



12.7.2010

## NOTICE TO MEMBERS

**Subject:** Petition 1846/2009 by Thoren Metz (Austrian), on behalf of the Environmental Protectionist Association 'Protect - Natur-, Arten- und Landschaftsschutz', bearing one other signature, on the detrimental effects of a number of construction projects on Natura 2000 areas in the border area between Austria and the Czech Republic

### 1. Summary of petition

The petitioner refers to a number of construction projects in the border region between Austria and the Czech Republic which will have devastating effects on the Natura 2000 areas in the vicinity. The petitioner claims that the building permits and compulsory purchase procedures relating to the projects are not consistent with those laid down in the applicable EU legislation and he therefore calls on the European Parliament to take the matter up.

### 2. Admissibility

Declared admissible on 23 March 2010. Information requested from Commission under Rule 202(6).

### 3. Commission reply, received on 12 July 2010.

The petition includes a thorough study of the protected species and habitats occurring in two Natura 2000 sites: Freiwald in Austria and Novohradské hory in the Czech Republic. The study also identifies a number of development projects/activities that may have a detrimental effect on those Natura 2000 sites. Those projects are partly being implemented, partly in the planning stage.

The petitioners present alarming facts about the deteriorating status of the species and the habitats in the area referred to and claim that the permitting process of the projects is not

compliant with EU legislation.

The Commission is already aware of this matter since the petitioners addressed a letter on this subject to President Barroso. They received a reply from the Commission on 18 February 2010. The Commission is also aware, that both Austria and the Czech Republic have fully transposed Council Directive 92/43/EEC<sup>1</sup> on the conservation of natural habitats and wild fauna, the Habitats Directive. This means that projects which may have a significant impact on a Natura 2000 site are subject to an assessment of the implications for that site as stipulated in Art 6.3. and 6.4. of the Habitats Directive. The directive does not ban development projects in Natura 2000 sites in general, but requires that these projects undergo an appropriate impact assessment.

The petitioners were advised to contact the national environmental authorities in Lower Austria and the Czech Republic responsible for the Natura 2000 sites, since any issues should be treated first at Member State level.

Finally they were advised, always in the context of the correspondence with President Barroso, of the possibility - providing they had clear, sufficient evidence demonstrating that the provisions of the Habitats or Birds Directives were not being complied with in either of the countries - to register a complaint with the Environment Directorate General of the European Commission.

On the basis of the available information, there is no evidence of a specific breach of the provisions of either the Habitats Directive or the Birds Directive.

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<sup>1</sup> OJ L 206, 22.07.1992