



24.6.2010

NOTICE TO MEMBERS

Subject: Petition 0796/2009 by Marc Jansen (Dutch), bearing 400 signatures, on the construction of a motorway between Tabua and Seia in the Coimbra district of central Portugal

1. Summary of petition

The petitioner refers to the plans by the Portuguese authorities to construct a motorway between Tabua and Seia in the Coimbra district of central Portugal. The petitioner claims that this project will have a catastrophic effect on the natural environment, the subterranean aquifers and the architectural and cultural heritage of the area. The route taken by the motorway will also encroach upon a protected nature reserve and require the felling of 250 ha of forest. The petitioner points out finally that the citizens concerned have not been given the opportunity to express their opinions on the planning proposal. The petitioner considers this to be a serious infringement of current EU legislation in this field and calls on the European Parliament to intervene.

2. Admissibility

Declared admissible on 8 October 2009. Information requested from Commission under Rule 202(6).

3. Commission reply, received on 24 June 2010.

The Commission's comments on the petition

The services of the Commission have examined the information provided by the petitioner in light of the EU law that might be applicable to this case, taking also into account the other available information.

Directive 85/337/EEC¹ as amended (known as the Environmental Impact Assessment or EIA Directive) makes provisions for the carrying out of an EIA for certain public and private projects. The EIA Directive distinguishes between so-called Annex I projects, which must always be made subject to an EIA procedure and Annex II projects where the Member States shall determine through a case-by-case examination, and/or thresholds or criteria set in the national transposing legislation whether the project shall be made subject to an EIA. Motorway projects are included in point 7 b) of Annex I of the Directive and hence an EIA is mandatory.

The EIA procedure ensures that the environmental consequences of projects are identified and assessed before development consent is given by the competent authority. The public can give its opinion and all the consultations must be taken into consideration. The public should also be informed of the content of the development consent.

In relation to the motorway project in question, it should be noted that the IC 6 is part of a larger plan called "Plano Rodoviário Nacional na Região Centro Interior" (PRNRCI), comprising three roads: IC 6, IC 7 and IC 37.

In the framework of another case, the Commission services have made enquiries to the Portuguese authorities about the PRNRCI, with a specific focus on the Strategic Environmental Assessment (SEA) of the plan². Through the exchange of correspondence with the Portuguese authorities, it can be concluded that:

- The SEA of the plan was done in compliance with relevant EU law;
- Each individual project within the plan, i.e. each road project, will in due course be submitted to an individual EIA according to Directive 85/337/EEC, as amended.

As it has been mentioned, the EIA of each project will have to appropriately assess the effects of the projects on a whole set of factors, including those raised by the petitioner, such as: fauna, flora, water, material assets and cultural heritage.

Since, according to the available information, the process for approving this motorway project is still ongoing and the Commission can find no evidence of a breach of EU environmental law, at this stage no further action can be taken.

Finally, in relation to the possible EU funding, it should be noted that until now the Portuguese authorities have not applied for any funding for this project, through neither the European Regional Development Fund (ERDF) nor the Cohesion Fund, and no EU financing is planned for the roads mentioned.

¹ Directive 85/337/EEC (OJ L 175, 05.07.1985) as amended by Directive 97/11/EC (OJ L 073, 14.03.1997), Directive 2003/35/EC (OJ L 156, 25.06.2003) and Directive 2009/31/EC (OJ L 140, 05.06.2009).

² Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (OJ L 197, 21.07.2001).

Conclusions

On the basis of the information provided by the petitioner, the Commission cannot identify a breach of any EU environmental legislation in this case.