



30.1.2015

NOTICE TO MEMBERS

Subject: Petition No 0502/2012 by P.C. (French) on the construction of the Belval motorway link (A 30) and environmental risks

1. Summary of petition

The petitioner objects to the construction of the Belval link to the A 30 motorway, on the border between France and Luxembourg.

No proper environmental impact assessment has been conducted for this project, which has already been approved by the competent French authorities, and which endangers the nearby Natura 2000 areas of Esch-sur-Alzette and Differdange, in Luxembourg.

2. Admissibility

Declared admissible on 12 September 2012. Information requested from Commission under Rule 216(6).

3. Commission reply, received on 18 December 2012

The petitioner is objecting to the proposed link road between Belval (Luxembourg) and the A 30 motorway. The planned link road would go through Micheville (France) – a former steel plant site which has been recolonised by nature over the past 25 years – which is home to some remarkable flora and fauna and is a vital cross-border wildlife corridor connecting two Natura 2000 sites in Luxembourg.

The project is likely to have a significant impact on the species found in the neighbouring Natura 2000 sites and has been approved even though no proper environmental impact assessment, as provided for in Article 6(3) of Directive 92/43/EEC, was carried out.

The Commission has examined the information provided by the petitioner in the light of the EU environmental law that might be applicable to this case.

The Differdange and Esch-sur-Alzette sites, SCI LU000128 and LU0001030 and SPA LU0002008 and LU 0002009, were designated sites of Community importance or special protection areas under the Habitats Directive 92/43/EEC¹ and the Birds Directive 2009/147/EC², and are therefore part of the Natura 2000 network. They are located at the far ends of the Micheville site, which will be split in two by the new road.

In accordance with Article 6(3) of the Habitats Directive, any plan or project likely to have a negative effect on a Natura 2000 site must undergo an appropriate impact assessment, taking into account the site's conservation objectives. Acting in the light of the conclusions concerning the implications for the site, the competent national authorities may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned.

The appropriate assessment provided for in Article 6(3) of the Habitats Directive does not appear to have been carried out. The possible impact of the project on the two Natura 2000 sites in Luxembourg has not been ascertained, therefore.

Conclusion

The Commission has requested additional information from the competent French authorities in order to determine whether the procedure for authorising the project was consistent with the applicable EU environmental law and why an assessment of the environmental impact on the Natura 2000 sites in Luxembourg was not conducted. This information is needed to complete the examination of this case.

Commission reply (REV), received on 30 January 2015

The petitioner is objecting to the proposed link road between Belval (Luxembourg) and the A 30 motorway. The planned link road would go through Micheville (France) – a former steel plant site which has been recolonised by nature over the past 25 years – which is home to some remarkable flora and fauna and is a vital cross-border wildlife corridor connecting four Natura 2000 sites in Luxembourg: the Differdange and Esch-sur-Alzette sites, SCI LU000128 and LU0001030 and SPA LU0002008 and LU 0002009, which were designated sites of Community importance or special protection areas under the Habitats Directive 92/43/EEC and the Birds Directive, are located at the far ends of the Micheville site, which will be split in two by the new road. This project forms part of a broader Operation of National Interest (OIN) intended for the construction of an eco-city.

According to the petitioner, this infrastructure project is likely to significantly affect species on the neighbouring Luxembourg Natura 2000 sites and has been authorised without a prior

¹ Directive 92/43/EEC, (OJ L 206, 22.7.1992).

² Directive 2009/147/EC (OJ L 20, 26.1.2010) codifying Directive 79/409/EEC (OJ L 103, 25.4.1979).

Natura 2 000 impact assessment, as provided for in Article 6, paragraph 3, of Directive 92/43/EEC, the Habitats Directive.

Comments by the Commission

As provided for in its Communication of December 2012, the European Commission has questioned the French authorities about this matter.

Following this exchange and according to information which the Commission services now have in their possession, it appears that a Natura 2000 impact assessment was in fact carried out under the provisions of the Article 6, paragraph 3, of the Habitats Directive.

Moreover, the French authorities granted the specific authorisations required under the provisions of Articles 12 and 16 of the Habitats Directive.

All these authorisations were subject to the opinion of the Regional Scientific Natural Heritage Council (CSRPN) of Lorraine, which issued a positive opinion subject to the implementation of a number of accompanying measures. These accompanying measures, in particular a specific study on the impacts of this infrastructure project on the Damier marsh fritillary (*Euphydryas aurinia*), a species of Community interest, are currently being implemented by the project initiators and will be monitored over a period of ten years. These requirements are included in the ad hoc prefectural decrees; they are thus regulatory and enforceable against third parties.

Conclusion

In view of the above analysis, no breach of European law on the protection of nature has been identified. The European Parliament is hereby informed that the services of the European Commission intend therefore to close the complaint received by its services in parallel with this petition lodged with the European Parliament.