

EN
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Answer given by Mr Vella
on behalf of the Commission
(13.6.2018)

The Commission does not have information about the referred project, its administrative status and whether it would affect the environment and/or the surrounding population.

The Commission notes that Directive 92/43/EEC¹ requires that any plan or project likely to have a significant effect on a Natura 2000 site be subject to an appropriate assessment and only be authorised after having ascertained that it will not adversely affect the integrity of the site concerned. Where the plan or project has to be carried out for imperative reasons of overriding public interest and in the absence of alternative solutions, it can be authorised even if the integrity of the site is adversely affected provided that the Member State takes all compensatory measures necessary to protect the overall coherence of the network. The implementation of these provisions is primarily a responsibility of the Member State concerned.

The Commission also recalls that Directive 2001/42/EC² applies to plans and programmes. Regarding projects, Directive 2014/52/EU³ provides for the administrative and judicial review of the decisions, acts or omissions of public authorities during the environmental impact assessment procedure that can be used by the concerned public.

Furthermore, regarding Directive 2000/60/EC⁴, the Commission cannot ascertain either whether this project could lead to deterioration of water bodies. The water diversion that is now being re-activated had already been authorised by the competent River Basin authorities. In general, authorisations for hydropower abstractions must comply with established ecological flows⁵, and there is no evidence that this condition may not have been respected in this case.

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

² Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment. OJ L 197, 21.7.2001, p. 30–37

³ Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 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

⁴ Directive 2000/60/EC, OJ L 327, 22.12.2000, p. 1–73.

⁵ The ecological flow of a river is a key element to achieve good ecological status of water bodies. It is the responsibility of Member States to implement at national level the recommendations of the existing guidance on ecological flows (<https://circabc.europa.eu/sd/a/4063d635-957b-4b6f-bfd4-b51b0acb2570/Guidance%20No%2031%20-%20Ecological%20flows%20%28final%20version%29.pdf>), and apply management measures to ensure achieving environmental objectives.