

**Question for written answer E-003344/2023
to the Commission**

Rule 138

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Subject: Compatibility of Malpensa airport expansion plan with EU regulations

The Commission is to assess whether the regulations adopted for the expansion and upgrade of Malpensa airport comply with EU legislation.

Based on the decision of the Technical Committee for the Verification of the Environmental Impact (EIA-SEA), Ministerial Decree No 282 of 8 June 2023 opposed the expansion of Malpensa airport to encompass 44 hectares of heathland, calling on the regional authorities to finalise the procedure to have that area designated a site of Community importance/special protection area.

Subsequently, Article 1b of Decree-Law No 121/2023 recognised the project as a strategic work of major national interest, and a review of the ban and a new environmental impact assessment were requested.

This is a case of trying to further extend the enacting power of administrative acts that has been criticised on several occasions by the Court of Justice on the grounds that the laws affecting administrative acts are subject to the rules laid down in EU law for the adoption of such acts, including investigation, participation and justification, and specifically to ensure that the objectives of the EIA Directive are met.

In view of the above: Does the Commission believe that Decree-Law No 121/2023 complies, in this specific case, with the general principles of EU law and environmental protection legislation, or that it could set a dangerous precedent?

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