

**Question for written answer E-004208/2011
to the Commission**

Rule 117

Luigi de Magistris (ALDE)

Subject: Conversion of the former sugar refinery at Russi (Ravenna, Italy) and possible non-compliance with EU environmental law

Plans exist in the municipality of Russi (Ravenna, Italy) to convert a disused sugar refinery into an 'energy pole' which would, according to an agreement signed in Rome on 7 November 2007, consist of a biomass incinerator and biodigester. These facilities would be located in part in a SIC-ZPS wetzone, 'Russi basin and Lamone river IT 4070022'.

The SICs (Sites of Community Interest) are part of the Natura 2000 network, created by the EU for the protection and conservation of habitats and flora and fauna. The ZPS, pursuant to Directive 79/409/EEC, are areas dedicated to the conservation of endangered bird species. On 20 March 2003 the ECJ ruled against Italy for what it found to be inadequate classification of new ZPS. On 28 February 2011 the Services Conference of the Emilia-Romagna region agreed to the environmental impact assessment (EIA) required for projects of this nature. The procedure is governed by Directives 335/85/EC and 11/97/EC, incorporated into Italian law via Legislative Decree 152/2005. The plant will also need an Integrated Environmental Authorisation (IEA), pursuant to the IPPC Directive (2008/1/EC), incorporated via Legislative Decree 59/2005. Given that within the terms of the IPPC directive the project is considered a 'new plant' (i.e. one not in operation on 10 November 2000), the applicable text is Article 7 of that directive, which requires an integrated approach in order to obtain an IEA. However, on 28 February 2011 one of the authorities responsible, the Ravenna heritage inspectorate (together with the Emilia-Romagna Regional Directorate for the Cultural and Landscape Heritage), delivered an opinion 'contrary to the establishment and characteristics of the plant in view of its volume, entailing excessive visibility from the protected area'. Residents' associations and environmental groups believe the project would have a devastating impact on the ecosystem and would lead to the loss of some 2.3 hectares of the natural basins, reducing the area of the SIC/ZPS by approximately 6.3 hectares.

What is the Commission's opinion on the construction of a biomass plant in what is a protected area under Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds? Does the Commission not believe that the negative opinion of the inspectorate represents an additional argument against the validity of the EIA procedure in this case?