



31.10.2018

NOTICE TO MEMBERS

Subject: Petition No1139/2017 by Maria Gaetana Greco (Italian), on behalf of the Agira town council (Enna), bearing eight signatures, against a landfill for hazardous waste in Sicily, for which an urban planning amendment has been adopted

1. Summary of petition

The petitioner, mayor of a Sicilian municipality, refers to a resolution adopted by the town council (of which the mayor is a member) which objects to the establishment of a landfill for special and/or hazardous waste on farmland, following an amendment to the land-use plan adopted by the Region of Sicily, without any prior environmental impact assessment having been conducted. In addition to appealing to the Regional Administrative Court (TAR) against the regional decree approving the landfill project, the petitioner is asking for an opinion concerning the alleged infringement of EU law on environmental impact assessment (EIA).

2. Admissibility

Declared admissible on 23 February 2018. Information requested from Commission under Rule 216(6).

3. Commission reply, received on 31 October 2018

Installations for the disposal of waste not included in Annex I (point 9) fall within Annex II to the EIA Directive¹ (point 11.b). The installations listed in Annex I require a full environmental impact assessment (EIA), in accordance with Article 4, paragraph (1) of the Directive, whilst the installations covered by Annex II must be submitted, prior to their authorisation, to an EIA screening procedure in accordance with Article 4, paragraphs (2) and (3) combined with Annex III of the Directive. The aim of the screening is to determine whether the project is likely to have significant impacts on the environment and,

¹ Directive 2014/52/EU amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment, OJ L 124, 25.4.2014, p. 1–18.

consequently, whether or not a full EIA procedure is required prior to its authorisation. According to the petitioner, in the EIA carried out on the project under examination, important aspects - such as the location of the installation and the negative impacts that it could trigger on the environment - have not been adequately taken into account.

Conclusions

In the light of all the above considerations, the Commission cannot exclude that in this specific case there has been a potential breach of the Italian legislation that transposes Directive 2014/52/EU. In this context, the Commission recalls that Article 11 of the EIA Directive includes specific provisions on access to justice, providing for adequate means of redress at national level. As the national administrative and judicial authorities are primarily responsible for the implementation of EU law, the available legal remedies at national level should be used. The petitioner has already contacted the national competent authorities with regard to the matters raised in the petition and is currently waiting for the outcome. Consequently, the Commission will not be taking the petition further.