vulnerability, social protection, or distributive equity.

Article 5, which defines the goods to be protected, provides a first indirect connection to the social sphere by including the population, human health, and cultural heritage. Yet this enumeration fails to create a meaningful social baseline. Disability, vulnerability, and inequality remain unacknowledged. The clause referring to *la interacción entre todos los factores mencionados* (the interaction between all mentioned factors) could, in principle, have opened the door to intersectional reasoning. However, without mechanisms to identify or evaluate social vulnerability, this remains a formal gesture rather than a substantive commitment. The problem is compounded by the absence of a definition of *patrimonio cultural* (cultural heritage). Without clarification of whether this concept includes intangible or community-based dimensions, it cannot be assumed that social or intersectional concerns are encompassed.

A further example of structural invisibility can be found in the definition of *personas interesadas* (interested persons or stakeholders). According to Article 19 and Additional Provision Fourteen, individuals whose rights or interests are directly affected qualify as stakeholders, but in the case of collective actors, only non-profit organisations that have existed for at least two years and whose statutory purpose concerns environmental protection are formally recognised. This restrictive definition risks excluding disability organisations, social collectives, and newly formed citizen

groups that may be directly affected by barriers or social disadvantage. The same logic governs the official registers that public administrations may create: these registers facilitate administrative coordination but include no criteria for identifying marginalised or underrepresented groups. As a result, participation may become reserved for established institutions rather than communities facing accessibility barriers.

Cluster B: Equity & Justice

The second cluster, which concerns rights and justice, reveals that the Spanish framework lacks any normative anchoring of social equity. The structure of the law is dominated by procedural and ecological logic, leaving no room for assessing how environmental benefits and burdens are distributed across different social groups. References to human health and the population appear sporadically, but they operate as Generic Human Rights, abstract and universal, without any sensitivity to difference. This reliance on universality can obscure the specific barriers faced by persons with disabilities. Article 5's call to consider the interaction between environmental factors could have been an opportunity to embed intersectional thinking, yet the absence of social impact criteria or disaggregated data prevents such an interpretation. Similarly, the preamble describes environmental assessment as an *instrumento indispensable para asegurar que el desarrollo sea sostenible e integrador* (an indispensable instrument to ensure that development is sustainable and inclusive). While this wording appears to acknowledge the social dimension of sustainability, the law contains no mechanisms to operationalise such inclusion.

The concept of *desarrollo sostenible* (sustainable development) further illustrates the asymmetry between ecological and social commitments. In the Spanish context, sustainable development is widely understood to integrate environmental, economic, and social dimensions. Within the law, however, it is defined almost entirely through environmental protection, leaving the human and social components largely unaddressed. The human and social components of sustainability are absent. This omission marks a disjunction between Spain's international obligations under the CRPD and its domestic environmental governance. Whereas environmental duties are explicitly transposed from European law, disability rights remain outside the scope of legislative recognition. The law thereby tends to reproduce a selective transposition:

environmental obligations are made visible, while obligations toward vulnerable populations are not.

Cluster C: Accessibility & Participation

Accessibility emerges as the decisive weakness of the Spanish framework. Numerous provisions require that information, results, or decisions be published online, yet the law never specifies accessibility standards. The repeated references to *publicación electrónica* and *máxima difusión* (electronic publication, widest possible dissemination) convey a commitment to transparency, but transparency is not synonymous with accessibility. Without requirements for screen-reader compatibility, plain language, or alternative formats, public dissemination can become exclusionary. The risk is that those most dependent on accessible communication may be effectively excluded from participation.

The only instance that approaches an accessibility concern appears in Article 9(3), which requires that public involvement *garantice la participación efectiva* (ensure effective participation). This wording was coded as *Accessibility and Accommodation*, as it recognises that participation must be effective rather than merely formal. Yet, the assumption that electronic publication equates to inclusion overlooks the diverse accessibility needs of participants. The law thus institutionalises visibility without access.

Participation itself is highly developed in formal terms. The law sets out extensive obligations for consulting both affected public authorities and *personas interesadas*, regulating the submission of observations, reports, and allegations with remarkable procedural detail. However, these mechanisms presuppose equal capacity to engage, which cannot be ensured in the absence of explicit accessibility requirements. This structural gap between transparency and accessibility helps explain the predominance of codes for Lack of Accessibility Requirements and Marginalisation. Participation is guaranteed in law but may remain conditional in practice.

In summary, the Spanish case reflects a pattern already observed in Germany, Austria, and Italy: a model of environmental governance that is procedurally sophisticated yet socially incomplete. The law guarantees transparency and institutional coordination but omits disability, accessibility, and vulnerability as integral components of

environmental justice. Participation is robust in form but fragile in substance; accessibility is assumed but not ensured. By restricting the definition of legitimate stakeholders and relying on electronic publication without accessibility standards, the framework tends to privilege established actors and may inadvertently marginalise those requiring accommodation. Its omission of social categories in definitions, combined with the absence of accessibility obligations, creates a risk of exclusion not through intent but through silence. Achieving genuine inclusion would require integrating accessibility standards explicitly, establishing mechanisms to identify vulnerable groups, and redefining participation in a manner that understands social diversity as a core component of sustainable development rather than an administrative complication.

6. Comparative Discussion

Chapter 5 demonstrated that the national EIA laws of Italy, Germany, Austria, and Spain exhibit consistent patterns in how disability inclusion is positioned within their procedural and conceptual structures. Chapter 6 synthesises these findings by examining the recurrent dynamics that emerge across the four cases, with particular attention to the legal, procedural, and epistemic conditions that shape visibility, participation, and recognition within European EIA law. In doing so, the chapter analyses how shared structural features of EIA legislation reproduce the forms of exclusion identified through the intersectional lens, while also identifying procedural elements that, if reinterpreted, could function as entry points for more inclusive practice. This comparative discussion establishes the analytical foundation for Chapter 7, where these insights are translated into the Inclusive Environmental Impact Assessment Guideline.

6.1. Structural Convergence and Shared Challenges

The comparative analysis of the EIA frameworks of Italy, Germany, Austria, and Spain reveals a strong degree of structural and procedural convergence. This similarity is not coincidental but stems from the shared legal foundation provided by Directive 2014/52/EU, which establishes a common procedural architecture for all Member States. Each of the four national laws mirrors the directive's core structure: they define similar procedural phases, follow comparable criteria for determining assessment obligations, and assign parallel responsibilities to competent authorities. This harmonisation demonstrates the strength of the EU's regulatory influence in shaping environmental governance across Member States. However, by not explicitly mandating the consideration of social aspects such as inclusivity or accessibility, the Directive effectively sets a ceiling for national ambition, making it unlikely that these elements will be integrated into domestic EIA frameworks.

Across all four national systems, the study finds that inclusivity remains largely unaddressed, both conceptually and procedurally. None of the legal frameworks provides a definition or operational mechanism for integrating social dimensions into the assessment process. Disability, along with other social factors such as gender,

migration background, or socio-economic status, is either entirely absent or mentioned only indirectly. The coding frequencies clearly reflect this gap (see *Table 5*): explicit references to disability, accessibility, or social equity are non-existent. Where the laws refer to the “public” or to “affected persons”, these categories are defined in purely formal terms, without attention to how accessibility barriers or social inequalities may prevent certain vulnerable groups from participating meaningfully.

Table 5: Frequency of inclusivity and exclusion codes across the EIA laws of Italy, Germany, Austria, and Spain

Code	Italy	Germany	Austria	Spain	Sum
Disability Rights Integration	0	0	0	0	0
Explicit Disability Mention	0	0	0	0	0
Generic Human Rights	4	5	8	5	22
Intersectional Equity	2	0	2	2	6
Long-term Social Impacts	0	0	0	0	0
Participation	9	10	14	18	51
Accessibility and Accommodation	0	2	2	1	5
Accessible Information	3	1	3	2	9
Marginalisation	12	5	11	8	36
Lack of Accessibility Requirements	18	12	10	15	55

A particularly consistent weakness across the cases concerns the accessibility of information. Although transparency and public participation are core procedural principles of all four laws, none of them ensure that information is made accessible in practice. The dissemination of environmental information remains dependent on digital or written formats that presuppose literacy, technical access, and the absence of communication barriers. As a result, the legal provisions reproduce an assumption of a uniform, able-bodied public, effectively excluding individuals and groups who require alternative formats or procedural accommodations.

This finding illustrates a wider pattern within European EIA laws: participation is treated as a procedural step rather than as a right that requires active facilitation. While the formal opportunity to participate is granted, the structural conditions for inclusive participation are left unaddressed. This omission highlights a deeper conceptual limitation: social vulnerability is not regarded as an integral part of environmental vulnerability. Instead, environmental protection is framed in narrow biophysical terms, oriented around safeguarding natural resources, ecosystems, and public health, without considering how these domains are interconnected and intersect with social inequality and accessibility.

Although the four national frameworks display similar gaps, their comparison also highlights points where existing structures could be used to advance inclusivity. At first glance, the limited attention to accessibility and social vulnerability within EIA law appears understandable, given that inclusivity is formally regulated through other legislative instruments such as the European Accessibility Act or national equality laws. Yet, this formal division of labour between legal domains has not translated into practice. A simple examination of some EIA-related documentation across the countries reveals that public materials are rarely published in accessible formats, despite the obligations established by the Accessibility Act (EU, 2019, Art.4). This raises doubts about the actual inclusiveness of participatory mechanisms that, in principle, are open to all.

The gap between procedural openness and effective inclusion exposes a deeper weakness of the EIA framework: its lack of sensitivity to socio-economic and structural dimensions of exclusion. Disability offers a clear example, but it is not an isolated one. The European Accessibility Act itself recognises that persons with disabilities continue to face systemic disadvantage in access to education, employment, and participation in society (EU, 2019, p.71). An EIA regime that remains blind to such inequalities will inevitably reproduce them. Without mechanisms capable of identifying and mitigating how environmental decisions intersect with social hierarchies such as income, migration background, or accessibility many of the groups most affected by environmental change remain invisible within supposedly universal processes.

Nevertheless, the comparison also suggests potential entry points for reform. Certain procedural and institutional features such as Austria's model of mandated environmental representation, Spain's layered definition of affected publics, or Italy's

interministerial coordination, could, if reinterpreted, serve as vehicles for more socially responsive governance. Their potential, however, depends on whether future practice integrates inclusive guidance capable of operationalising accessibility across all procedural stages

The overall picture that emerges from this comparison is one of procedural convergence and normative limitation. The harmonisation achieved through EU law has succeeded in establishing consistency and predictability across Member States, but it has also standardised exclusion. The absence of mechanisms that address accessibility or recognise social diversity is not a matter of national oversight but a structural outcome of the Directive's technocratic design. In this sense, the national laws reproduce the same underlying epistemology that scholars such as Hajer (1995) or Dryzek (2013) have described as characteristic of technocratic environmental governance: one that treats the environment as an object of technical management rather than as a social space inhabited by diverse subjects with different needs and rights.

6.2. Patterns of Exclusion in European EIA Law

The patterns identified in the comparative analysis extend far beyond the specific issue of disability inclusion. The absence of disability from the legal frameworks is symptomatic of a more pervasive structural silence surrounding social difference in EIA law. What is not explicitly defined in the foundational provisions of the law fails to appear in later stages of the assessment process. Consequently, the omission of disability functions as a diagnostic indicator: when even one of the most visible and legally recognised categories of marginalisation is excluded, it is likely that other intersecting identities and vulnerabilities (gender, migration, class, or age) remain invisible as well. Addressing such omissions therefore requires more than the addition of new social categories; it demands a conceptual shift in how the environment, affectedness, and participation are understood.

The examined EIA frameworks are structured by overlapping systems of power that shape whose perspectives are included and whose remain unseen. The legal figure of "the public" functions as a nominally neutral category, but in practice it reflects a normative ideal of equal access and capacity that rarely exists. By assuming a

homogeneous public, the laws obscure the social hierarchies that organise participation where ableism, gendered expectations, migration status, or socio-economic inequality intersect to determine who can obtain information, engage with procedures, and influence outcomes. The result is a formal architecture of participation that appears universal but, in reality, privileges those already positioned to navigate bureaucratic and communicative barriers, while systematically excluding those whose access depends on structural support.

The inequalities embedded in participation are ultimately linked to asymmetries of knowledge and visibility. As Foucault and later scholars have argued, power is exercised not only through coercion but through the ability to define what counts as legitimate knowledge and who is authorised to speak (Dean, 2009). In the context of EIA, this dynamic becomes tangible: access to information determines access to participation. Those who can locate, comprehend, and navigate procedural documentation - often because of higher education, digital literacy, and able-bodiedness - acquire the power to influence environmental decisions. Conversely, individuals who encounter barriers to information, such as inaccessible formats or lack of awareness of participatory opportunities, are effectively excluded from the governance process. For many persons with disabilities, whose educational and occupational participation remains structurally limited, this exclusion is compounded. The procedural openness of EIA thus conceals a deeper regime of inequality, where knowledge functions as a gatekeeper of participation and power.

Critical environmental justice scholars have similarly shown that such procedural formalism reproduces existing hierarchies rather than neutralising them (e.g. Malin & Ryder, 2018). By treating participation as a single-stage consultation rather than as an ongoing process conditioned by power and access, EIA regimes reinforce the visibility and representation of the interests of dominant groups while erasing those positioned at the social margins. In this sense, the exclusion of disability is not a marginal oversight but a symptom of the epistemic foundations of EIA law itself. This system continues to privilege technical expertise and institutional efficiency over social justice and representational diversity.

From this perspective, disability can be understood as an instrument for diagnosing the inclusivity of environmental governance more broadly. The near absence of accessibility obligations within EIA procedures reveals how environmental policy fails

to engage with socio-economic dimensions of inequality. This aligns with recent intersectional climate governance research showing that policy frameworks which ignore power differentials and social stratification inevitably reproduce patterns of exclusion (e.g. Amorim-Maia et al., 2022; Rigon, 2025). Just as the omission of disability renders accessibility concerns invisible, the absence of broader concepts such as vulnerability, equity, or social cohesion in statutory language erases the complex realities of those most affected by environmental change.

An intersectional reading of the four national cases makes clear that these exclusions are not incidental but structural. None of the examined laws incorporates provisions that would allow socio-economic factors to influence impact analysis or public consultation design. Without explicit recognition of these dimensions, social differentiation remains outside the analytical scope of EIA, leading to assessments that are environmentally precise but socially blind. The result is a form of governance that measures ecological externalities while ignoring social ones.

6.3. The Need to Make the Invisible Seen

The comparative analysis has shown that the invisibility of disability within national EIA legislation is not an isolated omission but part of a wider pattern through which social difference is subdued, neutralised, or treated as administratively irrelevant. This structural silence limits the capacity of EIA regimes to recognise how environmental change is experienced unevenly across society. As the four national cases demonstrate, EIA frameworks in Italy, Germany, Austria, and Spain are formally open to the public, yet their procedural design presumes participants who possess the time, literacy, mobility, and institutional familiarity required to navigate complex administrative systems. The challenge is therefore not simply to add disability to existing legal categories. It is to address the deeper mechanisms that render disability and other intersecting vulnerabilities invisible within the assessment process.

At the same time, the analysis also reveals that the very procedures which reproduce invisibility contain within them potential points of transformation. Instruments such as public participation, interministerial consultation, and documentation requirements are already embedded in the legal structure of all four systems. Interpreted through an intersectional lens, these instruments could serve as avenues for more inclusive

practice. This requires systematically asking who can access information, who is represented in consultations, and how socioeconomic conditions shape the capacity to participate. These questions speak directly to the normative purpose of EIA: evaluating how planned interventions affect people and environments in ways that are socially meaningful.

This pattern resonates with long standing critiques in SIA scholarship, which demonstrate that social assessment often remains marginal within EIA systems and receives limited influence in final decisions. Studies show that SIA is frequently conducted under the umbrella of EIA, handled by inadequately trained practitioners, constrained by time and resources, and ultimately relegated to a secondary role (Vanclay, 2003; Owen, Kemp and Vanclay, 2013; Esteves et al., 2012; Vanclay, 2015). Vanclay (2023) therefore calls for the elevation of SIA within EIA systems, arguing that social concerns must be treated as integral rather than peripheral to EIA practice. Recent contributions underscore the potential of SIA as a tool for resilience governance (Imperiale and Vanclay, 2024), yet no EU level guidance or directive codifies SIA as a mandatory component of assessment. Consequently, the treatment of social issues within EIA depends on how Member States interpret broad categories such as “the population” or “human health”, categories that often remain under specified and are applied in ways that obscure social difference. The national EIA laws analysed here illustrate this tendency with clarity: although each contains procedural openings that could support inclusive practice, none provides the conceptual tools or legal obligations necessary to ensure that disability or other intersecting inequalities are addressed in a systematic way.

Recognising these limitations does not imply that European EIA law must be replaced. Rather, it underscores the need to reinterpret existing procedures in ways that expand their social relevance. Making the invisible seen therefore requires a dual movement. First, it requires identifying how the current legal architecture conditions visibility, participation, and recognition. Second, it requires articulating a framework that enables decision makers to operationalise inclusion across all stages of assessment without departing from the legal structure of EIA itself. The insights of SIA provide the conceptual vocabulary for analysing social change, distributional effects, and lived experience, while Disability Justice foregrounds intersectionality, the structural production of marginalisation, and the need to centre those most affected.

The next chapter builds on this dual movement. It responds directly to the omissions identified in the comparative analysis and to the conceptual gaps highlighted in the preceding theoretical discussion. Drawing on both SIA concerns and the critical perspective of Disability Justice, Chapter 7 introduces the Inclusive Environmental Impact Assessment Guideline. Its purpose is to provide procedural and analytical orientations through which disability inclusion can be systematically integrated into each stage of the EIA process. In this way, the analytical findings of this thesis are translated into a practical contribution for policymakers, legislators, and practitioners seeking to ensure that environmental governance becomes not only environmentally sound but also socially more equitable.

7. Embedding Disability Justice in EIA

The comparative discussion in Chapter 6 demonstrated that the near absence of disability within national EIA laws reflects a wider pattern of structural omission that constrains the capacity of EIA regimes to recognise unevenly distributed impacts. These findings underline the need for a framework that can translate the analytical insights of this thesis, particularly those drawn from Social Impact Assessment and Disability Justice, into actionable guidance. Chapter 7 introduces the Inclusive Environmental Impact Assessment Guideline (IEIA), which responds to these gaps by building on established principles within SIA such as equity, participation, and rights-based accountability and extending them to explicitly embed disability inclusion. Rather than proposing an entirely new assessment paradigm, the IEIA works within existing EIA structures and reframes inclusion not as a secondary concern but as a foundational dimension of EIA. It provides phase specific orientations that enable authorities and practitioners to integrate disability and other intersecting vulnerabilities at each stage of the assessment process, thereby connecting the diagnostic findings of the analysis with the procedural realities of EIA practice.

7.1. Purpose and Structure of the IEIA

The design of the IEIA responds to a central methodological challenge: how to embed principles of inclusion and accessibility into the procedural logic of existing European EIA systems without requiring their whole redesign. For this reason, the guideline adopts a phase-based architecture that mirrors the project appraisal cycle commonly applied across European jurisdictions. Although the EIA Directive (2014/52/EU) does not formally define distinct phases, both European guidance and practitioner experience recognise a broadly sequential structure comprising screening, scoping, EIA report, consultation, decision, informing the public, and monitoring (European Union, 2017). Within this structure, the early phases (screening, scoping, and preparation of the EIA report) require close interaction between project developers and competent authorities, as the determination of significance, the definition of scope, and the compilation of assessment material depend on an exchange of information between both parties. The later stages of consultation, decision-making, publication of

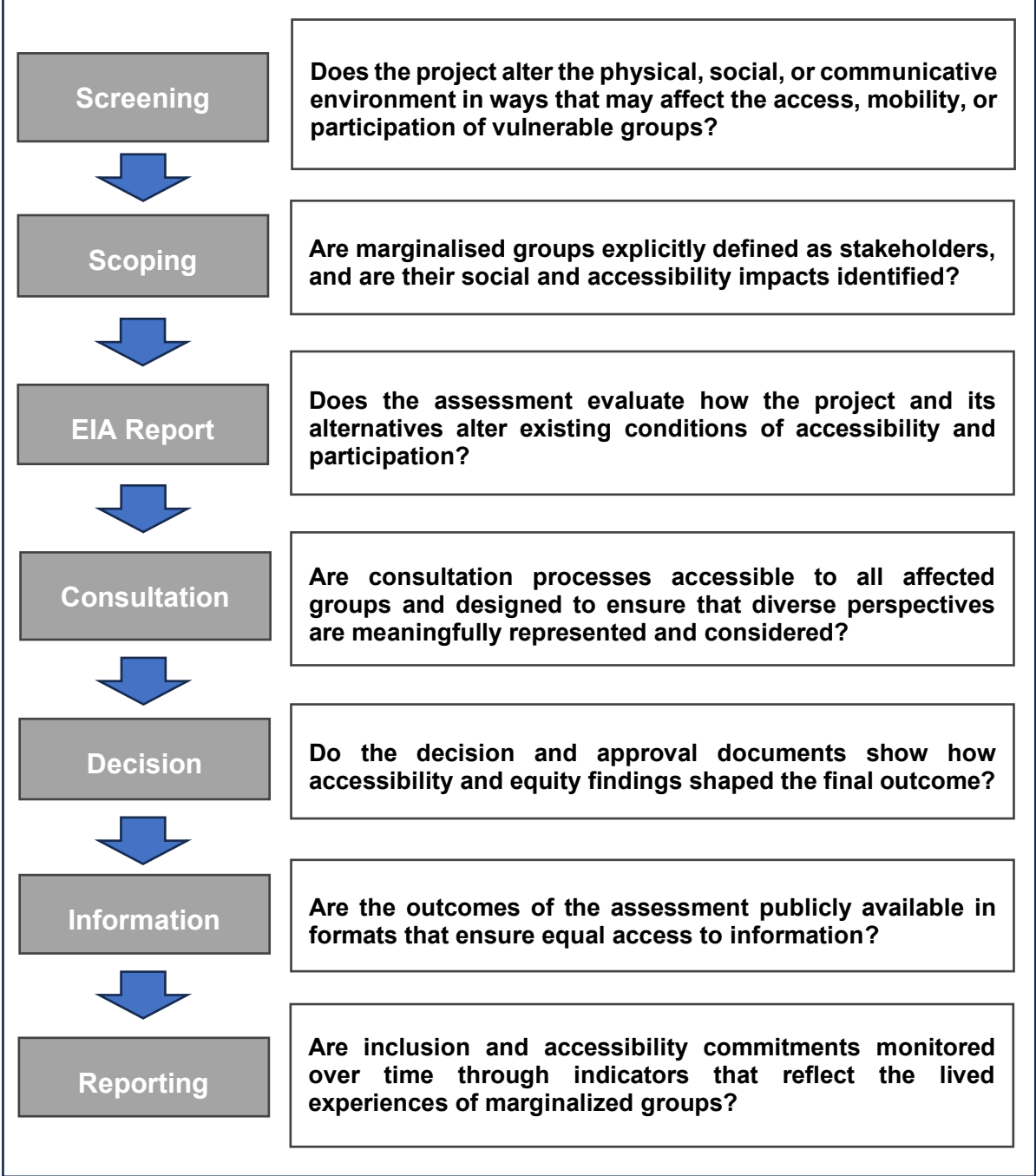
the decision, and monitoring lie primarily within the competence of public authorities responsible for environmental consent and oversight. The IEIA is therefore directed principally towards these authorities, providing a framework through which inclusive principles can be embedded across all procedural stages and communicated consistently to developers, ensuring that inclusivity is integrated from the earliest design and appraisal phases onward.

By adopting this familiar structure, the IEIA ensures compatibility with current regulatory routines while opening them to normative reform. Each phase serves as an entry point for operationalising inclusion: the sequence does not merely describe administrative steps but identifies moments in which disability-relevant considerations can and should be integrated. In this way, the procedural design of the guideline reflects the insight that inclusion cannot be achieved through a single participatory event but must be institutionalised as an iterative process running through the entire assessment cycle.

The logic of the IEIA follows an embedded and iterative progression across the entire assessment cycle. Each stage of the process is accompanied by a guiding operational question that highlights the key consideration for ensuring inclusion at that point in the procedure (see *Fig. 5*). These questions act as practical prompts for authorities and practitioners, directing attention to where exclusion might occur and how accessibility and participation can be enhanced. In the early phases, such as screening or scoping, the focus lies on identifying and engaging disability-relevant actors and concerns, ensuring that persons with disabilities, their representative organisations, and accessibility considerations are explicitly included from the outset and not obscured within general references. During the central analytical stage, which encompasses the preparation of the EIA report, attention turns to identifying inequalities, accessibility barriers, and intersectional vulnerabilities, demonstrating how environmental, social, and procedural factors interact to produce disadvantage. The subsequent stages of consultation, decision-making, communication of the decision, and monitoring then translate these insights into concrete procedural and design measures, ensuring that participation remains accessible, decision-making transparent, and accountability for inclusion sustained throughout implementation. In this way, each phase integrates multiple dimensions of inclusion while remaining guided by a focused operational question that connects legislative commitments with practical action, encouraging

practitioners to understand inclusion not as a discrete procedural step but as a continuous evaluative perspective embedded across the entire assessment process.

Figure 5: Phases of the IEIA and their guiding question.



This sequenced approach allows IEIA to function both as a procedural roadmap and as an implementation tool. It provides policymakers and practitioners with a clear structure through which to locate, evaluate, and strengthen disability-inclusive practices in each phase of the assessment process. By embedding inclusion

throughout rather than attaching it at the end, the guideline transforms accessibility and participation into operational standards for more equitable EIA. At the same time, it adopts a realist orientation, recognising that while a comprehensive reform of environmental legislation would ultimately be necessary to achieve full inclusion, such structural change is unlikely in the immediate term. The IEIA therefore works within the existing legal and procedural frameworks, accompanying rather than replacing the traditional EIA process. It highlights where inclusion can already be advanced under current rules, and equally where laws could or should evolve to adopt more inclusive approaches in the future. In this way, the guideline offers a practical instrument for authorities and practitioners committed to fostering a more accessible and participatory EIA process, bridging the gap legislative commitments and the realities of administrative practice.

7.3. The IEIA by Phases

The IEIA operationalises the analytical insights developed throughout this thesis by extending the conceptual foundations of SIA into the domain of disability inclusion. While SIA provides the most elaborated framework for addressing social change, equity, and participation within impact assessment, it does not explicitly articulate how accessibility, disability related concerns, or disability justice should be integrated into each procedural stage. The IEIA therefore builds on SIA's life cycle perspective while strengthening it with a disability centred and accessibility-oriented approach. It translates the structural and intersectional exclusions identified in Chapter 6 into concrete procedural standards that guide each stage of the assessment. The phases of the IEIA are designed to counteract the mechanisms of invisibility observed in current European EIA practice, where access to knowledge, communication formats, and participatory channels frequently determines whose interests are reflected in environmental decision-making. By embedding attention to accessibility, recognition, and meaningful participation from the outset, the IEIA ensures that persons with disabilities, together with other groups whose experiences are shaped by structural barriers, can engage with and influence the process. In this way, the guideline strengthens the social orientation of SIA while adapting it to the procedural realities of

European EIA law. Table 6 summarises the guideline’s key disability-related considerations for each phase of the EIA process.

Table 6: Disability-inclusive considerations across the IEIA phases

Phase	Disability-Inclusive Considerations
Screening	Changes that may affect access to spaces, information or services for persons with disabilities should be treated as an indication that an assessment may be needed.
Scoping	Accessibility issues and existing barriers should be included in the scope, with attention to groups whose participation or mobility may be affected.
EIA Report	Existing accessibility conditions should be described, and likely effects on access under each alternative should be considered.
Consultation	Consultation should be organised so that persons with diverse communicative, sensory and cognitive needs can participate effectively.
Decision	Accessibility considerations should be reflected in the evaluation of impacts and alternatives, and in measures attached to consent.
Information	The decision and its reasoning should be communicated in accessible formats.
Reporting	Follow up should examine how accessibility measures work in practice and allow persons with disabilities to report barriers.

Phase 1: Screening for Social and Disability-Relevant Impacts

Screening constitutes the formal entry point into the assessment process and establishes whether a proposed project requires further evaluation and to what extent. At this stage, significance should be understood broadly so that it encompasses not only ecological and economic factors but also social and accessibility dimensions. This wider interpretation is consistent with the screening logic of the EU Directive, which frames significance through flexible criteria relating to the characteristics of the project, its location, and the nature of its potential effects. These parameters allow for the consideration of impacts on people and communities even where they are not explicitly

enumerated, thereby creating space for a more comprehensive appraisal of the conditions through which individuals interact with their environment.

SIA guidance reinforces this understanding. As Vanclay et al. (2015) underline, screening is the moment when the visibility or exclusion of vulnerable groups begins to take shape, and early recognition of social difference is essential for preventing marginalisation throughout the process. Building on this SIA insight, disability inclusion strengthens screening by ensuring that accessibility barriers and differentiated experiences of environmental change are recognised from the outset. Screening should therefore capture indications of how proposed interventions may reshape everyday life, with particular attention to accessibility, autonomy, and opportunities for participation. Changes to infrastructure, transportation, housing, communication platforms, or digital environments are rarely socially neutral: they influence how people move, communicate, or access services, and thus affect the distribution of opportunities and constraints within a community.

When the physical or communicative environment is likely to be transformed, the project should be treated as potentially significant irrespective of its size or resource intensity. Determining this requires project documentation that describes these dimensions with sufficient clarity to enable an informed judgment. Such descriptions should make visible the pathways through which environmental change can affect equality, inclusion and access to information. Disability Justice debates highlight that access, recognition and participation are shaped by the organisation of space, services and social relations, and that seemingly neutral arrangements often reproduce interlocking forms of oppression (e.g. Sins Invalid 2016; Piepzna-Samarasinha 2018). Recognising these aspects as intrinsic elements of the environment shifts the focus from a narrow understanding of biophysical impact to a broader view in which the social fabric and its accessibility conditions are integral to environmental quality.

Embedding these determinants in the initial appraisal stage ensures that accessibility and participation are not relegated to later procedural steps but are integrated into the analytical trajectory from the outset. It introduces a qualitative shift in how significance is interpreted, extending existing screening practice to include forms of environmental change that may not register as harmful in aggregate terms but that can nevertheless produce or intensify exclusion for specific groups. By ensuring that the early evaluation of significance reflects this broader understanding, screening becomes a mechanism

for identifying not only ecological risk but also the social and accessibility implications that shape people's ability to inhabit, navigate, and benefit from their environment.

Phase 2: Scoping Inclusive Pathways and Stakeholders

Scoping establishes the analytical boundaries of the assessment by identifying which environmental, social and accessibility dimensions require detailed examination and whose perspectives will inform this inquiry. In the EU framework, Article 5 of the EU Directive, mandates that the competent authority determine the content and depth of the assessment on the basis of the project's characteristics and the nature of the effects likely to arise. This flexibility makes the scoping stage decisive for shaping the overall inclusiveness of the process, as it is here that relevance is defined and the issues recognised as significant begin to take form.

SIA guidance underscores the importance of this moment. Vanclay et al. (2015) emphasise that how affected groups are identified during scoping has direct implications for whether their concerns become visible or remain overlooked, and that early recognition of vulnerable populations is essential for preventing exclusion throughout the assessment. Building on this principle, integrating disability at the scoping stage strengthens SIA's concern with visibility by ensuring that accessibility barriers, differentiated communication needs and disability-specific impact pathways are recognised as analytically significant rather than assumed to be covered under general categories. Generic references to the public or affected persons therefore risk obscuring forms of social difference that shape how individuals interact with their environment. Disability studies research has shown that exclusion often emerges through institutional norms that treat some bodies, capacities and forms of communication as standard while positioning others as deviations from that norm (e.g. Chouinard 2012; Goodley 2011). Disability Justice debates further underline how such assumptions intersect with race, class, gender and other axes of inequality, producing layered forms of marginalisation that make certain groups less visible within governance processes (e.g. Sins Invalid 2016; Piepzna-Samarasinha 2018). These insights highlight the need for a more differentiated approach to defining who may be affected and in what ways.

Scoping must therefore focus on identifying the pathways through which proposed interventions intersect with conditions of accessibility, autonomy and participation. This involves examining how changes to infrastructure, communication systems or service provision might influence the everyday practices of different groups and recognising that similar environmental changes can have divergent consequences depending on people's social positions. Participatory frameworks such as Free, Prior and Informed Consent (FPIC) illustrate the value of differentiating among affected groups and adapting engagement methods to their communicative and cultural needs (MacKay, 2004). Although FPIC applies specifically to Indigenous Peoples, its procedural emphasis on respectful, accessible and early dialogue offers relevant lessons for structuring inclusive scoping processes more broadly.

Determining whose perspectives inform the assessment is equally important. Stakeholder identification should extend beyond statutory bodies to include organisations of persons with disabilities, independent advocacy groups, supported employment institutions and networks representing migrants, gender minorities or economically marginalised communities.¹⁶ These actors hold knowledge about lived experiences, barriers and inequalities that is often absent from institutional records, and their involvement requires engagement formats that accommodate their capacities and constraints. Ensuring their meaningful involvement aligns with both SIA guidance, which stresses the importance of flexible and context sensitive participation (Vanclay et al. 2015), and with the CRPD, which requires the active involvement of persons with disabilities in decision-making processes affecting them (CRPD, Art. 4(3)). Disability Justice principles additionally emphasise leadership by those most affected and the centrality of collective access, underscoring the importance of designing scoping

¹⁶ Employment remains a critical dimension of social inclusion for persons with disabilities. A disproportionately large share of disabled persons are unemployed or employed in low-income and precarious positions: across the EU, only about 50% of persons with disabilities of working age are employed, compared to around 75% of those without disabilities (Eurostat, 2025). Many also rely on supported employment institutions or sheltered workplaces as their primary access to the labour market (Dejong, 2011). Safeguarding existing employment opportunities is therefore essential, not only for economic security but also because work constitutes an important pillar of social participation and inclusion. In this light, any environmental or infrastructural change assessed using the IEIA must ensure that it does not create additional barriers to employment for disabled people, whether in the open labour market, in supported employment institutions, or among employers of people with disabilities.

processes that are responsive to diverse communicative needs and social positions (Sins Invalid 2016).

Scoping thus creates the conceptual framework within which impacts are interpreted and decisions are justified. When it attends to accessibility and social difference from the outset, it enables an assessment capable of revealing how environmental change interacts with diverse forms of vulnerability and opportunity. Embedding such considerations at this stage ensures that inclusion is not treated as a separate or optional concern later in the process, but becomes integral to defining what matters, whose experiences are recognised and which relationships between people and their environment are taken into account.

Phase 3: Preparation of the EIA Report

The preparation of the EIA report constitutes the analytical core of the assessment and provides the evidentiary basis on which decisions about the project's acceptability are made. Within the EU framework, Annex IV of the specifies the minimum information to be included, including a description of the project, the aspects of the environment likely to be affected, the expected significant effects and the measures envisaged to prevent or reduce adverse impacts. Although these requirements are broadly formulated, they establish the point at which accessibility, equality and participation must be incorporated into the definition of environmental quality if they are to shape the assessment in a meaningful way.

A central task of this stage is the development of a baseline that reflects not only the biophysical conditions of the environment but also the social and accessibility conditions through which individuals engage with it. Vanclay et al. (2015) emphasise that understanding existing vulnerabilities and social conditions is essential for interpreting how impacts unfold, an insight that aligns with the need to recognise disability related barriers from the outset. Disability studies research reinforces this view by showing that exclusion arises not primarily from individual impairments but from the interaction between bodily diversity and the organisation of space, communication and institutional norms (e.g. Chouinard 2012; Goodley 2011; Barnes and Mercer 2010). Establishing a meaningful baseline therefore requires identifying physical and communicative barriers, the availability of support structures and the

distribution of opportunities for mobility and participation. Combining quantitative indicators with qualitative insight, through interviews, focus groups or access audits, allows the assessment to capture how environmental conditions shape everyday experiences, particularly for individuals who face multiple and intersecting forms of disadvantage.

Building on this foundation, the assessment must analyse the direct, indirect and cumulative effects of the proposed intervention. Annex IV requires consideration of cumulative impacts, and SIA scholarship shows that such effects often operate as mechanisms through which exclusion becomes entrenched over time (Vanclay et al. 2015). Research on disability and social inequality similarly illustrates how seemingly minor or dispersed barriers can accumulate into enduring patterns of constraint, particularly when they intersect with other axes of marginalisation (e.g. Frederick & Shifrer 2019; Sins Invalid 2016). Assessing cumulative effects therefore involves tracing how changes to infrastructure, circulation systems or communication platforms may reinforce or mitigate existing inequalities, recognising that aggregate improvements can coexist with new constraints for specific groups.

The development and examination of alternatives form another essential element of Annex IV and a key mechanism for embedding social concerns into project design. Evaluating alternatives through the lens of accessibility and equality enables the assessment to compare how different scenarios support mobility, communication and participation across diverse user groups. Disability Justice debates highlight that access is relational and collectively produced (Sins Invalid 2016), making it necessary to test how each alternative expands or restricts opportunities for meaningful participation in public and social life. Where the preferred option does not address the barriers identified during the assessment, mitigation measures should be understood not merely as compensatory actions but as opportunities to redesign environments, technologies or service arrangements in ways that reduce exclusion from the outset.

An inclusive EIA report therefore weaves baseline conditions, impact analysis and the examination of alternatives into a coherent analytical narrative. It situates environmental effects within the social relations through which they are experienced and highlights how environmental change distributes opportunities and constraints across different groups. By grounding the assessment in an understanding of structural inequality, lived experience and the relational production of accessibility, the EIA report

establishes the conditions for decisions that meaningfully address the diversity of ways in which people inhabit and navigate their environment.

Phase 4: Consultation for Accessible and Meaningful Public Participation

Consultation forms the participatory centre of the assessment and provides the principal mechanism through which transparency, inclusiveness and public accountability are demonstrated. Within the EU Directive, Article 6 requires that affected persons and the public concerned be given early and effective opportunities to examine and comment on the EIA documentation. The Aarhus Convention reinforces these obligations by establishing access to information, participation in decision-making and access to justice as foundational principles of environmental governance (UNECE, 1998). Taken together, these frameworks position consultation not as a formality but as a process through which those affected by environmental change can influence both the interpretation of impacts and the conditions attached to project approval.

Ensuring that consultation is meaningful requires that information be accessible to all members of the public. This applies to the EIA report, the non-technical summary, public notices and all supporting material. Documents should be available in formats that accommodate different communicative needs, such as plain language versions, screen reader compatible files, captioned audiovisual materials and easy to read summaries. The design of consultation also requires attention to diverse channels of communication, recognising that access to participation depends on both the availability and usability of information. These obligations are consistent with the standards articulated in the CRPD, which requires public authorities to ensure accessible information and active involvement of persons with disabilities in decision-making processes (Arts. 4(3) & 9). Disability studies perspectives reinforce this need by demonstrating how exclusion arises when communicative norms presume a narrow range of capacities and practices, thereby limiting the ability of many individuals to engage meaningfully with public processes (e.g. Chouinard 2012; Goodley 2011).

Representation within consultation must reflect the diversity of affected publics identified during scoping. Organisations of persons with disabilities, advocacy networks, supported employment institutions and groups representing migrants,

gender minorities and economically marginalised communities often hold knowledge about lived experiences and barriers that is unlikely to appear in project documentation. For these contributions to be substantive rather than symbolic, consultation formats must be adapted so that participation reflects the capacities, schedules and communicative preferences of those involved. SIA guidance underscores that participatory processes should be responsive to context and should not presume that a single format or timetable is suitable for all groups (Vanclay et al. 2015), and disability inclusion reinforces this principle by drawing attention to varied communication needs and forms of engagement that must be accommodated in the design of participatory spaces. Disability Justice work further emphasises the importance of collective access and the need to design participatory spaces that recognise interdependence and the multiplicity of ways people communicate and contribute (e.g. Sins Invalid 2016; Piepzna Samaransinha 2018). This flexibility is essential for ensuring that structural disadvantages are not reproduced within the participatory arena.

The value of consultation lies not only in gathering comments but in demonstrating how these inputs influence the assessment. Transparent documentation of how public submissions affect the evaluation of impacts, the design of mitigation measures or the formulation of conditions attached to consent strengthens the legitimacy of the process. It also signals that contributions are treated as part of the assessment's evidentiary base rather than as an external appendix to technical analysis. Consultation thus operates as the bridge between the knowledge generated during reporting and the regulatory judgment that follows, ensuring that environmental governance incorporates the perspectives and experiences of those whose lives are shaped by environmental change.

Phase 5: Decision-Making for Inclusive and Equitable Outcomes

The examination and decision stage translates the findings of the assessment into regulatory judgment. Under Article 8a of the EU Directive the competent authority must issue a reasoned conclusion based on the results of the EIA report, the consultations carried out and any supplementary information provided. This conclusion must explain the significant effects of the project, the mitigation measures envisaged and the manner in which public participation has informed the outcome. It is within this

framework that accessibility, equality and participation must demonstrate their analytical weight, as the authority's evaluation determines whether these dimensions meaningfully shape the overall assessment or remain peripheral to the environmental reasoning applied.

A decision that engages substantively with social and accessibility dimensions requires an appraisal of how project impacts are distributed across different population groups. SIA guidance emphasises that decision-making should consider the social consequences of environmental change and the extent to which proposed measures address the vulnerabilities identified earlier in the process (Vanclay et al. 2015). Environmental justice scholarship similarly highlights that environmental interventions can redistribute opportunities, constraints and exposure to harm in socially differentiated ways (Walker 2012). Disability studies research adds further insight by showing how structural norms embedded in design, communication and service arrangements can produce uneven effects across populations, reinforcing or alleviating exclusion depending on how they align with the diversity of bodies, capacities and social positions that constitute the public (e.g. Goodley 2011; Chouinard 2012; Frederick & Shifrer 2019). Integrating disability into the decision stage therefore strengthens the concerns raised in SIA by making visible how accessibility barriers and communication needs actively shape these differentiated distributions of impact. Together, these perspectives underline the need for decisions that take seriously how environmental change interacts with pre-existing patterns of inequality.

The evaluation of alternatives is particularly important at this stage. Annex IV of the EU Directive requires that reasonable alternatives be identified and assessed, and interpreting this obligation through the lens of accessibility and equality enables the competent authority to determine whether different design scenarios have been examined with sufficient attention to their implications for diverse users. Alternatives that differ in their capacity to support mobility, communication or participation must therefore be evaluated not only in terms of their environmental consequences but also with regard to how they structure opportunities and constraints for different population groups.

Where the preferred option does not adequately address the barriers identified during the assessment, conditions of consent may require design modifications or mitigation measures that strengthen safety, usability and communicative accessibility. Principles

associated with universal design can guide such adjustments by promoting solutions that accommodate a wide range of users without reliance on later adaptation. Ensuring that alternatives and mitigation measures respond to questions of accessibility and equality demonstrates that these considerations form part of the substantive criteria through which the acceptability of the project is judged.

Phase 6: Communicating the Decision and Ensuring Transparency

The communication of the decision marks the point at which the assessment becomes publicly accountable and where the reasoning developed during examination is translated into publicly accessible knowledge. Under Article 9 of the EU Directive it is stated that the competent authority must inform the public of the decision, the conditions attached to it and the considerations on which it is based. This obligation is reinforced by the Aarhus Convention, which requires that environmental information be made available in a form and manner that allows the public to understand the basis of regulatory action and to evaluate its adequacy (UNECE, 1998). Communicating the decision is therefore not an ancillary administrative task but a central component of transparent and democratic environmental governance.

For this communication to fulfil its function, decision documents must be presented in formats that are accessible to all members of the public. This includes the reasoned conclusion, the explanation of mitigation and monitoring measures and the account of how public participation influenced the final judgment. Information should be provided in plain language, screen reader compatible formats, easy to read versions and captioned or subtitled materials where relevant. These requirements reflect the standards articulated in the Convention on the Rights of Persons with Disabilities, which obliges public authorities to ensure accessible communication and to facilitate the involvement of persons with disabilities in processes affecting them (CRPD, 2006, Arts. 4(3) & 9). Disability Studies research has shown that exclusion arises when communicative practices assume a narrow range of capacities, thereby limiting the ability of many individuals to engage with public decisions affecting their lives (e.g. Chouinard 2012; Goodley 2011). Providing decision information in accessible formats therefore functions as a substantive condition for equality, not merely as a technical adjustment.

The clarity with which the reasons for the decision are presented is central to the legitimacy of the process. Decision documents should explain how the findings of the assessment shaped the authority's reasoning, including how concerns raised during scoping and consultation were considered and how mitigation measures respond to the specific vulnerabilities identified. Presenting this information in the main body of the decision, rather than confining it to technical annexes, signals that social and accessibility dimensions are integral to the evaluative process. This approach strengthens the standards set out in SIA guidance, which emphasise the importance of clear communication that demonstrates how public contributions and social considerations influence regulatory outcomes (Vanclay et al. 2015).

Through accessible and transparent communication, the decision becomes a publicly intelligible account of how environmental and social considerations have been balanced. It provides the foundation for subsequent monitoring and enables affected populations to follow how their contributions and concerns have been reflected in the final outcome. In this way, communication completes the assessment's participatory and analytical trajectory, ensuring that transparency, inclusion and accessibility remain guiding principles as the project moves into implementation.

Phase 7: Monitoring and Sustaining Inclusive Commitments

Monitoring extends the principles established during the assessment into the implementation and operational phases of the project. Article 8a(4) of the EU Directive, requires that monitoring measures be determined where necessary to identify significant adverse effects and to enable corrective action. This obligation establishes monitoring not as a technical afterthought but as an integral component of environmental governance through which the commitments developed during the assessment are carried into practice and evaluated over time.

Meaningful monitoring must attend to both compliance and lived experience. Vanclay et al. (2015) stress that monitoring should examine the actual social consequences that emerge during implementation and the extent to which mitigation measures operate effectively in real conditions. Disability Studies research similarly shows that exclusion is produced through everyday interactions with environments, institutions and services, and that the persistence of structural barriers can only be understood by

attending to how people navigate these spaces in practice (e.g. Chouinard 2012; Goodley 2011; Frederick & Shifrer 2019). Integrating disability into SIA's approach to monitoring therefore strengthens this principle by making clear that accessibility barriers, communication practices and service arrangements must be assessed as they are experienced in use, not only as they are designed on paper. This perspective underscores that monitoring must capture not only technical performance but also whether the changes introduced genuinely enable accessibility, safety and participation for different groups.

Participation is central to meaningful monitoring. The CRPD (2006) requires that persons with disabilities be involved in monitoring mechanisms concerning the implementation of obligations that affect them (Art. 33). Bringing this principle into the assessment context means that monitoring processes should provide structured opportunities for organisations of persons with disabilities and other relevant community groups to review outcomes, identify persisting or new accessibility barriers and contribute to the refinement of mitigation or management measures. Their involvement ensures that monitoring does not remain a purely administrative exercise but becomes a shared platform for learning, accountability and continuous improvement.

Monitoring results must also be publicly available and accessible so that affected communities and interested members of the public can follow how the project performs over time. This includes publishing reports in clear and accessible formats and ensuring that information about monitoring procedures, findings and adaptive measures can be understood by individuals with diverse communicative needs. Public visibility of monitoring encourages adherence to agreed standards and reinforces the connection between transparency, accountability and social inclusion within the broader governance framework.

By integrating technical evaluation with participatory oversight and accessible communication, monitoring sustains the commitments established during the assessment and ensures that accessibility and equality remain guiding principles throughout the project's lifecycle. It transforms the assessment from a procedural requirement into an ongoing governance practice, linking environmental integrity with the lived realities of those who interact with the project and enabling continuous adaptation as social and environmental conditions evolve.

8. Conclusion

8.1. Analytical Summary

This thesis set out to answer how far and in what ways the national EIA laws of Italy, Germany, Austria and Spain reflect a disability-inclusive perspective. The analysis demonstrates that they do not. Across all four countries, disability remains almost entirely absent from the legal architecture of EIA. The laws contain no references to persons with disabilities, accessibility or disability rights, and they provide no procedural safeguards that would ensure participation or access to information for disabled stakeholders. Where social aspects are mentioned, they remain confined to broad categories such as “the population” or “human health”, which, as the literature on SIA has long argued, tend to obscure the diversity of affected groups and reproduce a narrow view of social concerns. In this respect, the findings corroborate longstanding critiques in SIA and environmental justice scholarship that highlight the persistent marginality of social dimensions within European EIA practice.

This absence reveals a deeper structural limitation within European environmental legislation. Although the EU EIA Directive offers conceptual space for the inclusion of accessibility, equality and participation, national transpositions do not make use of this potential. While procedural requirements are formally met, their social and participatory commitments remain underdeveloped. Examined through the lens of disability, this reveals that current European EIA legislation still defines affected publics in ways that overlook those who face barriers to access, communication and participation. The absence of disability also underscores the persistence of an implicitly able-bodied notion of “the public”, which conceals the differentiated ways in which people encounter environmental change. As a result, the existing legal frameworks continue to recognise ecological vulnerability while neglecting social vulnerability, thereby reinforcing hierarchical patterns of recognition.

Across all four national systems, the analysis shows that accessibility is insufficiently embedded in both the textual and procedural dimensions of EIA law. In Italy for instance, the Environmental Code itself is not provided in an accessible digital format, creating a structural barrier at the very point where public scrutiny should begin. In Germany, key participation materials are commonly available only as standard, non-

accessible PDF documents, limiting effective engagement for those relying on assistive technologies. In Austria, participatory rights are institutionally anchored in environmental and ecological organisations, while disability organisations fall outside the categories granted formal standing, leaving their perspectives without procedural recognition. Spain, for its part, offers broad participation rights but does not define affected or vulnerable groups with sufficient clarity, which means that formal openness does not guarantee practical accessibility for groups whose participation depends on explicit legal recognition. Together, these patterns illustrate that despite national variation, none of the examined EIA laws ensures accessibility as a substantive condition of participation, underscoring the need for more inclusive and disability-attentive informed EIA procedures across Europe.

At the same time, the study shows that existing EIA laws are not closed to more inclusive practices. Concepts such as public participation, human environment and human health contain interpretive flexibility that could be mobilised to address accessibility and social equity more systematically. The literature on SIA argues that social considerations should form a routine part of impact assessment, and several scholars have called for mandatory integration of SIA into environmental procedures. The findings of this thesis reinforce these arguments by demonstrating that without clear guidance and defined responsibilities, inclusion remains optional rather than required.

Beyond these substantive findings, the thesis makes three contributions to the field. First, on an empirical level, it offers the first qualitative, systematic and comparative analysis of national EIA laws in four EU Member States from a disability centred perspective. Second, on a theoretical level, it brings Disability Justice into dialogue with SIA, showing how the abstract figure of “the public” embedded in EIA legislation produces hierarchies of visibility and recognition. In doing so, the thesis expands the conceptual vocabulary of SIA by demonstrating how its principles of equity, participation and rights can be extended to include disability related concerns, which remain insufficiently developed in existing SIA theory. This expands the conceptual vocabulary available for understanding social exclusion within European EIA legislation. Third, on a practical level, the thesis develops an empirically informed Inclusive Environmental Impact Assessment Guideline that translates these analytical insights into operational guidance for authorities. This guideline provides a structured

approach for integrating accessibility, participation and social diversity into each phase of the European EIA process.

Together, these contributions show that integrating Disability Justice into European EIA law is not only possible but necessary for addressing long standing blind spots in environmental governance. They also demonstrate that strengthening the social dimensions of EIA, including through a clearer and more explicit role for SIA, is essential for aligning European EIA law with contemporary understandings of equality, participation and justice.

8.2. Implications and Future Directions

The findings of this thesis must be understood in light of several limitations that also point toward productive avenues for future research. The analysis focused exclusively on the legal texts of four European Union Member States and did not examine how these provisions are interpreted or implemented in concrete assessment practices. It also concentrated on Europe, where shared regulatory frameworks shape national approaches to EIA law. Furthermore, the Inclusive Impact Assessment Guideline was constructed on the basis of legal analysis rather than tested through practical application. These limitations do not diminish the analytical value of the study, but they indicate where further empirical and comparative work is needed.

A first direction for future research concerns the expansion of the comparative scope. Extending the analysis to additional EU Member States would help consolidate the findings presented here by showing whether the patterns of limited disability inclusion identified in the four cases are consistently reproduced across the Union. Given the harmonising effect of the EIA Directive, substantial variation is not expected, yet a broader sample would provide stronger empirical grounding and capture possible nuances arising from administrative culture or national practice. Such work would therefore serve primarily to reinforce and refine the conclusions reached in this thesis.

A second direction involves examining how the law functions in practice. Real case studies, practitioner interviews and policy implementation research would make it possible to understand whether the exclusions identified at the textual level persist, are mitigated or are amplified once procedures are put into operation. This would help

reveal how accessibility, participation and recognition are negotiated in day-to-day assessment contexts and how formal requirements align with or diverge from practical realities.

A third avenue lies in testing the Inclusive Impact Assessment Guideline in concrete assessment cases. Applying the guideline in collaboration with environmental authorities, NGOs or disability organisations would provide insights into its operational feasibility, its usefulness for practitioners and its effects on participation, procedural legitimacy and decision quality. Such collaborative experimentation would also offer opportunities to refine the guideline and adapt it to different institutional settings.

A final direction involves widening the geographical and regulatory lens. Investigating how disability and social inclusion are approached in EIA legislation outside Europe would broaden the conceptual and empirical foundations of this field. Comparative work with jurisdictions that have distinct legal traditions or different histories of Disability Justice could provide contrasting examples, new approaches or innovative practices that deepen understanding of what inclusive environmental governance can entail.

Taken together, these avenues suggest that the present study represents a starting point for a larger research agenda that examines how accessibility, participation and equality can be embedded in EIA law in diverse contexts. They also indicate that advancing disability inclusion in this domain requires sustained empirical inquiry, cross national comparison and collaboration between academic, institutional and civil society actors.

Annex

A1: Cluster A: Visibility of Disability

Code	Definition	Inclusion Criteria	Exclusion Criteria	Example	Analytical Note
Disability Rights Integration	References to disability rights frameworks such as the CRPD.	Explicit mention of the CRPD or principles applied.	Broad human rights language without reference to disability rights frameworks.	<i>No example identified in data.</i>	Exclusionary general “human health” mention without referencing disability.
Explicit Disability Mention	Provisions that explicitly mention disability or persons with disabilities.	Terms such as “persons with disabilities”, “disabled people”, or equivalent legal phrasing.	Broader terms like “vulnerable groups” or “population” without specification of disability.	<i>No example identified in data.</i>	Direct mention of disability as a vulnerable group in impact assessment scope.
Generic Human Rights	Broad invocations of human rights or health without explicit reference to disability.	Terms such as “human rights” or “health”.	Disability, accessibility, or the CRPD are explicitly referenced.	<i>[...] emissions must be avoided that a) endanger the life or health of people.</i>	Captures how universal framings risk masking disability-specific obligations.

Cluster A: Example drawn from Austria (UVP-G 2000)

A2: Cluster B: Equity & Justice

Code	Definition	Inclusion Criteria	Exclusion Criteria	Example	Analytical Note
Intersectional Equity	References to social equity, justice, or intersectional considerations	Mentions of fairness, justice, distribution of impacts, intersectionality, or protection of vulnerable groups.	Generic environmental impacts without social equity or justice framing	<i>Fulfillment of social requirements related to the development of individual potential.</i>	Recognises vulnerable groups in equity framing, even if disability is not explicitly named
Long-term Social Impacts	Provisions addressing long-term social outcomes, including health, accessibility, participation, and resilience, relevant to disabled persons.	References to inclusion, living environment, employment, community cohesion, or demographic impacts in project outcomes.	Short-term or purely economic impacts (e.g., job creation) without broader social implications are excluded.	<i>No example identified in data</i>	Considers broader social participation and well-being

Cluster B: Example drawn from Italy (D.Lgs. 152/2006)

A3: Cluster C: Accessibility & Participation

Code	Definition	Inclusion Criteria	Exclusion Criteria	Example	Analytical Note
Participation	References to the requirement or possibility for participation of (marginalized) groups, civil organisations, or affected individuals.	Provisions mandating or enabling public participation, consultations, hearings, or inclusion of vulnerable groups.	General references to transparency or information disclosure without mention of participation.	<i>Anyone may submit a written statement to the authority regarding the project and the environmental impact statement</i>	Mandates explicit consideration of disabled persons' interests in participation.
Accessibility & Accommodation	Provisions ensuring accessibility, universal design, reasonable accommodation, or procedural support.	Requirements for accessible physical spaces, or support measures for participation.	Generic participation rights without specifying accessibility measures.	<i>The affected public may express their views in writing or orally for the record to the competent authority as part of the participation process.</i>	Requires accessibility measures that ensure effective participation.
Accessible Information	Availability of procedural or assessment documents in accessible communication formats ensuring that the whole public, including persons with disabilities, can effectively obtain and use the information.	Provisions ensuring that information shared during the assessment process is available in accessible formats (e.g. screen-reader compatible, easy-to-read, sign language, captioned media).	Generic requirements for publication or disclosure without reference to accessible formats.	<i>All documentation related to the procedure, shall be promptly published by the competent authority on its official website and made accessible to anyone.</i>	Connects to CRPD Art. 9 and Disability Justice principle of collective access.

<p>Marginalisation</p>	<p>Institutional or procedural designs that hinder participation of vulnerable groups.</p>	<p>Formal procedures that systematically limit or prevent inclusive participation.</p>	<p>Participation rights that explicitly enabled or support vulnerable groups.</p>	<p><i>For the purposes of this definition, non-governmental organizations that promote environmental protection and meet the requirements set out in current national legislation, as well as the most representative trade unions, are considered to have an interest.</i></p>	<p>Highlights the structural barriers that operate as the inverse of participation.</p>
<p>Lack of Accessibility Requirements</p>	<p>Information is shared or published as part of participation or transparency procedures, but without ensuring accessibility for all.</p>	<p>Laws mandate publication, consultation, or information-sharing without mentioning accessibility standards.</p>	<p>Accessibility standards, formats, or supports for persons with disabilities are explicitly required.</p>	<p><i>[...] to make the application documents accessible to the public and to give the public the opportunity to submit comments.</i></p>	<p>Captures how formal transparency can still exclude disabled persons if accessibility of information is not guaranteed.</p>

Cluster C: Examples are drawn from Germany (UVPG) and Italy (D.Lgs. 152/2006).

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