



30.11.2024

## NOTICE TO MEMBERS

**Subject: Petition No 1132/2023 by A.C.M. (Italian) on Parma airport extension project in Italy**

### 1. Summary of petition

The petitioner voices his concerns regarding the project titled 'Airport Development Plan - Master Plan 2018-2025' for Parma's Giuseppe Verdi Airport. According to him, the project aims to lengthen the runway, construct a cargo hangar and expand parking areas to allow the use of larger aircraft. The petitioner stresses that this expansion will affect air quality, thus conflicting with the objectives of the Mission EU Climate Neutral. Moreover, he emphasises that the airport's location is within an area (IT0892) which falls into those for which Italy underwent an infringement procedure (INFR(2014)2147) and was condemned by the CJEU (case C- 644/18) due to non-compliance with the annual PM10 limit values stipulated in Directive 2008/50/EC on air quality. Additionally, the petitioner questions the safety implications of allowing such aircrafts to use the airport, given its proximity to six crucial roads and the Milan-Bologna railway. Finally, he states that the Project has already partially received a €12 million public funding (under the FSC 2014-2020 funds), which the petitioner asserts is a breach of Commission Regulation (EU) No 651/2014 governing State aid for regional airports.

### 2. Admissibility

Declared admissible on 6 December 2023. Information requested from Commission under Rule 233(5), former Rule 227(5).

### 3. Commission reply, received on 30 November 2024

In view of the public health issues air pollution causes, improving air quality is one of the European Commission's most important environmental priorities.

The Ambient Air Quality Directive<sup>1</sup> requires Member States to ensure that, throughout their zones and agglomerations, EU air quality standards are met and that limit values for, for example, nitrogen dioxide (NO<sub>2</sub>), particulate matter (PM<sub>10</sub>) and fine particulate matter (PM<sub>2.5</sub>) among others, are not exceeded.

Where these limit values are exceeded, the Directive requires Member States to prepare and implement air quality plans and measures so that exceedance periods are kept as short as possible. The Directive leaves the choice of the means to comply with limit values to the Member States in line with the principle of subsidiarity, which aims at ensuring that decisions are taken as closely as possible to the citizen. The Parma airport is located in air quality zone IT0892 Emilia- Romagna, Pianura Ovest Western Plain).

According to the air quality data information reported by the Italian authorities this air quality zone has reported exceedances of the daily limit value of PM<sub>10</sub> since 2008. The latest reported value is for the year 2022 in which 75 days of exceedances of the daily limit value<sup>2</sup> were reported.

As a result of an infringement procedure started by the Commission, on 10 November 2020 the Court of Justice of the EU delivered its judgment in Case C-644/18, *Commission v Italy*.<sup>3</sup> The Court declared that Italy had failed to comply with Art. 13 of the Ambient Air Quality Directive<sup>4</sup> for having systematically and persistently exceeded the limit values for PM<sub>10</sub> in several air quality zones and that, by failing to adopt appropriate measures to ensure compliance with the limit values for PM<sub>10</sub> in all those zones, Italy had failed to meet its obligations under Art. 23(1) of that Directive, on its own and in conjunction with Section A of Annex XV to that directive, and in particular the obligation laid down in the second subparagraph of Art. 23(1), to ensure that the air quality plans provide for appropriate measures to ensure that the period of exceedance of the limit values is kept as short as possible.

This air quality zone is part of that infringement procedure. Since the Commission found that the breaches ascertained by the Court persist, on 13 March 2024 a letter of formal notice was issued to Italy pursuant to Article 260 TFEU.

The Commission is following closely the execution of the Court's judgment by the Italian authorities, assessing the measures put in place to bring the exceedances of these pollutants to an end.

We wish to inform the European Parliament and the petitioner that, in the context of its action to ensure compliance with the Ambient Air Quality Directive, the Commission is in contact with the Italian authorities also with regard to the measures put in place by Italy to bring the exceedances of other air pollutants to an end, such as NO<sub>2</sub> in line with the Court's judgment in

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<sup>1</sup> Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe, OJ L 152, 11.6.2008, p. 1–44.

<sup>2</sup> The limit value is set at 35 days of permitted exceedances of 50µg/m<sup>3</sup>

<sup>3</sup> C-644/18, *Commission v Italy*, EU:C:2020:895:

<https://curia.europa.eu/juris/document/document.jsf?jsessionid=8138A723A899C9C69E1FA62F6E0E4107?text=&docid=233482&pageIndex=0&doclang=EN&mode=req&dir=&occ=firs&part=1&cid=1501385>.

<sup>4</sup> Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe, OJ L 152, 11.6.2008, p. 1–44.

Case C-573/19,<sup>5</sup> and PM<sub>2.5</sub>.<sup>6</sup>

### Conclusion

Three infringement procedures are ongoing against Italy for the infringement of Directive 2008/50/EC. The Court has established Italy's non-compliance with the Ambient Air Quality Directives identified by the Commission with regard to pollutants PM<sub>10</sub> and NO<sub>2</sub>. Since the breaches ascertained by the Court with regard to PM<sub>10</sub> persist, on 13 March 2024 the Commission issued a letter of formal notice to Italy pursuant to Article 260 TFEU, covering also air quality zone IT0892. The Commission is also assessing Italy's replies to letter of formal notice issues pursuant to Article 258 TFEU with regard to PM<sub>2.5</sub>.

The data reported by the Italian authorities indicate that air quality zone IT0892 does show exceedances of the limit values set for PM<sub>10</sub> between 2018 and 2022. In any case, the Commission is currently assessing Italy's compliance with the judgment in Case C-644/18 and follows closely the adoption of measures to bring the exceedances of PM<sub>10</sub> to an end across Italy.

Based on the available information we have no indication that State aid rules would have been breached.

The Commission will continue monitoring the air quality situation across Italy, also via the ongoing infringement procedures.

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<sup>5</sup> C-573/19, *Commission v Italia*, EU:C:2022:380:

<https://curia.europa.eu/juris/document/document.jsf?text=&docid=259201&pageIndex=0&doclang=IT&mode=lst&dir=&occ=first&part=1&cid=8936606>.

<sup>6</sup> INFR(2020)2299: [https://ec.europa.eu/commission/presscorner/detail/EN/INF\\_20\\_1687](https://ec.europa.eu/commission/presscorner/detail/EN/INF_20_1687).