

WRITTEN QUESTION P-6953/08
by Amalia Sartori (PPE-DE)
to the Commission

Subject: Infringement proceedings 2003/4762 on the MO.S.E. tide regulation scheme

The city of Venice, a UNESCO world heritage site, has once again been flooded, for the second time in two weeks, with water reaching a height of over 120 cm, causing serious social and public health problems, as well as financial problems for individuals and monuments.

In 2003, the Italian authorities decided, following a careful evaluation, to build the MO.S.E. system aimed at restoring a hydrogeological balance by stopping and reversing the process of deterioration of the lagoon basin with a view to protecting the Venice Lagoon's urban centres from such periodic flooding.

This scheme is the subject of infringement proceedings, currently at the pre-judicial phase, for alleged violation of Article 4(4) of Directive 79/409/EEC¹ (Birds Directive). Despite the considerable exchange of correspondence between the Italian authorities and the Commission, the case has been gathering dust in the Commission for five years without it having been demonstrated that the conditions are met for opening the judicial phase.

In similar circumstances, namely Case C-57/89, Commission v Germany, the Court of Justice decided in its judgment of 28 February 1991 to reject the Commission's action on the grounds that the obligations under Article 4(4) of the aforementioned directive lapse in the presence of a general interest that is superior to that represented by the ecological objective of the directive.

Does the Commission consider that the danger of flooding and the need to protect the coastline constitute sufficiently serious reasons to justify the embankment work and the coastal consolidation measures? Does it consider that the protection of the city of Venice, a UNESCO world heritage site, and of its citizens constitutes a general interest that is superior to that represented by the ecological objectives of Directive 79/409/EEC?

¹ OJ L 103, 25.4.1979, p.1.