

(English version)

**Question for written answer E-001785/25
to the Commission
Vicent Marzà Ibáñez (Verts/ALE)
(2 May 2025)**

Subject: Lack of environmental assessment and threat to biodiversity in Montegancedo

The Montegancedo urban development project, which has not been subject to an appropriate environmental assessment, poses a threat to a Mediterranean ecosystem of high ecological value, affecting habitats and species protected under Directive 92/43/EEC. The felling of centuries-old holm oaks and umbrella pines has caused public concern and led to sanctions. The area is an essential habitat for species such as the Iberian imperial eagle, red and black kites, black vulture, eagle owl and common buzzard.

Madrid Administrative Court No 9 has suspended the works as a precautionary measure due to the risk of irreversible damage to biodiversity. However, the continuation of the project, without environmental guarantees, raises serious doubts about its compatibility with the Biodiversity Strategy 2030 and the European Green Deal.

In light of the above:

1. Does the Commission consider that the Montegancedo urban development project poses a threat to biodiversity and habitats protected under Directive 92/43/EEC?
2. What measures can it adopt to ensure that the competent authorities comply with the Habitats Directive and European environmental protection legislation?
3. Does it consider it necessary to reinforce control and oversight mechanisms in order to prevent similar projects from being developed without adequate environmental assessments, and, where such projects do proceed, to impose sanctions accordingly?

Submitted: 2.5.2025

**Answer given by Ms Roswall on behalf of the European Commission
(30 June 2025)**

The Commission has been unable to identify any Natura 2000 site that could be affected by the project referred to by the Honourable Member.

However, Articles 12 to 16 of the Habitats Directive ⁽¹⁾ require Member States to set up and implement a strict protection regime for species listed in Annex IV, both inside and outside protected areas.

The Environmental Impact Assessment (EIA) Directive ⁽²⁾ requires that, before consent is given, projects likely to have significant effects on the environment by virtue, *inter alia*, of their nature, size or location be subject to an assessment of their environmental effects.

For the categories listed in Annex II to the directive, such as urban development projects ⁽³⁾, the authorities must determine whether an assessment is necessary through a case-by-case study or through previously set thresholds or criteria. In doing that, the authorities must take into account the relevant selection criteria set forth in Annex III to the EIA Directive.

The competent authorities in the Member States are primarily responsible for the correct implementation of the above provisions. Moreover, the EIA Directive provides for specific review procedures that allow the public concerned to challenge the substantive or procedural legality of decisions, acts or omissions subject to the directive's provisions on public participation.

In any case, the Commission notes that the project has been challenged before a national court. The Commission considers that the use of the means of redress available at national level is indeed the most effective way to address individual cases of possible non-compliance and is complementary to the Commission's strategic approach on enforcement action, focused on cases of systemic non-compliance ⁽⁴⁾.

⁽¹⁾ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora — Official Journal L 206, 22/07/1992, P. 0007 — 0050.

⁽²⁾ Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment. OJ L 26, 28.1.2012, p. 1-21, as amended by Directive 2014/52/EU of 16 April 2014 — OJ L 124, 25.4.2014, p. 1-18.

⁽³⁾ Referred to in Annex II, 10 b) of the EIA Directive.

⁽⁴⁾ As set out in the communication of 19 January 2017 (EU law: Better results through better application — C/2016/8600, OJ C 18, 19.1.2017, p. 10-20) and in the communication of 13 October 2022 COM(2022) 518 final — Enforcing EU law for a Europe that delivers.