

(English version)

**Question for written answer E-000237/25
to the Commission
Dario Tamburrano (The Left)
(21 January 2025)**

Subject: Biodigester in Casal Selce, Rome

The Special Government Commissioner for the Jubilee in the Catholic Church has given permission ⁽¹⁾ for a biodigester to be built in Casal Selce, on the outskirts of Rome. It will process 120 000 tonnes of municipal organic waste per year. It is financed by Decree-Law 17/5/2022, No 50 ⁽²⁾, under which Italy commits ⁽³⁾ to honour, for this construction, 'its commitments under the national recovery and resilience plan approved by the Commission', and therefore to comply with Article 17 of Regulation (EU) 2020/852. This requirement is mentioned in the contract ⁽⁴⁾.

Set to produce biomethane and composted soil improver, the plant will take 165 900 m² of farmland ⁽⁵⁾ out of production ⁽⁵⁾. This is a highly inefficient use of land given that Rome abounds with industrial land and brownfield sites ⁽⁷⁾; indeed, the citizens' committees say that they requested the relevant list from the Municipality, but to no avail.

The plant has been exempted from application of the 2012/18 directive ⁽⁸⁾ on the grounds that its liquid biomethane storage capacity does not exceed 50 tonnes. The biogas gasometer (500 m³) and the gases present in the four digesters (each with a volume of 4 700 m³) have not been considered, as the gas volumes they contain are not included in the plans.

In light of the above, can the Commission answer the following:

1. With reference to this plant, is Italy honouring its commitments under the national recovery and resilience plan (NRRP) approved by the Commission?
2. Has Directive 2012/18/EU been correctly applied? If not, what action will the Commission take?
3. Is the plant in keeping with Regulation (EU) 2024/1991?

Submitted: 21.1.2025

**Answer given by Ms Roswall on behalf of the European Commission
(21 March 2025)**

Based on the elements provided by the Honourable Member, it seems that the project of the biodigester in Casal Selce aligns with the scope of one specific investment of the Italian Recovery and Resilience Plan (RRP) ⁽¹⁾ but no evidence related to the above-mentioned project has been submitted to the Commission in this context ⁽²⁾. Therefore, the Commission does not have any evidence that the above-mentioned project is linked with its implementation.

Based on its hazardous properties and on whether it is upgraded or not, biogas may be classified under Annex I of the Seveso III Directive ⁽³⁾ as a flammable ⁽⁴⁾ or as a liquified flammable gas ⁽⁵⁾ with thresholds of 10 and 50 tonnes for lower-tier requirements and 50 and 200 tonnes for upper-tier requirements ⁽⁶⁾.

Establishments where those substances may be present in quantities exceeding those thresholds fall under the scope of the directive; it is the responsibility of the competent national authority to assess whether this is the case ⁽⁷⁾.

¹ https://commissari.gov.it/media/ggwjm2mm/rm20230002723-ord-cs-_paur-casal-selce_signed_firmato.pdf;
https://commissari.gov.it/media/zotncgaz/rm20230002723-ordinanza-n18_2023_casal-selce_all.zip.

annexes:

² <https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legge:2022-05-17;50>, vedansi art. 42 e decreti attuativi <https://dait.interno.gov.it/finanza-locale/documentazione/decreto-31-agosto-2022>; <https://dait.interno.gov.it/finanza-locale/documentazione/decreto-7-agosto-2023>.

³ Article 42(2).

⁴ Annex 1.

⁵ AMACS G24 plans, Annex 2.

⁶ Some of the planning documentation is held by the Lazio regional authorities in p7m format (<https://regionelazio.app.box.com/v/VIA-095-2022/folder/175244597741>).

⁷ <https://www.romatoday.it/politica/siti-industriali-dismessi-roma.html>.

⁸ Annexes to the Special Government Commissioner's order (see first footnote).

⁽¹⁾ Investment related to the 'Implementation of new waste management plants and modernization of existing plants' (Investment 1.1 of Mission 2 Component 1).

⁽²⁾ The implementation of the Italian RRP follows the submission of evidence according to the requirements contained in Milestones and Targets description as included in the Council Implementing Decision ST 15114/24 + ST 15114/24 ADD 1 REV 1.

⁽³⁾ Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC, OJ L 197, 24.7.2012, p. 1-37.

⁽⁴⁾ Entry P2 of Part 1 of Annex I to the Seveso III Directive.

⁽⁵⁾ Pursuant to note 19 of Annex I of the Seveso III Directive, for the purpose of the implementation of the directive, upgraded biogas may be classified under entry 18 of Part 2 of Annex I where it has been processed in accordance with applicable standards for purified and upgraded biogas ensuring a quality equivalent to that of natural gas, including the content of Methane, and which has a maximum of 1% Oxygen.

⁽⁶⁾ Stricter legal requirements apply to installations handling high amounts: upper tier establishments, as opposed to lower tier establishments, with lower quantities of dangerous substances and hence presenting a lower risk.

⁽⁷⁾ Based on information provided by the operator.

It is the primary responsibility of the Member States to ensure a correct implementation of relevant EU law ⁽⁸⁾, including by ensuring compliance with it of specific projects financed under their national RRP.

The Commission does not have sufficient information enabling it to assess whether the Seveso III Directive has been correctly applied in relation to the project at stake.

The Nature Restoration Regulation ⁽⁹⁾ establishes overall targets for green space and tree canopy cover in urban areas: it does not relate to the impact of individual developments such as the plant in question. Member States are required to prepare National Restoration Plans by September 2026 ⁽¹⁰⁾.

⁽⁸⁾ Commission enforcement action regarding bad implementation of EU law focuses mainly on systemic failures Communication from the Commission — EU law: Better results through better application, C/2016/8600, OJ C 18, 19.1.2017, p. 10-20.

⁽⁹⁾ Regulation (EU) 2024/1991 of the European Parliament and of the Council of 24 June 2024 on nature restoration and amending Regulation (EU) 2022/869, OJ L, 2024/1991, 29.7.2024.

⁽¹⁰⁾ Including the details of how they intend to meet the specified targets.