

WRITTEN QUESTION E-0975/06
by Antonio Di Pietro (ALDE)
to the Commission

Subject: Delays in carrying out an environmental impact assessment for the Paolisi-Pianodardine expressway

By note of 18 January 2006 (ENV A2/LC/ac D (2006) 878), the Commission's Directorate-General for the Environment decided to close complaint No 2004/4921 lodged by WWF Italia with regard to the failure to check whether the second segment of the Paolisi-Pianodardine expressway, in Campania, should be made subject to an environmental impact assessment (EIA).

This project was apparently the subject of an advisory opinion from the EIA Committee of the Campania Region on 28 February 2005, which was subsequent to the date of approval of the project and of the start of work.

The surprising decision not to take action on the case, on the grounds that the fact that the assessment had been carried out after authorisation had been given and work had started was a mere irregularity which had been offset by the subsequent check, is a manifest error under Community law. It is contrary to Article 2 of Directive 85/337/EEC¹ and the decisions of the European Court of Justice, which recently ruled that carrying out an environmental examination late, even where this has the effect of remedying the deficiency or confirming that there is no need for an environmental impact assessment, invalidates the work carried out (Court of Justice of the European Communities, Sixth Chamber, 2 June 2005, Case C-80/03).

In view of the above and the special environmental importance of the area concerned, which is situated on the edge of the Partenio regional nature park, does the Commission not consider, as guardian of the Treaty, that it should, as a matter of urgency, reopen the case and initiate infringement proceedings?

¹ OJ L 175, 5.7.1985, p. 40.