

(English version)

**Question for written answer E-000248/24
to the Commission
Ana Miranda (Verts/ALE)
(26 January 2024)**

Subject: Environmental and territorial impact of land urbanisation project in the municipality of Llíber (Alicante)

La Vall del Pop is an environmentally precious region spanning several towns in the Province of Alicante in the Valencian Community. In 2023, a real estate developer began urbanising over 400 000 m² of forest land to build more than 488 villas south-east of the municipality of Llíber.

Considering that the environmental impact assessment (EIA) for this work is based on territorial and environmental studies conducted over 30 years ago, that methodological deficiencies have been identified in the EIA, that there was no public participation and that there are no guarantees of sufficient water resources to support this urban growth, a judge took the precautionary measure of halting the project.

However, the local council and the developer disregarded this measure and accelerated the work, which is having a huge environmental impact due to the use of heavy machinery, deforestation and the loss of protected plant and animal species.

1. Does the Commission believe that this project complies with the legislative requirements on EIAs, conservation of natural habitats and wild fauna and flora?
2. Does the Commission consider this project to be in line with current territorial and environmental protection criteria?
3. How could the Commission help to safeguard all relevant assets of environmental and territorial value in the region concerned?

Submitted: 26.1.2024

**Answer given by Mr Sinkevičius on behalf of the European Commission
(6 May 2024)**

The Environmental Impact Assessment (EIA) Directive⁽¹⁾ requires that, before consent is given, projects likely to have significant effects on the environment by virtue, *inter alia*, of their nature, size or location be subject to an assessment of their environmental effects.

For the categories listed in Annex II to the directive, such as urban development projects⁽²⁾, the authorities must determine whether an assessment is necessary through a case-by-case study or through previously set thresholds or criteria. In doing that, the authorities must take into account the relevant selection criteria set forth in Annex III to the EIA Directive.

Moreover, the EIA Directive provides for specific review procedures that allow the public concerned to challenge the substantive or procedural legality of decisions, acts or omissions subject to the directive's provisions on public participation.

Based on the available information, the Commission cannot assess compliance by the authorities with the above obligations.

Moreover, in line with its strategic approach on enforcement action⁽³⁾, focused on systemic non-compliance, the Commission considers that the redress mechanisms under the EIA Directive, available at national level, are the most adequate means to challenge the substantive or procedural legality of decisions, acts or omissions subject to the provisions of the EIA Directive in individual cases.

The matter may be referred again to the Commission, should the evidence gathered point to a systemic failure to act on national authorities' side.

⁽¹⁾ Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment. OJ L 26, 28.1.2012, p. 1-21, as amended by Directive 2014/52/EU of 16 April 2014 — OJ L 124, 25.4.2014, p. 1-18.

⁽²⁾ Referred to in Annex II, 10 b) of the EIA Directive.

⁽³⁾ As set out in the communication of 19 January 2017 (EU law: Better results through better application — C/2016/8600, OJ C 18, 19.1.2017, p. 10-20) and in the communication of 13 October 2022 COM(2022) 518 final — Enforcing EU law for a Europe that delivers.