



C/2024/921

29.1.2024

Judgment of the Court (Ninth Chamber) of 7 December 2023 (request for a preliminary ruling from the Administratīvā rajona tiesa — Latvia) — ‘Latvijas valsts meži’ AS v Dabas aizsardzības pārvalde, Vides pārraudzības valsts birojs

(Case C-434/22, ⁽¹⁾ Latvijas valsts meži)

(Reference for a preliminary ruling — Environment — Conservation of natural habitats and of wild fauna and flora — Directive 92/43/EEC — Article 6(3) — Concept of ‘plan or project’ on a protected site — Intervention in a forest to protect it from fire — Need to carry out a prior assessment of the implications of that intervention for the site concerned)

(C/2024/921)

Language of the case: Latvian

Referring court

Administratīvā rajona tiesa

Parties to the main proceedings

Applicant: ‘Latvijas valsts meži’ AS

Defendants: Dabas aizsardzības pārvalde, Vides pārraudzības valsts birojs

Intervening party: Valsts meža dienests

Operative part of the judgment

1. Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora must be interpreted as meaning that the concept of ‘project’, within the meaning of that provision, includes activities carried out in a forest area, designated as a special area of conservation, in order to ensure the maintenance of forest fire safety infrastructure in that area, in accordance with the requirements laid down by the applicable national legislation on the prevention of the risk of forest fires, where those activities alter the physical aspect of the site concerned.
2. Article 6(3) of Directive 92/43 must be interpreted as meaning that the activities carried out in a forest area, designated as a special area of conservation, in order to ensure the maintenance of forest fire safety infrastructure in that area, in accordance with the requirements laid down by the applicable national legislation on the prevention of the risk of forest fires, cannot, because of the mere fact that they have such an purpose, be regarded as directly connected with or necessary to the management of the site concerned and cannot therefore be exempted on that ground from the assessment of their implications for that site, unless they are among the measures for the conservation of that site already adopted pursuant to Article 6(1) of that directive.
3. Article 6(3) of Directive 92/43 must be interpreted as requiring an assessment to be carried out of plans and projects covered by that article, even where their implementation is required by the applicable national legislation on the prevention of the risk of forest fires.
4. Article 6(3) of the Directive 92/43 must be interpreted as meaning that activities intended to ensure the maintenance of forest fire safety infrastructure in a forest area, designated as a special area of conservation, may not be initiated or, a fortiori, continued and completed before the completion of the procedure for assessing their implications laid down in that article, unless those activities are among the conservation measures for the site concerned already adopted pursuant to Article 6(1) of that directive or a current or imminent risk detrimental to the preservation of that site requires their immediate implementation.
5. Article 6(3) of Directive 92/43, read in the light of the principle of sincere cooperation, must be interpreted as requiring the Member State concerned, in particular the competent authorities of that Member State, to adopt measures in order to remedy any significant effects on the environment of works carried out without the appropriate assessment of those effects, provided for in that provision, having been carried out beforehand and to make good the damage caused by those works. By contrast, it does not oblige that Member State to require individuals to make good such damage in cases where it is attributable to them.

⁽¹⁾ OJ C 359, 19.9.2022.