

WRITTEN QUESTION E-0862/04
by Torben Lund (PSE)
to the Commission

Subject: Nitrogen-sensitive Natura 2000 areas

Denmark has now completed the process of drawing up operational definitions of 'criteria for favourable conservation status' in respect of the species and natural habitats forming part of the basis for designating the Natura 2000 areas in Denmark, including the critical loads for nitrogen-sensitive habitats. In Denmark, the average airborne nitrogen load is typically approximately 20 kg N per ha per annum. In the long term, such loads will bring about the permanent destruction of habitats under threat. Some 25 million pigs are produced each year in Denmark, equal to almost five times the size of the country's population. Production is rising, which also contributes to overall nitrogen emissions. In the light of this situation, will the Commission state its position on the following?

1. Is Denmark required, pursuant to Article 6 of the EC Habitats Directive (92/43/EEC¹), to take appropriate steps to avoid the deterioration of nitrogen-sensitive natural habitats which form part of the basis for designating a 'Natura 2000 area'?
2. Does this requirement, where appropriate, incorporate an obligation not to allow new activities - including further stockfarming - which will increase the nitrogen load of nitrogen-sensitive natural habitats in Natura 2000 areas where such habitats form part of the basis for Natura 2000 designation and where the critical load is exceeded beforehand?
3. Does this provision also entail an obligation to intervene in the case of existing activities (see the Court of Justice's judgment against Ireland in case C-117/00)?
4. If the nitrogen load in a given Natura 2000 area exceeds the critical load for the nitrogen-sensitive natural habitat(s) which form(s) the basis for designation as such an area, who is responsible for ensuring that the nitrogen level is reduced to below the critical load?
5. Where a Member State exceeded the critical load for nitrogen in nitrogen-sensitive natural habitats situated in Natura 2000 areas, and the Member State concerned did not take appropriate steps pursuant to Article 6(2) of the Habitat Directive to avoid the deterioration of those habitats by, for example, eliminating specific sources of pollution, what would the Commission do and what would it be required to do in that situation?

¹ OJ L 206, 22.7.1992, p. 7.