

**Question for written answer E-008405/2016  
to the Commission**

Rule 130

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Subject: Access to justice in environmental matters in Italy

On 5 October 2016 the Lombardy Regional Administrative Court ruled that an association of private individuals, the 'Citizens of Zibido San Giacomo', could not appeal against an environmental compatibility measure (Regional Decision No 1873/2015).

The court maintained that the appeal was inadmissible because the association had no interest at stake and did not have the legal capacity to sue. It noted that the association did not operate on a regular basis, nor did it appear to be representative of the local community. In support of those grounds it cited the minutes of meetings and a number of irregularities that had been uncovered, for example the fact that a budget had been approved solely by the governing board, without having been submitted to the general meeting of members.

In order to afford stakeholders wide access to justice, Article 11 of Directive 2011/92/EU stipulates that members of the public must have access to a review procedure before a court of law if they can show that they have a 'sufficient interest', and that the interest of a non-governmental organisation meeting 'any requirements under national law' must be deemed to be 'sufficient'.

The approach which emerged in the case concerned here has more to do with the particular line taken by the court than with 'requirements under national law'. If it were to become established practice, it could interfere unnecessarily with the aim of making justice widely accessible to the public.

What weaknesses does the Commission see in terms of access to justice in environmental matters in Italy, which, it should be noted regarding that point, is one of the countries on which the e-Justice Portal has no detailed information?