



30.1.2015

NOTICE TO MEMBERS

Subject: Petition No 1973/2013 by by Lothar Liebtrau (German) on a pig ‘super farm’

1. Summary of petition

The petitioner states that authorisation has been granted to bring (back) into operation a large-scale intensive fattening unit (‘super farm’) for around 37 000 pigs in Hassleben in the state of Brandenburg, Germany. The petitioner calls this a scandal, alleging that scientific opinions show that the slurry from the farm would destroy a valuable neighbouring wetland area; furthermore, EU pig-keeping regulations have not been complied with, a protected nature reserve would be severely affected, the public was not consulted in the decision on granting authorisation, and ammonia emissions resulting from the pig fattening activities would considerably exceed the permitted limit values. He accordingly seeks a European Parliament investigation.

2. Admissibility

Declared admissible on 17 July 2014. Information requested from Commission under Rule 216(6).

3. Commission reply, received on 30 January 2015

The project of a pig farm in Haßleben (Brandenburg/DE) is situated closely (800m away) to the Natura-2000-Site "Kuhzer See/Jakobshagen" (DE 2747-303) which is protected by the Habitats Directive¹. According to the information provided by the parliamentary question E-

¹ Richtlinie 92/43/EWG des Rates vom 21. Mai 1992 zur Erhaltung der natürlichen Lebensräume sowie der wildlebenden Tiere und Pflanzen (ABl. L 206 vom 22. Juli 1992, S.

3166/2005 and the current Petition 1973/2013, the size of the project was reduced from 85.000 pigs down to 37.000 in the meantime. The authorisation procedure by the competent authority is already finished and permission was granted in June 2013 but is currently not executable by the promoter, as appeals have been filed against the authorisation procedure. A final decision on this project by the competent authorities is not expected before mid-2015.

Following Article 6(3) of the Habitats Directive any plan or project not directly connected with or necessary to the management of a Natura-2000-Site but likely to have a significant effect thereon, shall be subject to an appropriate assessment of its implications for the site in view of the site's conservation objectives. This also applies to a pig farm which has the potential of negatively impacting sensitive species and habitats by nitrogen in form of air pollution caused from ammonia. It is for individual Member States to make decisions in relation to the construction of e.g. a pig farm on their territory while respecting EU law. Where Natura-2000-sites are likely to be adversely affected by a project, this obligation inter alia includes the need to assess the effects of the project on the conservation objectives of the affected site and, if applicable, to explore alternative solutions, for example the change of the location or to implement appropriate mitigation measures. Exemptions can be granted according to Article 6(4) of the Habitat Directive in case there are no alternatives, there is an overriding public interest of the project together with setting up appropriate compensation measures.

Germany is concerned by nitrate pollution problems from agricultural sources, as pointed out in the Commission's Report¹ pursuant to Art. 11 of the Nitrates Directive². An infringement procedure on the implementation of the Nitrates Directive in Germany has been opened by the Commission in 2013.

The Nitrates Directive has the objective of reducing water pollution caused or induced by nitrates from agricultural sources and preventing further such pollution. Implementation of the measures included in Annex II and III of the Directive, notably in the Action Programmes pursuant to Article 5 of the Directive, is the main instrument to prevent and reduce nitrate pollution from agricultural sources. In this context, the Member States must ensure that the use of agricultural effluents does not harm the achievement of the objectives of the Directive, which however does not set specific requirements on farm authorization procedures.

The other arguments mentioned by the petitioner, like fire protection or possible infringements against national or regional legislations fall into the competence of the national authorities and have already been subject to national regional parliamentary questions³ and replies by the authorities.

7).

¹ Report from the Commission to the Council and the European Parliament on the implementation of Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources based on Member State reports for the period 2008–2011 (COM(2013) 683 final).

² Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources.

³ Kleine Anfrage 1130 vom 4.3.2011 und Kleine Anfrage 2933 vom 4.6.2013 im Landtag Brandenburg.

Conclusion

As the permitting procedure is still ongoing at the national level, the Commission is not in a position to take any action. The petitioner should therefore be invited to contact the competent national authorities directly, requesting more detailed information on the authorisation procedure. If, after having received such information and at the end of the authorisation procedure, the petitioner is still of the opinion that EU legislation has not been respected, he has the possibility to submit a formal complaint to the European Commission.

