



28.9.2012

NOTICE TO MEMBERS

Subject: Petition 1362/2011 by Jürgen Bauschmann (German), on behalf of the Pro Schneeberg citizens' initiative, bearing three signatures, on protection of flora and fauna in the Mauer municipality (Germany)

1. Summary of petition

The petitioner refers to the planned expansion of a limestone quarry and the lowering of the ground-water level in the Mauer municipality (near Heidelberg, Germany). The petitioner fears for serious ecological damage to nearby Natura 2000 areas if the plans go ahead. The ground water could become polluted with, among other things, arsenic, protected animal species would be threatened and wetlands would dry out as a result of the changed ground-water level. According to the petitioner, the recommendations drawn up within the framework of the authorisation procedure have been implemented by advisers who are not independent and, in some cases, incorrectly. The petitioner requests an investigation.

2. Admissibility

Declared admissible on 20 April 2012. Information requested from Commission under Rule 202(6).

3. Commission reply, received on 28 September 2012

The Commission does not have the powers to authorise or stop projects. The role of the Commission is to ensure that Member States correctly apply EU law when they authorise projects.

The project of extending the limestone quarry is located closely to the Natura 2000 site DE6618341 "Kleiner Odenwald" and DE6618342 "Kraichgau-Meckersheim" which are

protected by Directive 92/43/EEC¹ (Habitats Directive).

a) The ecological dimension of the area concerned:

The site "Kleiner Odenwald" represents typical woodland in this region and is mostly covered by beech forest. Beech (*Fagus sylvatica* L.) is the most common broadleaved species in Germany. Currently, it accounts for about 15 % of the woodland. Beech forests provide near-natural habitats for many plants and animals. The site "Kraichgau-Meckersheim" is woodland with cultivated areas and mostly covered by forest and grassland including orchards and *Dicranum viride*, a moss which grows mostly on forest's barks and is listed in annex II of the Habitats Directive.

b) The project concerned in view of the Habitats Directive:

In line with article 6(3) of the Habitats Directive, any plan or project not directly connected with or necessary to the management of such a site but likely to have a significant effect thereon, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. This also applies to a limestone quarry close to a Natura 2000 area. However, the first step of the competent authorities is to examine whether the project is likely to have significant effects, and, if so, to ensure that an appropriate assessment is carried out.

The conclusion reached was that the extension of the limestone quarry had no significant negative effects on the Natura 2000 sites concerned. As a consequence, an assessment according to article 6(3) of the Habitats Directive was not required. According to the competent authorities, the species of community interest are not dependent on the local ground water body as, for example, roots of plants reach max. 5 m into the soil. The ground water layer of the Natura 2000 sites is not in contact with the one which connects to the limestone quarry. Leaks in the sewer were, in fact, caused by the age of the system (between 50-60 years). This is unlikely to affect the Natura 2000 sites.

c) The project as seen by the national Petitions Committee:

A similar petition against the foreseen extension of quarrying activities was rejected by the Petitions Committee of the "Landtag" (Federal Parliament) of Baden-Württemberg in December 2010².

Conclusions

On the basis of the information provided by the petitioner and the national authorities, the Commission can confirm that there is no breach of EU nature legislation.

¹ Council Directive 92/43/EEC of 21.5.1992 on the conservation of natural habitats and of wild fauna and flora; OJ L 206, 22.7.1992, p.7

² Petition 14/5350 published in "Drucksache 14/7278".