

(English version)

**Question for written answer E-000387/24
to the Commission**

Maria Angela Danzi (NI), Tiziana Beghin (NI), Laura Ferrara (NI), Sabrina Pignedoli (NI), Mario Furore (NI)
(6 February 2024)

Subject: Building an on-shore regasification plant in Porto Empedocle

The project for the construction of an on-shore regasification plant in Porto Empedocle will have a significant impact on two Natura 2000 sites ⁽¹⁾ and could lead to Agrigento's Valley of the Temples being removed from Unesco's Heritage List, as the facility would be built right alongside the archaeological park and the project also provides for the construction of a connecting pipeline running through it ⁽²⁾.

Fondali di Torre Salsa was designated as a protected area in 2019, at a time when the construction project's authorisation — which had been granted on 22 October 2009 by means of Decree No 112/GAB — had expired.

The construction site itself had, at one point, been seized by the authorities, and the project has also been significantly amended. It should also be noted that the project was initially denied authorisation. The authorisation was hurriedly extended ⁽³⁾ without carrying out a new set of environmental assessments, a legal requirement. As regards Fondali di Torre Salsa, the existing regulations also required that a new risk and environmental assessment be carried out, but this was not done either.

In the light of the above:

1. Given that the area concerned has since been designated as a Natura 2000 site, does the Commission believe that the project's Environmental Impact Assessment is still valid?
2. Given that the project's technological specifications have since been amended, does the Commission believe that its authorisation is still valid?

Submitted: 6.2.2024

Answer given by Mr Sinkevičius on behalf of the European Commission
(5 April 2024)

According to available information, the two Natura 2000 sites in question do not appear to be concerned by the planned location of the project.

In any event, when deciding to grant development consent, competent authorities shall be satisfied that any conclusion or decision concluding the environmental impact assessment (EIA) process is still up to date ⁽⁴⁾.

Member States may set timeframes for the validity of this conclusion or decision. New information relating to likely significant effects of the project on environmental factors (*inter alia*, Natura 2000 sites) must be considered during the development consent procedure.

While the EIA Directive does not regulate the validity of the development consent, it requires all factors likely to have significant effects on the environment to be assessed and taken into account in the development consent procedure ⁽⁵⁾.

Where the state of the environment changed after a given project was authorised, or where there are new findings regarding the impact of the project on the environment between the time the project was authorised and its execution, the assessment may need to be updated, considering the legitimate expectations of the public and the principle of good administration.

Without prejudice to the Commission's role as the guardian of the Treaties, Member States' national administrative and judicial authorities are primarily responsible to ensure that EU legislation is complied with.

⁽¹⁾ 1. The Macalube di Aragona (ITA040008) protected nature reserve was established in September 1995 and includes 4 protected habitats and 36 protected species 2. The Fondali di Torre Salsa (ITA040016) protected area was established in December 2019 and includes 2 protected habitats and 2 protected species, including the Caretta caretta (or Loggerhead) Turtle, which also nests on Porto Empedocle beach, the projected site for the regasification plant.

⁽²⁾ Official Communiqué No 24 by the Head of Italian Delegation of Unesco of 27 April 2007.

⁽³⁾ Decree No 45/GAB of 13 September 2023 by Sicily's Regional Councillor for Energy.

⁽⁴⁾ Article 8a (6) of 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 the European Parliament and of the Council of 16 April 2014, OJ L 124, 25.4.2014, p. 1-18.

⁽⁵⁾ Article 3.