

With regard to the freezing of assets, this has been exercised in relation to Afghanistan, Burma, the former FRY, Iraq and Libya, which, again, have not concluded any agreement with the Community so far Angola and Haiti, which are signatories to the Lomé/Cotonou agreement, were subject to the freezing of assets under a decision to suspend cooperation with these countries under this agreement.

(¹) See page 441.

(²) See annex 2 of the Communication on the inclusion of respect for democratic principles and human rights in agreements between the Community and third countries for a list of measures that may be taken in the event of a serious human rights violations, COM(95) 216 final.

(2004/C 78 E/0548)

WRITTEN QUESTION E-3345/03

by John Bowis (PPE-DE) to the Commission

(13 November 2003)

Subject: Villas of Palladio

In 1994 the villas of Palladio were inscribed on the World Heritage List. It is now proposed to build a 54-kilometre motorway through the Veneto area with seven exits and tollgates – the Valdastico South motorway

Whilst acknowledging the right of the Italian Government to build such roads as it thinks fit, will the Commission work with the Italian authorities to ensure that any such plans do not harm the Palladian villas or the surrounding landscape and that a full and enhanced Environmental Impact Assessment is carried out on the proposals?

Will the Commission also discuss with the Italian authorities whether the Valdastico South motorway is needed, given the adequacy of the existing A22 motorway and the SS247 road and the fact that the Valdastico North motorway very little used?

Answer given by Mrs Wallström on behalf of the Commission

(7 January 2004)

Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment (EIA Directive) as amended by Directive 97/11/EC of 3 March 1997 (¹) provides that Member States must ensure that, before development consent is given, projects likely to have significant effects on the environment by virtue, inter alia, of their nature, size or location are made subject to an assessment of the environmental effects. These projects are defined in Article 4 that refers to Annex I and II of the Directive. The construction of motorways falls into Annex I point 7(b) for which a mandatory Environmental Impact Assessment (EIA) has to be carried out.

In such a case the Italian authorities should take measures to ensure that the environmental impact assessment procedure is carried out which includes:

- (a) a description of the aspects of the environment likely to be significantly affected by the proposed project such as archaeological heritage, landscape, population etc. (as per Article 5 and Annex IV),
- (b) consultations with the public and other competent authorities responsible for the environment, and
- (c) publication of the decision containing conditions attached to the development consent, main reasons and consideration on which the decision is based and description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects.

The result of consultations and the information gathered pursuant to Articles 5 and 6 must be taken into consideration in the development consent procedure.

The Commission has already looked into the matter raised by the Honourable Member and found no elements which could show any breach of the Directive in this specific case. In addition, the EIA Directive does not contain any legal requirements to contest the opportunity of a project or the development consent itself.

(¹) OJ L 73, 14.3.1997.

(2004/C 78 E/0549)

WRITTEN QUESTION P-3350/03

by Patricia McKenna (Verts/ALE) to the Commission

(6 November 2003)

Subject: Derrybrien wind-farm bog-slide

Anecdotal and photographic evidence already strongly indicates that the major ongoing bog-slide, which began on Thursday 16 October at Derrybrien, Loughrea was caused by the construction of the 60 MW wind-farm, owned by ESB subsidiary Hibernian Wind Power Ltd, though they have not accepted responsibility, so far. It now covers an area of over 50 hectares, and has closed two access roads to the local village. The project involves two unapproved quarries coupled with the use of explosives, very heavy vehicles moving fill on unstable floating roads, all on a blanket bog up to 6 metres deep on a mountainside. Many of the planning conditions required to be met before commencement of works were not complied with by the developer, and several are outstanding, including a bond to cover abandonment/decommissioning of the project.

Apart from the major safety question, including the threat to the local village, there are now also serious risks to watercourses, and local water supplies, including nearby Lough Cutra, which is within a proposed SAC. One reason why Galway County Council originally rejected permission for phase 3 of this project was because it considered that soil erosion caused by construction was poorly addressed in the EIS. Nevertheless, An Bord Pleanála overturned the planning authority decision and granted permission without conditions on this issue. Much greater renewable energy deployment is absolutely essential, especially in Ireland, but that could now be seriously compromised by such careless development.

Does the Commission consider that such issues are, or should be, a key consideration in an EIS? Since they were not properly addressed in this case, will the Commission advise the planning authorities to halt the development, to avoid further environmental and safety risks and damage to the development of renewable energy?

Answer given by Mrs Wallström on behalf of the Commission

(16 December 2003)

Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment (EIA Directive)⁽¹⁾ as amended by Council Directive 97/11/EC of 3 March 1997⁽²⁾ provides that Member States must ensure that, before development consent is given, projects likely to have significant effects on the environment by virtue, inter alia, of their nature, size or location are made subject to an assessment of their environmental effects. These projects are defined in Article 4, which refers to Annex I and II of the Directive. The construction of wind farms falls within Annex II point 3(i). It is up to the Member States to determine if an individual project is likely to have significant effects on the environment. Where significant effects are likely, Member States must carry out an environmental impact assessment (EIA).