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

<Date>{03/10/2022}3.10.2022</Date>

<TitreType>NOTICE TO MEMBERS</TitreType>

Subject: <TITRE>Petition No 0350/2022 by Marta Rondi (Italian), on behalf of Europa Verde, on the completion of the ‘Nodino’ infrastructure project in Perugia, Italy</TITRE>

1. Summary of petition

The petitioner describes the ‘Nodino’ road infrastructure project. At the preliminary stage, the project was divided into two parts. The first was the ‘Madonna del Piano-Corciano’ project involving a four-lane road that was approved by CIPE (Interministerial Committee for Economic Planning) Resolution No 150 of 17 November 2006. Final plans for this project later received a positive environmental impact assessment (EIA) from the Italian Ministry of the Environment. The second ‘Madonna del Piano-Collestrada’ part, known as the ‘Nodino’ project, was approved by CIPE Resolution No 156 of 22 December 2006, following an EIA in 2003 that laid down numerous requirements. To date, no final plans have been drawn up, since this would make little sense in light of environmental and regulatory changes. In fact, in 2014, the area was declared a Special Area of Conservation (SAC) by decree of the Ministry of the Environment. Now the regional authorities have asked ANAS to draw up final plans for the Nodino project based on the preliminary plans from 20 years ago, without considering, for example, the assessments carried out over the years by the Municipality of Perugia and the regional transport plan. The petitioner considers that the project is unnecessary and that, if implemented, it would have a negative impact on the panoramic hill of Collestrada, which is in an area where archaeological finds have been made, with a medieval settlement of historical importance. The petitioner states that it would also have a negative impact on the low-lying woodland of the Boschi a Farnetto di Collestrada – a rare example of centuries-long preservation of native plants species such as the Italian oak – which complements the adjacent Ansa degli Ornari area of the River Tiber, which would also be greatly affected by the project due to the significant presence of bird life. Both areas have been declared SACs in accordance with the Habitats Directive. The project would also affect the Tiber Plain, an area that has high-quality farming and related sustainable businesses. The petitioner puts forward alternative and more environmentally friendly solutions to relieve traffic congestion in the area (doubling the ramps for Perugia and Foligno, using public transport and sustainable alternative mobility, and restoring and upgrading the railway lines and their car parks). She also asks, among other things, why ANAS does not request a prior EIA instead of squandering millions of euro on final plans that will probably not be authorised, given that they violate various European Directives.

2. Admissibility

Declared admissible on 6 July 2022. Information requested from Commission under Rule 227(6).

3. Commission reply, received on 3 October 2022

The areas ‘Boschi a Farnetto di Collestrada’ and ‘Ansa degli Ornari’ are designated as special areas of conservation (SACs) under the Habitats Directive[[1]](#footnote-1).

According to Article 6 of this Directive, in these areas, Member States shall establish the necessary conservation measures and take appropriate steps to avoid the deterioration and disturbance of habitats and species. Moreover, any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives. Nonetheless, extractive and constructive activities are not forbidden in Natura 2000 sites, as long as they are compatible with the conservation measures laid down by the Member States. The Commission has produced several guidance documents on the subject[[2]](#footnote-2). It is the responsibility of the relevant national authorities to ensure that plans or projects that are likely to have significant effects on Natura 2000 sites are subject to an assessment. The compatibility of the mentioned activities with the individual sites needs to be assessed on a case by case basis in relation to their implications for the integrity of the site in view of the site’s conservation objectives. In case of a negative assessment and in the absence of alternative solutions, the project can only be authorised for imperative reasons of overriding public interest and if adequate compensatory measures are adopted.

The project referred to by the petitioner also falls under the scope of the Environmental Impact Assessment (EIA) Directive[[3]](#footnote-3). Its Article 2 requires Member States to take all the necessary measures to ensure that, before consent is given, projects likely to have significant effects on the environment by virtue, *inter alia*, of their nature, size or location are made subject to a requirement for development consent and an assessment with regard to their effects. According to Article 3, environmental impact assessment must identify, describe and assess the effects of the project, *inter alia*, on biodiversity, land, soil, water, air and climate but also material assets, cultural heritage and the landscape as well as the interaction between these factors. Article 5(1)(c) states that the EIA report to be provided by the developer of the project must include a description of the measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment.

Finally, in accordance with Article 5(1)(d) of the EIA Directive, the EIA report must include a description of the reasonable alternatives[[4]](#footnote-4) studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment. It is, however, within the competences of the respective national authorities to take a decision whether to authorise the option chosen by the developer.

Based on the information submitted by the petitioner, an EIA was carried out in 2003. A consequent change or extension of the project that could have significant adverse effects on the environment may justify a new EIA procedure. However, the Commission does not have enough information to develop a clear opinion on this issue. Moreover, it appears that the procedure for a development consent has not been finalised yet. Therefore, at this stage, the Commission has no reason to assume that the EIA Directive is not being correctly applied.

It should be stressed that the responsibility for the choice as to whether specific projects should be authorised lies with the Member State authorities, who have to ensure compliance with EU legislation in the relevant development consent procedures. The national administrative and/or judicial bodies are primarily responsible for verifying specific situations of non-compliance. As indicated in the Communication “EU law: Better results through better application”[[5]](#footnote-5), the Commission focuses its enforcement action on issues of wider principle, general practices and systematic failures to comply with EU law.

Conclusion

Considering the above and the information provided, the Commission has not identified any breach of EU law. The matter should be further checked with the competent national authorities, which have the necessary means to address potential shortcomings.

1. Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora,OJ L 206, 22.7.1992, p. 7–50. [↑](#footnote-ref-1)
2. <http://ec.europa.eu/environment/nature/natura2000/management/guidance_en.htm>. [↑](#footnote-ref-2)
3. Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment, OJ L 26, 28.1.2012, p. 1–21, as amended by Directive 2014/52/EU. [↑](#footnote-ref-3)
4. What a reasonable alternative can be is further explained in point 2 of Annex IV of the Directive, for example in terms of project design, technology, location, size and scale. [↑](#footnote-ref-4)
5. C(2016)8600, OJ C 18, 19.1.2017, p. 10–20*.* [↑](#footnote-ref-5)