



30.11.2024

NOTICE TO MEMBERS

Subject: Petition No 0002/2024 by Veronica Dini (Italian), on behalf of COMITATO TUTELA DEVERO, signed by seven other persons, on the preservation of the Park of Veglia and Alpe Devero, a Natura 2000 site in Italy

1. Summary of petition

The petitioner draws the attention of the European Parliament to an alleged systematic misapplication of Article 6(3) of the Habitats Directive (environmental impact assessments) as well as Article 6(2) of the Habitats Directive and Article 3 of the Birds Directive, which has been going on since at least 2011. He alleges that the Natura 2000 site ‘Alpi Veglia e Devero-Monte Giove’ is under threat from the expansion of the San Domenico ski resort and of three stations and several ski slopes within the Site's boundaries, which undermine its integrity and compromise its conservation objectives. The petitioner claims that further expansion had been planned by the province and municipalities, together with the ski resort operator, with the implementation of around fifty infrastructure projects. The latter was denounced by the petition ‘Save the Alpe Devero’. The petitioner points out that, although this programme was shelved after four years in 2022 because it did not pass the Strategic Environmental Assessment, heavy earthworks were carried out in the site, destroying approximately 10 ha of protected habitats and degrading other habitat area on the ski slopes. The promoters stated that the ‘Avvicinare le Montagne’ programme would be resubmitted as soon as possible. In addition, the petitioner states that another project has been approved to extend the snow-making facilities within the site in 2024. The petitioner states that protected habitats have been destroyed or degraded or survive in fragmented remnants. He explains that daytime winter and summer frequentation, the presence of three chairlift stations with their cables, night-time snow grooming, a downhill trail, regular summer earthworks to repair and flatten slopes and access roads damaged by erosion and, in the very near future, noise pollution and changes to the snow cover due to artificial snowmaking make the area, together with the suppression of habitats, practically uninhabitable for species protected by the above-mentioned Directives. The petitioner also points to two other approved projects for the

construction of two cycle hiking trails, which would further increase the threats to the integrity of the site. According to the petitioner, all the Environmental Impact Assessments (EIAs) carried out on the site since at least 2011 are not 'appropriate' within the meaning of Article 6(3) of the Habitats Directive and the case-law of the European Court of Justice. He stresses that the same shortcomings are evident in the EIAs and simplified screening procedures of a number of other projects and interventions that have been or will be carried out in the site. The petitioner added that the mitigation measures provided for in the admittedly inadequate EIAs have, for the most part, either not been implemented or have failed or been disregarded. The petitioner invites the European Parliament to take note of the dramatic situation of the site in question, to consider the possibility of taking measures to help preserve the integrity of the site and to urge the Italian Government to put an end to the illegal situation and to take effective and efficient measures to protect the site. Finally, the petitioner asks the European Parliament to bring the case to the attention of the European Commission, in order to determine whether there are grounds for further action under EU Pilot 6730/14, given that the case in question is only one of a very large number of similar cases of circumvention or misapplication of the rules on environmental impact assessments when the Italian situation is considered as a whole.

2. Admissibility

Declared admissible on 12 April 2024. Information requested from Commission under Rule 233(5), former Rule 227(5).

3. Commission reply, received on 30 November 2024

The petition

The petitioner claims that the expansion of a ski resort in Piedmont is negatively impacting the Natura 2000 site “Alpi Veglia e Devero - Monte Giove”. The petitioner asks, in essence, whether the projects linked to the expansion of the aforementioned ski resort are compatible with the Habitats Directive. Finally, the petitioner asks the European Commission whether there are grounds for further action.

Commission’s observations

Article 6(2) of the Habitats Directive requires Member States to take appropriate steps to avoid, in the special areas of conservation, the deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the areas have been designated.

Under Article 6(3) of the Habitats Directive, any plan or project likely to have a significant effect on a Natura 2000 site must be subject to an assessment of its implications for the site, in view of the site’s conservation objectives. In the light of the conclusions of that assessment, the competent national authorities may give their agreement to such a plan or project if they have ascertained that it will not adversely affect the integrity of the site concerned. Under Article 6(4) of the Habitats Directive, if the assessment of the implications of the project for the site reaches negative conclusions, national authorities may authorise the project only for imperative reasons of overriding public interest and provided that no alternative solutions exist. In such cases, Member States must take all necessary compensatory measures to ensure that the overall coherence of Natura 2000 is protected and shall inform the Commission of the compensatory measures adopted.¹ Where the site concerned hosts a priority natural habitat type and/or a

¹ Article 6(4) of the Habitats Directive.

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.

On the basis of the information provided by the petitioner, in 2022 the development program of the ski resort at stake failed the Strategic Impact Assessment (SEA). In any case, the Habitats Directive applies to the individual projects likely to have a significant effect on the Natura 2000 site. Therefore, the provisions laid down under Articles 6(2), (3) and (4) of the Habitats Directive must be respected. In this regard, in 2019 Italy adopted national guidelines for the appropriate assessment under the Habitats Directive,² which, in 2023, have also been transposed at regional level by the Piedmont regional authorities.³

The Commission recalls that the obligation to ensure compliance with EU law lies primarily with the administrative and judicial authorities of the Member States which have the power to issue injunctions or to order the annulment of acts of other national or local authorities. It is for the competent national authorities to carry out an environmental assessment on the relevant plan/programme/project, in compliance with EU law. Moreover, it is also for the competent national authorities, including national courts, to verify individual cases of potential breach of the relevant EU law provisions.

In this regard, based on the information publicly available, it appears that the national judicial authorities have been seized on this matter.⁴

The Commission therefore invites the petitioner to monitor the development of the national judicial proceedings.

Conclusion

The obligation to ensure compliance with EU law lies primarily with the administrative and judicial authorities of the Member States, especially in relation to individual potential cases of non-compliance, such as the one raised by the petitioner, which do not fall within the Commission's enforcement priorities⁵. Based on the information publicly available, it appears that the national judicial authorities have been seized on this matter. The Commission therefore invites the petitioner to monitor the development of the national judicial proceedings.

² “Linee Guida Nazionali per la Valutazione di Incidenza (VInCA) - Direttiva 92/43/CEE “Habitat” articolo 6, paragrafi 3 e 4” (GU Serie Generale n. 303 del 28-12-2019).

³ D.G.R n. 55-7222/2023 del 12 luglio 2023 “Recepimento delle Linee Guida nazionali per la Valutazione di Incidenza. Revoca della Deliberazione della Giunta Regionale n. 54-7409 del 7/4/2014 e s.m.i.”

⁴ Amongst others: <https://www.rainews.it/tgr/piemonte/articoli/2024/01/ciclovia-del-devero-ricorso-consiglio-di-stato-8c6335d5-07e6-4d75-8c32-498837a87433.html>

⁵ [COM\(2022\)518 final](#)