

EUROPEAN PARLIAMENT

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*Committee on Petitions*60

26.09.2008

NOTICE TO MEMBERS

Subject: Petition 1156/2007 by Eva-Maria Weides (German), on behalf of the ‘Naturschutzjugend in NABU Hamburg’ wildlife protection association, with 60 signatures, concerning the bridge over the Femern Belt in northern Germany

1. Summary of petition

The petitioner objects to the decision to build a 19 km bridge over the Femern Belt in northern Germany, maintaining that it will be extremely harmful to marine protected areas (MPA) in the Baltic and the numerous migratory birds crossing the Femern Belt each year. The petitioner is accordingly seeking action by the European Parliament to ensure compliance with EU environmental provisions, halt the projected bridge construction, conserve the marine protection areas and ensure that the governments responsible finally adopt a sustainable environmental policy for the Baltic Sea area.

2. Admissibility

Declared admissible on 26 March 2008. Information requested from Commission under Rule 192(4).

3. Commission reply, received on 26 September 2008.

The petition covers two areas:

1. Enlargement of Marine Protected Areas (MPAs) in the Baltic Sea

The petitioner asks that more and larger preserved areas be set up beyond the 12 sea mile borders in the EEZ (Exclusive Economic Zone). These areas should stretch across national borders and should be integrated into a coherent system of MPAs in the Baltic Sea.

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2. A stop to the construction of the Fehmarnbelt Bridge between Germany and Denmark

The petitioner objects to the intention to build a 19 km bridge over the Fehmarn Belt in northern Germany, maintaining that it will be extremely harmful to MPAs in the Baltic and to the numerous migratory birds crossing the Fehmarn Belt each year. The petitioner is accordingly seeking action by the European Parliament to ensure compliance with EU environmental provisions, halt the projected bridge construction, conserve the marine protection areas and ensure that the governments responsible adopt a sustainable environmental policy for the Baltic Sea area

The petitioners are acting on behalf of the 'HABITAT MARE' which is a bilateral cooperation of the Swedish nature-youth organisation Fältbiologerna and the German nature-youth organisation NAJU.

Natura 2000 is the European ecological network of sites which comprises special areas of conservation (SACs) designated under the Habitats Directive¹ and special protection areas (SPAs) classified under the Birds Directive². Protection of biodiversity is a key EU policy issue and the Community's nature directives are the cornerstone of that policy.

The extension of the Natura 2000 network in the marine sector is included in the 10 priority objectives established in the Commission's Communication on halting the loss of Biodiversity³ and the related Action Plan. In order to reach this objective, the Member States will have to designate marine Natura 2000 sites by 2008, in particular offshore areas extended beyond the 12 nautical miles zone as applicable. These areas comprise sites of Community importance proposed according to Article 4 (4) of the Habitats Directive and Special Protection Areas classified under Article 4 of the Birds Directive. The Commission has invited the Member States concerned to intensify their efforts and has highlighted the need for the synchronisation of designations and co-operation amongst Member States sharing underwater features, including in the Baltic Sea. The sufficiency of the proposed sites will then be assessed at Community level. The Commission is monitoring this process as a matter of priority, including the interaction between fisheries management and nature conservation.

The Fehmarn Belt fixed crossing is a project included in the trans-European transport network as part of a railway corridor. Over the last fifteen years, the Danish and German authorities have carried out a series of pre-feasibility studies which address the preliminary economic, financial, technical, operational and environmental aspects of the project. Any project of the trans-European transport network must in order to be eligible for EU-co-funding and fully comply with Community legislation. This includes Environmental Impact Assessment Directive, 85/337/EC⁴, which shall also include the study of alternative solutions and the reasons for choosing that option taking into due account the respective environmental effects, as well as Directive 92/43/EEC on the conservation of natural habitats and of wild flora and

¹ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora

² Directive 79/409/EEC of the Council of 2 April 1979 on the conservation of wild birds

³ COM/2006/0216 final

⁴ Directive 85/337/EC on the Environmental Impact Assessment (EIA Directive)

fauna (in particular as regards the effects of the entire project on any Natura 2000 site) and Directive 2001/42/EC¹ on the assessment of the effects of certain plans and programmes on the environment, known as the Strategic Environmental Assessment Directive (SEA Directive).

The area of "Fehmarnbelt" is a Natura 2000 site included in the list of Sites of Community Importance under the Habitats Directive 92/43/EEC. The authorisation of the Fehmarnbelt-Bridge project will, therefore, be subject to the relevant provisions of Article 6 of the Habitats Directive and, in particular, to the need for an appropriate assessment as regards the impact on the conservation value of the site and related safeguards as regards the integrity of the site and the coherence of the network as a whole. The Commission is awarding TEN-T funding for the undertaking of the environmental studies needed to fully comply with the EIA requirements. Provided there is a satisfactory outcome to the approval procedures, further TEN-T grants could subsequently be available in the longer term to support construction works.

Current information suggests that it could take four to five years before the development consent for the Fehmarn Belt fixed crossing (tunnel or bridge) will be issued. Before that date, the project design will have to be developed based on all the necessary environmental assessments, consultations and appropriate co-funding arrangements.

Conclusions

The Commission considers the extension of the Natura 2000 network in the marine environment, especially offshore, as a high priority and urges Member States to undertake all the necessary efforts to rapidly propose substantial marine sites for designation under the Habitats Directive and the Birds Directive.

Any decision about the final solution for a Fehmarnbelt fixed crossing will have to be made in full compliance with Community legislation. The fulfilment of this requirement is conditional for any Community co-funding.

¹ Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (SEA Directive)