

WRITTEN QUESTION P-1027/04
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to the Commission

Subject: Respect for Community environmental legislation

The conservation and restoration of biodiversity are stated objectives of the Commission. The Community sphere has the *à priori* wherewithal to meet these challenges, including *inter alia* the Birds and Habitats Directives, and the Directive on Environmental Impact Studies. The Member States have incorporated the main provisions of this Community framework within their own national legislation.

However, the balance sheet for the transposition of these directives, particularly in France, is unfortunately less than satisfactory. Since territorial development programmes are a major source of adverse impact on biodiversity, the prior legal conditions which have to be met before implementing any structural project, above all, affecting NATURA 2000 sites, should correctly incorporate the conservation imperative.

The cases of the A831 in the marshlands of Poitiers or the A28 motorway in Sarthe demonstrate that the implementing procedures come nowhere near meeting the objectives of the texts in question. The sectoral approach to environmental impact remains in full force, thus allowing the schemes to minimise environmental damage and benefit from the obligation to choose the least harmful solutions in terms of impact in NATURA 2000 sites. This means that the investigative procedures are virtually no different from traditional impact studies, which *de facto* neglect the strict protection status of certain species or habitats, by the direct destruction or fragmentation of biotopes. Furthermore, the fact that those promoting the damaging work have recourse to provisions permitting derogations is becoming a rule, and helping to deprive the Directives in question of any force at the very time when conservation of biodiversity should be being integrated into public policies.

1. What steps does the Commission intend to take to give these Directives their real force, both within a general framework and in the specific instances cited, in order properly to reflect the account taken of biodiversity in European policies?
2. What inspection procedures does the Commission plan to introduce in order to bring this glaring sideways slippage under control?