

The Commission has received such information from Finland and is presently examining its validity. In this context the Commission uses all available reliable and up-to-date information about the population numbers and characteristics of the above species in Finland.

Compensation for the damages caused by species is not covered by the provisions of the Directive and may be regulated by national law.

(<sup>1</sup>) OJ L 206, 22.7.1992. See also Commission's reply to Written Question E-1295/01 by Mr Virrankoski, OJ C 350 E, 11.12.2001, p. 113.

(<sup>2</sup>) In particular Articles 11, 12, 14, 15 and 16.

(2002/C 81 E/170)

**WRITTEN QUESTION E-2264/01**

**by Ilda Figueiredo (GUE/NGL) to the Commission**

(31 July 2001)

*Subject:* Preventive measures and protecting classified natural areas in the region of Viana do Castelo (Portugal)

Local residents in Afife, Viana do Castelo, Portugal, claim that valuable natural heritage, which should be preserved is being endangered by a building under construction in a former water driven sawmill in the 'Engenho do Maneta' on the left bank of the river Afife, also known as the Cabanas river, in a highly sensitive ecosystem between the sea and national road No 13. The three storey building in question is located in a natural habitat (biotope C11100132); all building of any kind should be banned in the area, where the land is being divided up for agricultural purposes as it is, without planning permission.

Can this important ecosystem be preserved under any existing Community directives?

**Answer given by Mrs Wallström on behalf of the Commission**

(28 September 2001)

The Honourable Member refers to a building project on the left bank of the Afife River, between the sea and national road No 13, in an area considered to host a highly sensitive ecosystem with classified biotopes and in which, under national legislation, all construction is prohibited. The Honourable Member asks the Commission whether there are any Community directives applicable that can ensure the ecosystem is preserved.

The Commission would first point out that the application of national legislation is a matter for the national authorities.

From the point of view of Community law, the matter raised by the Honourable Member must be examined in the light of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (<sup>1</sup>).

This Directive specifies the establishment of a European ecological network, Natura 2000, comprising sites hosting the natural habitat types listed in Annex I and the habitats of species listed in Annex II to the Directive.

Article 6(3) provides that any plan or project not directly connected with or necessary to the management of a site but likely to have a significant effect on it, either individually or in combination with other plans or projects, must be subject to appropriate assessment of its implications in view of the site's conservation objectives. If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, Article 6(4) requires the Member State to take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is

protected and inform the Commission accordingly. Where the site concerned hosts a priority natural habitat type and/or a priority species, the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest.

One of the sites proposed by Portugal for inclusion in the Natura 2000 network is the 'Litoral Norte (PTCON0017)'. In the Afife area, this site is limited to the beach and the dunes, stopping short of national road No 13.

The information provided by the Honourable Member is not sufficiently precise to locate the project. It is therefore impossible to tell whether the project involves impacts on the above-mentioned site of Community importance and whether the potential impacts are likely to have a significant effect on the site, as only then would the above provisions of Directive 92/43/EEC be applicable.

The Commission will ask the Portuguese authorities to provide the information necessary to assess the project on the basis of the above provisions of Community law.

(<sup>1</sup>) OJ L 206, 22.7.1992.

(2002/C 81 E/171)

**WRITTEN QUESTION E-2290/01**

**by Monica Frassoni (Verts/ALE) to the Commission**

(31 July 2001)

*Subject:* LIFE project for the re-introduction of bears (*Ursus arctos*) into the Parco Adamello-Brenta (Italy)

A programme financed under the Commission's LIFE project has been launched with a view to re-introducing bears (*Ursus arctos*) into Italy's Parco Adamello-Brenta. It appears that the funds — provided by the promoter (the Parco Adamello-Brenta) and the financial backers (the Trentino-Alto Adige regional authorities and the EU) — have to be specifically earmarked to cover a variety of costs, including the provision of safeguards to protect individuals and the payment of compensation for any loss or damage suffered by farmers or other persons. In addition, annual reports documenting the success of the project and the achievement of the intermediate objectives also have to be produced.

What precautions and action plans have been devised in order to protect the safety of any bears which stray outside the safe areas, as has recently been reported to have happened?

What action has been taken in order to protect the safety of the bear known by researchers as 'Vida', who is now outside the area covered by the LIFE project?

**Answer given by Mrs Wallström on behalf of the Commission**

(27 September 2001)

The Parco Adamello-Brenta has supplied the following information regarding the monitoring and protection of the bears which have been released, including the bear known as 'Vida'.

Vida, a four-year-old female released in May, has crossed the Province of Bolzano and moved into the Province of Belluno. She is currently reported to be in the area around Agordo.

The eventuality of some released animals straying significantly away from the park area was covered in the project feasibility study carried out by the National Institute for Wild Fauna in 1998.

The park's monitoring teams are following Vida's progress by means of radio range-finding, just as they have followed the other bears which have moved outside the Province of Trento.

Vida is still on the move, which makes it impossible as yet to determine what her eventual roaming ground might be. She may even return to the Province of Trento.