



30.1.2015

NOTICE TO MEMBERS

Subject: Petition No 2038/2013 by J.W. (Polish), on pollution caused by a mink and fox farm

1. Summary of petition

A farm for American mink and foxes is being built in the area where the petitioner lives. This farm will be located in the direct vicinity of residential buildings. The petitioner claims that the builder does not have valid building permits and that the local authorities are ignoring the project's impact on the environment.

2. Admissibility

Declared admissible on 7 August 2014. Information requested from Commission under Rule 216(6).

3. Commission reply, received on 30 January 2015

Fur farming in the European Union is subject to the general requirements set out in EU law with regard to e.g., water quality protection, or health rules concerning animal by-products and derived products not intended for human consumption.

An administrative procedure used to identify and address significant environmental impacts of a project is set out in the Environmental Impact Assessment (EIA) Directive (2011/92/EU). The EIA Directive is implemented in Polish law by the Regulation of the Council of Ministers of 9 November 2010 on types of projects likely to have significant effects on the environment. This Regulation lists categories of projects which may possibly have a significant impact on the environment, and, in consequence, for which an environmental impact assessment (and public consultations) may be required. According to Article 3(1)(103) of the Regulation,

farming animals for quantities of 40 LU or more and located within less than 100 meters from residential areas or in nature protected areas is a project likely to have significant effect on the environment. The Petitioner provides no evidence that the number of animals is higher than 40 LU, which is below the threshold set out in the Regulation.

Conclusion

It has to be noted that for this type of situations, the EIA Directive guarantees access to a review procedure before a national court to challenge the substantive or procedural legality of decisions subject to the public participation provisions. Based on the information provided by the petitioner, the Commission is unable to establish any breach of EU law.

