The Commission is fully committed to promoting ‘sustainable mobility’ within the Community, by encouraging the development of transport systems that are efficient and environment-friendly, as well as being safe and socially acceptable.

The action programme entitled ‘Sustainable mobility: perspectives for the future’ indicates the initiatives that the Commission plans to take along these lines.

However, responsibility for the development of national framework programmes for transport infrastructure lies with the Member States. It is the job of the Commission to ensure compliance with the relevant Community legislation.

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WITTEN QUESTION P.2297/99

by Dorette Corbey (PSE) to the Commission

(29 November 1999)

Subject: Gas production in the Waddenzee

The Dutch government has designated the Waddenzee nature conservation area a ‘special area of conservation’ (protected area) pursuant to the habitats directive, 92/43/EEC (1).

1. Is the Commission aware that the Dutch government intends to permit gas production in the Waddenzee subject to certain conditions?

2. Is the Commission aware of the opinion of experts (including the Committee for the Environmental Impact Assessment in 1996) that there is a distinct possibility of gas production having a major impact on the unique conservation area of the Waddenzee? Does the Commission share the experts’ opinion?

3. Does the Commission agree that gas production may be at variance with the obligation under the habitats directive to protect this nature conservation area? Does the Commission feel that in this instance there are compelling reasons of public interest which might justify gas production in the Waddenzee pursuant to the habitats directive? Is the Commission aware of alternatives to gas exploration in the Waddenzee?

4. Does the Commission believe that a fresh inquiry, as suggested de facto by the Dutch government on 5 November, into the question of whether the proposed gas production involves irreparable damage is strictly necessary given the number of inquiries that have already been conducted? What is the Commission’s view of an inquiry into irreversible damage in the light of Article 6(3) of the habitats directive which refers to ‘significant damage’?

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Answer given by Mrs Wallström on behalf of the Commission

(16 December 1999)

1. The Commission is aware from newspaper articles and other media that the Dutch government has decided that the extraction of natural gas in the Waddensea can be permitted under certain conditions. However, according to the information available to the Commission so far, this decision has to be discussed in the Dutch parliament before it can be carried out.

2. The Commission has no information about the subject, so it is not able to give its opinion about the consequences of such extraction for the natural importance of the Waddensea at the moment.

3. The Waddensea is an area that has to be protected as a special protection area in the sense of Council Directive 79/409/EEC on the conservation of wild birds (1) and as a special area of conservation in the sense of Council Directive 92/43/EC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora. As far as the Commission can judge on the basis of the limited information that it has at its disposal, an assessment in the sense of Article 6(3) of Directive 92/43/EEC should be made, if
such an assessment has not yet taken place. The long term effects should be included in this assessment. In particular the precautionary principle has to be taken into account. If the assessment demonstrates that the extraction will have negative implications, Article 6(4) of the Directive applies. This implies that the Dutch authorities have to demonstrate that there are no alternative solutions for the extraction and that a reason exists based on the overriding public interest in carrying out the extraction. If such negative implications can be demonstrated, compensatory measures in the sense of Article 6(4) of Directive 92/43/EEC should be taken before the extraction takes place, in order to ensure that the overall coherence of Natura 2000 is protected.

4. The Honourable Member is referred to point 3 above. To this can be added that the word 'significant effect' in Article 6(3) has a broader meaning than only 'irreversible effect'.


WRITTEN QUESTION P-2301/99
by Jan Mulder (ELDR) to the Commission
(29 November 1999)

Subject: Implementation of the nitrates directive (No 91/676/EEC)

1. In reply to my question P-1725/99 (1) of 15 September 1999 the Commission said that it was possible to distinguish between nitrates derived from industrial sources and from other sources. Does the Commission intend to recommend that the requisite monitoring should be carried out for this purpose?

2. The Commission also says in its reply that it is possible by means of isotope analysis to distinguish between organic N of human or animal origin on the one hand and chemical N from artificial fertiliser or factories on the other. Does the Commission consider that organic N of human origin can affect the readings, and hence also the implementation of the nitrates directive (no 91/676/EEC) (2)? Does the Commission believe that leaky sewers in the Netherlands could have a distinct impact on nitrate readings?

(1) See page 14.

Answer given by Mr Wallström on behalf of the Commission
(16 December 1999)

The question posed is basically whether there are other relevant sources of nitrates pollution of waters by nitrates than those from agriculture, in particular waste water.

It is significant, both as regards the political decision and the practical implementation, that the European legislator addressed, within the same year of 1991, nitrates pollution of waters (groundwaters and surface waters, including marine waters) from agricultural sources — by Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources (1), — and nitrates and other pollution of waters from waste water sources — by Council Directive 91/271/EEC of 21 May 1991 concerning urban waste water treatment (2).

Wherever such nitrates pollution (elevated concentrations of nitrates in surface waters or groundwaters; eutrophication of surface waters including marine waters) is observed, the necessary measures have to be implemented, targeted on agricultural and waste water sources. A 1999 judgement by the European court (3) confirms in this context that mandatory measures (action programmes) under the nitrates directive have to be established and implemented even if in a particular situation agriculture is not the main source of pollution.

The choice of the necessary monitoring is the responsibility of Member States. The draft guidelines on monitoring currently discussed with Member States will list elements of monitoring, including various methods of analysis and assessment, but do not give recommendations in individual situations. Amongst