

EN

E-000687/2021

Answer given by Mr Sinkevičius  
on behalf of the European Commission  
(7.4.2021)

The Commission has not been previously aware of these projects.

Wind power developments fall under Annex II.3.i) of the Environmental Impact Assessment (EIA) Directive<sup>1</sup>. For such projects, Member States have to determine if the project should be subject to an assessment because of its likely significant effects on the environment in view of relevant selection criteria set out in Annex III of the Directive. If the Member State finds that the project will have significant effects on the environment, an EIA has to be carried out. The Directive provides for review procedures before a court of law or another independent and impartial body to challenge the substantive or procedural legality of omission, acts or decisions issued in the context of an EIA procedure.

According to the Habitats Directive<sup>2</sup>, any plan or project that is likely to have a significant impact on a Natura 2000 site has to undergo an appropriate assessment of its implications for the site, in view of the site's conservation objectives. Such plan or project should only be authorised if this assessment concludes that it will not adversely affect the integrity of the site and, if appropriate, after having obtained the opinion of the public. The Commission has issued guidance on wind energy developments and the EU nature legislation<sup>3</sup>.

The information presented is not sufficient to assess compliance of the projects with the above-mentioned requirements under EU law.

As regards the Habitats Directive, the Commission is conducting an infringement procedure in Spain<sup>4</sup>, including Galicia, concerning the failure to set adequate conservation objectives and measures for its Special Areas of Conservation, which are key elements for ensuring protection and conservation of these areas.

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<sup>1</sup> Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment, OJ L 26, 28.1.2012, p. 1–21.

<sup>2</sup> Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, OJ L 206, 22.7.1992, p. 7–50.

<sup>3</sup> [https://ec.europa.eu/environment/nature/natura2000/management/docs/wind\\_farms\\_en.pdf](https://ec.europa.eu/environment/nature/natura2000/management/docs/wind_farms_en.pdf) to assist citizens, businesses and national authorities in the application of the Birds and Habitats Directives.

<sup>4</sup> Procedure 2015/2003, [https://ec.europa.eu/commission/presscorner/detail/en/INF\\_20\\_1212](https://ec.europa.eu/commission/presscorner/detail/en/INF_20_1212) for the latest developments.