



30.8.2019

## NOTICE TO MEMBERS

**Subject: Petition No 0107/2019 by S. Z. (Italian) on an alleged breach of the Habitats Directive in Italy**

### 1. Summary of petition

The petitioner denounces non-compliance by Italy with Habitats Directive 92/43/EEC as regards the Amaseno river, a Natura 2000 site. He alleges that a number of events in recent years have substantially affected the river ecosystem, resulting in the extinction of species protected under the Habitats Directive. He attributes this to a breach of EU law arising from inadequate implementation of the management plan and the absence of effective surveillance on the part of the authorities.

### 2. Admissibility

Declared admissible on 8 May 2019. Information requested from Commission under Rule 227(6).

### 3. Commission reply, received on 30 August 2019

The documentation provided by the petitioner indicates a number of activities that have impacted the ecosystem in the Amaseno river since the 1950s: river barrier in 1950, livestock wastewater since 1980, water abstractions due to irrigation since 1980, introduction of non-native fish species since 1981, cutting of riparian vegetation in 2014, water abstraction due to a hydropower station and grazing of goats.

The upper part of the river was designated as a Special Area of Conservation (SAC IT6050023 “Amaseno River”) by the Italian national decree of 6 December 2016, under

Article 4(4) of the Habitats Directive<sup>1</sup>. Specific conservation measures for the site were adopted by regional act n. 158 of 14.4.2016, in accordance with Article 6(1) of the Directive. The site-specific conservation measures adopted for the Amaseno river aim to address, *inter alia*, the pressures mentioned above.

It is for the competent Italian authorities to ensure that the above provisions are effectively implemented and enforced and that the designated SACs are properly protected, managed and, where necessary, restored.

Furthermore, article 733bis of the Italian penal code specifically sanctions the destruction or deterioration of habitats within a protected site.

### Conclusion

In relation to the alleged destruction of habitat, this may constitute an individual case of non-compliance for which the existing redress mechanisms at national level should be used.

According to the Communication ‘EU law: Better Results through Better Application’<sup>2</sup>, the Commission gives priority to issues indicating, *inter alia*, a systemic failure to comply with the EU law. Therefore, in the framework of the ongoing infringement procedure 2015/2163, the Commission will continue to work with the Italian authorities to address cross-cutting aspects concerning the designation of the SACs in Italy, the quality of the conservation objectives and measures for the sites and the need for effective mechanisms for their implementation.

---

<sup>1</sup> 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.

<sup>2</sup> C/2016/8600.