

**Question for written answer E-005085/2011
to the Commission**

Rule 117

Luigi de Magistris (ALDE) and Raúl Romeva i Rueda (Verts/ALE)

Subject: 'Third Bridge' project, Cremona (Italy) - additional information on environmental infringement

In his answer to my question (E-5734/2010) on 'Environmental infringement concerning the "Third Bridge" project', in which I raised the matter of a possible breach of 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, Janez Potočnik, the Commissioner for the environment, stated that 'the documentation provided [by the Italian authorities] does not fully clarify how the provisions of Articles 6(3) and 6(4) of the Habitats Directive have been implemented, namely with regard to mitigation and compensation measures' and that, accordingly, 'the Commission will further contact the Italian authorities in order to obtain further information'.

A study carried out by 20 academics and national experts¹ suggests that the main elements of the environmental impact are: the direct elimination of 40 hectares of habitat; the deterioration of neighbouring habitats; interruption of the ecological river corridor; and a substantial depletion of protected fauna and their reproduction areas.

Under Community and national law, projects relating to territorial, planning or sectoral issues and planned construction works affecting SCIs or ZPSs require a prior environmental impact assessment (EIA) (see Directive 92/43/EEC and Articles 5 and 6 of Italian Presidential Decree No 357/97). The tenth subparagraph of Article 5 of the above-mentioned decree states that 'where sites are characterised by types of natural habitat or protected species, any action whose impact is judged to be negative may only be carried out on grounds of public health or safety or considerations of primary importance for the environment'.

Under Article 6 of Italian Law 349/1986, it is for the Environment Ministry and the Ministry for the Cultural and Environmental Heritage to rule on issues of environmental compatibility. Article 147 of Legislative Decree 42/2004 lays down that for projects requiring an EIA, where the latter ministry delivers a negative opinion (as in Case No 4603 of 7 March 2007), the assessment should be negative.

In the light of the above additional information, does the Commission not consider that the project as a whole is in total breach of Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora, and that the EU needs to intervene, as a matter of urgency and as soon as possible?

¹ <http://www.terzoponte.com/CONTROPROGETTO-DOSSIER-DOCENTI.pdf>