



26.9.2024

## NOTICE TO MEMBERS

**Subject: Petition No 1345/2023 by Filippo Bruzzone (Italian), on behalf of the coordination council of the committees of Genoa's western (Ponente) district, and signed by 16 other people, on the environmental consequences of the works being carried out in the port of Prà in the Italian city of Genoa**

### 1. Summary of petition

The petitioner is concerned about the infrastructural works in the port basin of Prà and on Genoa's new breakwater, claiming that they do not comply with EU environmental legislation. According to the petitioner, the various pollutants emitted as a result of the port expansion works (e.g. particulates and substances emitted by ships through smoke and anti-fouling paint) cause atmospheric pollution and pose a risk to human health. These concerns appear to be backed by studies, including those carried out by the Environmental Protection Agency, as well as private environmental monitoring results showing high levels of particulate matter and high mortality rates in the urban area facing the port. The petitioner also points out that the area where the industrial projects are being carried out is part of the International Pelagos Sanctuary and is a Specially Protected Area of Mediterranean Importance. He also stresses that two large submarine canyons in front of the port and related marine systems would be affected. Thus, he claims that the industrial works contravene the Nature Restoration Law passed by the European Parliament in July 2023 to protect ecosystems. Finally, he notes that the hub port is subject to higher noise limits and that no distinction is made between day and night, meaning that the surrounding urban area is not sufficiently protected from noise pollution. The petitioner is therefore turns to the EU institutions, to put an end to the environmental, marine and noise pollution caused by the above works.

### 2. Admissibility

Declared admissible on 20 March 2024. Information requested from Commission under Rule

233(5).

### 3. Commission reply, received on 26 September 2024

The Commission recalls that Member States are primarily responsible to ensure the implementation of EU environmental law. Based on the information provided by the petitioner, it is not clear whether the interventions at stake may fall within Annex I or II to the Environmental Impact Assessment (EIA) Directive<sup>1</sup>. On the one hand, projects falling within Annex I to the Directive must be subject to an EIA procedure in accordance with Article 4 paragraph 1 of the Directive. On the other hand, projects falling within Annex II to the EIA Directive must be subject, prior to their authorisation, to an EIA screening procedure in accordance with Article 4, paragraphs 2 and 3 combined with Annex III of the Directive.

The aim of the screening is to determine whether a project is likely to have significant impacts on the environment and, consequently, whether or not a full EIA procedure is required prior to its authorisation. Due account must be given to the fact that, within these screening procedures, the competent national authorities must take into account all the relevant criteria set by Annex III of the Directive, which include *inter alia* the characteristics of the projects (including its potential impacts on air quality, water bodies, noise, biodiversity, etc.) and their location.

The information provided by the petitioner contains no elements that would allow the Commission to conclude that a full EIA or at least a screening were not carried out so far for this project, nor that it is not the intention of the competent national authorities to operate in full compliance with the EIA Directive before authorising the project. It is therefore for the competent national authorities to carry out an EIA on the relevant project, in compliance with the EIA Directive provisions. It is also for the competent national authorities, including national courts, to verify individual cases of potential breach of the relevant rules. In light of the above, the Commission invites the petitioner to refer to the competent national authorities.

#### Conclusions

The Commission is not competent for carrying out environmental impact assessments. It is for the competent national authorities to first verify whether an EIA procedure is necessary, in accordance with Article 4 of the EIA Directive, and then to carry out the assessment in accordance with Articles 5 to 10 of the same Directive.

The Commission therefore invites the petitioner to refer to the competent national authorities.

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<sup>1</sup> Directive 2014/52/EU amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment, OJ L 124, 25.4.2014, p. 1–18.