

WRITTEN QUESTION E-0755/03
by Daniela Raschhofer (NI)
to the Commission

Subject: Obtaining the opinion of the general public in the assessment of the implications of projects in areas of conservation

According to Article 6 of the FFH Directive (92/43/EEC¹), any plan or project that is likely to have a significant effect on a special area of conservation must be assessed for its implications for the site in view of the site's conservation objectives. In the light of the assessment of the implications for the site, the competent authorities may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.

In Austria, Article 6 of the FFH Directive was transposed into nine provincial laws on nature conservation. However, eight of these new provincial laws stipulate that the opinion of the general public must be obtained. The authorities are not able, therefore, to decide for themselves, according to each individual case, whether or not to obtain the opinion of the general public.

1. Under what circumstances does Commission believe that the national authorities should obtain the opinion of the general public when assessing the implications for a site in accordance with Article 6 of the FFH Directive?
2. Is it permissible to forego this part of the procedure in the case of projects that are subject to an assessment of their effects on the environment in accordance with Directive 85/337/EEC²?
3. Does the Commission consider the incorporation of Article 6(3) of the FFH Directive (92/43/EEC) into Austrian nature conservation law satisfactory as regards obtaining the opinion of the general public?

¹ OJ L 206, 22.7.1992, p. 7.

² OJ L 175, 5.7.1985, p. 40.