

EN

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Answer given by Mr Hansen
on behalf of the European Commission
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Land use decisions are a competence of Member States, and the role of the Commission is limited to ensure compliance with the relevant provisions of EU law. Changes in the use of arable land are per se not subject to an environmental impact assessment (EIA) pursuant to the EIA Directive¹. By contrast, the competent authorities must determine whether photovoltaic plants² are likely to have significant effects on the environment and, therefore, need to be subject to an assessment that takes into consideration the effects on, inter alia, the landscape, material assets and the cultural heritage. Moreover, under the Habitats Directive³, the authorisation of any project likely to have a significant effect on a Natura 2000 site requires a prior appropriate assessment of its implications for the site in view of the site's conservation objectives.

The Commission noted in the Vision for Agriculture and Food⁴ the limited availability of fertile land in a context of growing competition for its use and the consequence of climate change puts the farming community in a difficult situation.

In response, the Commission will work towards launching an EU observatory on Farmland to enhance transparency in land use changes, as well as loss of agricultural and natural land, among others. The observatory will also have the objective to help Member States make informed decisions on the regulation of farmland.

Mindful of the need to balance energy production with other public interests, the Commission has issued recommendations and guidance for Member States on encouraging innovative technologies and forms of renewable energy deployment⁵, like agrivoltaics, as well as on permitting for renewable projects and related infrastructure⁶.

¹ 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.

² Industrial installations for the production of electricity are referred to in Point 3 a) of Annex II to the EIA Directive.

³ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora OJ L 206, 22.7.1992, p. 7–50.

⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52025DC0075>.

⁵ https://energy.ec.europa.eu/publications/communication-innovative-technologies-and-forms-renewable-energy-deployment_en.

⁶ C(2024)2660 final and SWD(2024)333 final, respectively.