

(English version)

**Question for written answer E-002789/25
to the Commission
Jutta Paulus (Verts/ALE)
(9 July 2025)**

Subject: Compatibility of northern extension of A33 motorway with Habitats Directive and Natura 2000 site's conservation objectives

In its answer to Written Question E-001537/2025 ⁽¹⁾, the Commission mentions its competence to issue an opinion under the second subparagraph of Article 6(4) of Directive 92/43/EEC (the Habitats Directive) for projects affecting priority habitat types such as 91E0*. Against this background, reference is made to Germany's plans to build a new northern section of the A33 motorway in the Osnabrück area. The extension will cross the Wiehengebirge bat habitat near Osnabrück (Natura site DE3614334) and is likely to have a significant impact on the priority habitat type 91E0*, most notably because of the increased nitrogen pollution from road traffic. According to the press, the project has been submitted to the Commission for assessment.

1. In order to carry out a comprehensive assessment, has the Commission assumed that all relevant documents concerning the conservation area, including any objections from public participation, have been submitted by the Member State?
2. When drafting its opinion, has it take account of whether the site conservation objectives have been set in accordance with the provisions of the Habitats Directive and the ECJ case-law?
3. Does it agree that, given the constant nitrogen pollution the conservation area will likely be exposed to, a permanent speed limit needs to be considered as a necessary mitigation measure under Article 6(3) of the Habitats Directive?

Submitted: 9.7.2025

**Answer given by Ms Roswall on behalf of the European Commission
(27 August 2025)**

1. The Commission received additional documents from the German authorities on 22 April 2025. In order to issue its opinion on the A33 motorway in the Osnabrück area pursuant to Article 6(4) of the Habitats Directive ⁽¹⁾ the Commission will take into account all documentation received related to this project.
2. The question of compliance of the conservation objectives of the Natura 2000 sites in Germany was adjudicated by the Court of Justice of the European Union in its ruling Case C-116/22 of 21 September 2023 ⁽²⁾. The Commission monitors implementation of the ruling to ensure that all sites have specific conservation objectives in place. The Commission is also analysing the conservation objectives for the site DE3614334 (Fledermauslebensraum Wiehengebirge bei Osnabrück) in view of the request for the article 6(4) opinion for the above-mentioned project. The Commission may set in its opinion specific conditions based on the specificity of the conservation objectives established for this site.
3. As the Commission stated in its reply to Written Question E-001537/2025, speed limit during periods when the concentration is above the legal threshold may be an efficient mitigation measure to reduce emissions. The duration of this speed limit may be adjusted depending on the results of the emission monitoring.

¹ https://www.europarl.europa.eu/doceo/document/E-10-2025-001537-ASW_EN.html

⁽¹⁾ 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.

⁽²⁾ <https://curia.europa.eu/juris/liste.jsf?num=C-116/22>.