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<Commission>{PETI}Committee on Petitions</Commission>

<Date>{21/09/2023}21.9.2023</Date>

<TitreType>NOTICE TO MEMBERS</TitreType>

Subject: <TITRE>Petition No 0379/2021 by P.L. (French), on behalf of Association Préservons La Vallée De Clairvaux, on the distribution of funds from the European Regional Development Fundin the case of the Grand Est region (France)</TITRE>

1. Summary of petition

The petitioner denounces the process of redistribution of the funds from the European Regional Development Fund (ERDF) to the regions of the EU Member States, which he considers being not in line with European legislation, especially in case of the French region of Grand Est. The petitioner reports that the Standing Committee of the Regional Council of Grand Est decided to allocate a grant from ERDF funds to the installation of a hot mix asphalt plant classified as an EIPC (the French site classification system for environmental protection) for the manufacture of bituminous pavements in Ville sous la Ferté, France. Not only was the grant accepted without any reference to the EIPC status of the installation. The serious consequences for human health and the environment caused by the plant were also not taken into account. The plant is located in the heart of a NATURA 2000 area, adjacent to a double ZNIEFF (natural zone of ecological interest, fauna and flora, recognised by France) zone 450 km from an urban area and its activity generates serious atmospheric emissions and is extremely harmful in this region where Champagne viticulture and organic farming are developed. The petitioner considers that the approval of this subsidy is contrary to European legislation and denounces the competence of the Grand Est region to decide to subsidize these activities.

2. Admissibility

Declared admissible on 9 July 2021. Information requested from Commission under Rule 227(6).

3. Commission reply, received on 21 September 2023

The Commission confirms that the installation of the plant was co-financed by the European Regional Development Fund (ERDF) under the programme Champagne-Ardenne 2014-2020. Under cohesion policy rules, the Grand Est Region has the legal responsibility to manage the programme, select beneficiaries and grant ERDF to the projects. The Commission informs the petitioner that the grant was decided in the framework of a scheme supporting the development of small and medium-sized enterprises, regardless of their sector, and that the manufacture of bituminous pavements is not excluded from funding. Moreover, as part of its coating production, the plant will use granular materials resulting from the recycling of old bituminous coatings. The reuse and recycling of existing materials contributes to waste reduction and is thus in line with EU environmental objectives.

As regards the possible harmful consequences of the installation to the environment and to the people living in the vicinities, the sole fact that the plant is located in a Natura 2000 area is not in itself a valid reason for excluding it from financing. Natura 2000 is not a system of strict nature reserves from which all human activities would be excluded. However, Member States and operators in a Natura 2000 area must ensure that the factory will comply with article 6(3) of the Habitats directive[[1]](#footnote-1). If the factory is likely to have a significant effect, either individually or in combination with other plans or projects, on the Natura 2000 site, it shall be subject to an appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of this assessment, the Préfet shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned. Prior to the granting decision from the Grand Est Region, the request of installation of a plant for the manufacture of bituminous pavements in Ville sous la Ferté has required an authorisation by the Préfet. In this framework, the compliance with applicable regulations on the protection of the environment, public health and public safety was verified. Further to that, the installation was approved but mitigating and control measures were decided, to ensure that the operation of the hot coating plant complies with regulations on the protection of the environment, public health and public safety. The Commission is not aware of any supporting evidence or irregularities to refute the quality of the assessment or the Prefect's agreement.

**Conclusion**

Considering the facts and circumstances illustrated in the observations, the Commission does not identify any breach to the EU environmental rules.

1. <https://ec.europa.eu/environment/nature/natura2000/management/docs/art6/FR_art_6_guide_jun_2019.pdf>. [↑](#footnote-ref-1)