IMPLEMENTATION OF EUROPEAN ENVIRONMENTAL LAW

ENVIRONMENT COMMITTEE MEETING ON 23-25 JUNE 2008

HORIZONTAL QUESTIONS

1. Control mechanisms for EU-funding (S. Hassi)

How does the Commission ensure that Community funds are only spent for projects which are in full compliance with EU environmental law?

What control mechanisms does the Commission apply to check full compliance?

What mechanisms exist for the Commission to recover funds for projects which were not in compliance with Community law on the environment?

How many projects have been funded by the Community since 2004 that were not in full compliance with Community law on the environment, and in how many cases did the Commission recover the amounts unduly paid?
IMPLEMENTATION OF DIRECTIVES - SPECIAL CASES

2. Implementation of Community Waste Legislation in Italy (G. Sacconi)

On 23 May, the Italian Government issued Decree-Law No 90 on special measures to deal with the emergency in the waste disposal sector in the region of Campania.


Will the Commission also say whether the decree in question can be seen as sufficient to warrant it suspending the proceedings being brought against Italy for two breaches of EU legislation on protection of human health and the environment from the risks deriving from waste?

3. Implementation of Community Waste Legislation in Italy (R. Mussachio)

Commissioner Dimas was very well aware of the emergency situation on waste occurring in Naples: we strongly appreciated on last 15 of January his speech to the EP and his hopefully commitment to local and national authorities in Italy that they would be able to overcome the situation. How is the Commission evaluating the recent Italian legislative decree no.90 issued on May the 23rd mainly concerning timetables and procedures relating to the envisaged measures and the identifications of new disposals or upgrading existing temporary waste stock sites in Campania? Does the Commission think that scheduled time (7 days) and human resources (reduced number of experts from 60 to 50) and technical means provided to achieve EIA in conformity of Directives 85/337 and 97/11 will be in compliance the European legislation? In the decree involvement of population is foreseen only by dissemination initiatives on behalf of the Education Ministry and the Council Presidency. According to the Commission should the Italian decree clearly apply to Directives 2003/4 and 2003/35 implementing the Arhus Convention guaranteeing the right of information and participation in decision on waste management plans of concerned actors and population as one of the essential key action?

4. EU-funding of waste projects in Campania (M. Frassoni)

According to the state of execution report on the Community Support Framework of December 2007, the Italian region of Campania received € 367.53 million from the European Regional Development Fund/European Social Fund for projects related to waste and reclamation of contaminated from 2000 to 2006. 54% of those funds went to 108 reclamation projects, whereas the rest went to waste-related projects. The report refers to an increase in the percentage of separate waste collection in Southern Italy from 2, 4% to 10,2% due to the funding.

However, in the provinces of Naples and Caserta, tonnes and tonnes of waste lie in the streets. And citizens protest against new landfills fearing that these might (illegally) receive toxic waste, as the current landfills did. Moreover, the recently proposed decree of the Italian Government potentially justifies these fears due to the numerous derogations from EU Law proposed therein.
1. Can the Commission provide a detailed list of all those having received financial support from these €367.53 millions?

2. Can the Commission testify that the whole amount was solely spent for projects that are in full compliance with Community law? If not, how many illegible projects were financed, and how many recovery orders were made for unduly paid amounts?

3. Which measures will the Commission take to insure that the 410 millions € foreseen for the 2007-2013 period will really contribute to the solution of Campania's waste problem?

5. **Implementation of Community Waste Legislation in Greece (D. Papadimoulis)**

The Commission has previously indicated that, in order to comply with the ECJ ruling in case C-205/03, the Greek authorities undertook to abolish all uncontrolled waste tips by 31.12.2008. According to previous replies by the Commission, there were 814 illegal landfill site rehabilitation programs co-financed by the Cohesion Fund by September 2007. How does the Commission evaluate the information provided by the Greek authorities, regarding the steps taken for the closure of illegal landfill sites and the use of EU funding? What is the relevant take-up rate? In the Commission’s view, will illegal landfill sites have ceased to operate by the end of 2008? What does the Commission intend to do in the event that the competent Greek authorities fail again to meet their commitments to implement the relevant European legislation on time?

6. **Implementation of Habitats Directives in Poland (B. Sonik)**

1. In connection with the fact that the Polish Government has drawn up a complex programme for proposing and cataloguing areas for the Natura 2000 European Environmental Network, will the Commission allow changes to be made to the areas already put forward for the Natura 2000 programme (the proposed changes will be justified and drawn up on the basis of specific scientific studies)?

2. Given that Poland has submitted vast areas for inclusion in the Natura 2000 Network, extending to some 20 to 30 thousand hectares, will the Commission allow them to be divided into categories (e.g. category 0 - no possibility of action; category 1 - limited possibility and need for environmental impact assessment; category 2 - good possibility of action; category 3 - no need for environmental impact assessment)? The categories would be determined on the basis of specific scientific research.

3. In cases where investment is difficult, would it be possible to organise working meetings with the relevant bodies of the European Commission in order to find compromise solutions so as to prevent work already under way from being held up?

4. Can the Commission provide Poland with organisational and financial support for the process of reorganising the structure of its nature protection services?
5. If financial resources for certain investments are blocked, can the Commission propose measures which the Polish Government could take in order to enable work to be restarted? (Poland is willing to provide the necessary compensation)

7. **Implementation of Habitats Directives in Finland** *(S. Hassi, R. Myller)*

Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora forms a cornerstone of EU nature and biodiversity policy. Natura2000 network was established under the Habitats directive.

Pallastunturi region in Finland is part of Natura2000 network. In Pallastunturi there are several natural habitat types, such as Fennoscandian hemiboreal natural old broad-leaved deciduous forests, which, according to Habitats directive and its annexes, fall under types of community interest whose conservation requires the designation of special area of conversation. In the sites which have these types, Member States are required to establish the necessary conservation measures involving appropriate management plans specifically designed for these sites. Directive states clearly that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives.

Currently there are plans to build a new hotel resource in Pallastunturi region. This could have serious effects on the species and habitats of the region and thus it is very important that all the necessary assessments are made.

We would like to ask the Commission the following questions: How can the Commission monitor areas such as Pallastunturi, which belong to Natura2000 network and which fall under the requirements of Habitats Directive? How can the Commission ensure that Member states fulfil their obligation to assess all the possible risks to the habitat of the area and that the assessments of the implications for the site fulfil the requirements of the Habitats Directive and Natura2000 rules? At what stage does the Commission examine the projects in Natura2000 network area? Does the Commission require preliminary information before the construction process can start?