

WRITTEN QUESTION E-2960/06

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to the Commission

Subject: Legislative Decree No 152 implementing Law No 308 of 15.12.2004 on the reorganisation, coordination and integration of environmental legislation

Legislative Decree No 152 entered into force in Italy on 29 April 2006. It violates, inter alia, the following Community directives:

1. Directive 85/337/EEC¹ and subsequent amendments thereto, Directive 2001/42/EC² and Directive 96/61/EC³, in relation to the provisions contained in Part II of Legislative Decree 152/2006, which lays down a procedure for strategic environmental assessment (SEA), environmental impact assessment (EIA) and integrated environmental authorisation (IPPC);
2. Directive 96/61/EEC and Directive 2004/35/EC⁴, in relation to the provisions contained in Part IV of Legislative Decree 152/2006, which lays down rules on waste management and the rehabilitation of polluted sites, with reference to the rules under Title V on the rehabilitation of polluted sites;
3. Directive 75/442/EEC⁵, replaced by Directive 12/2006/EC⁶, Directive 94/62/EC⁷ and Directive 2000/76/EC⁸, in relation to the provisions contained in Part IV of Legislative Decree 152/2006, which lays down rules on waste management and the rehabilitation of polluted sites;
4. Directive 2004/35/EC, in relation to the provisions contained in Part VI of Legislative Decree 152/2006, which lays down provisions on the payment of compensation for damage to the environment;
5. Directive 2000/60/EC⁹, in relation to the provisions contained in Part III of Legislative Decree 152/2006, which lays down rules on soil protection and the combating of desertification, protection of waters against pollution and water resource management.

Can the Commission state what measures it will urgently adopt to restore the EU's legal force over environmental matters in Italy?

¹ OJ L 175, 5.7.1985, p. 40

² OJ L 197, 21.7.2001, p. 30

³ OJ L 257, 10.10.1996, p. 26

⁴ OJ L 143, 30.4.2004, p. 56.

⁵ OJ L 194, 25.7.1975, p. 39.

⁶ OJ L 114, 27.4.2006, p. 9.

⁷ OJ L 365, 31.12.1994, p. 10.

⁸ OJ L 332, 28.12.2000, p. 91.

⁹ OJ L 327, 22.12.2000, p.1.