

EN

E-003754/2025

Answer given by Ms Roswall
on behalf of the European Commission
(28.11.2025)

Under the Environmental Impact Assessment (EIA) Directive¹, for Annex II projects, such as cable cars², the competent authorities must determine whether an assessment is needed through a case-by-case study or by applying previously set thresholds or criteria, considering the selection criteria of Annex III³. The EIA Directive, however, does not apply to projects such as the ACD Engaña construction project⁴ as it is not a category included in Annexes I or II.

Under the Habitats⁵ and Birds Directives⁶, when a project is likely to have a significant effect on a Natura 2000 site, Member States must conduct an appropriate assessment of its implications for the site in view of its conservation objectives. If the obligation to carry out assessments arises simultaneously from the EIA and the Habitats Directive, the authorities shall, where appropriate, provide for a coordinated procedure.

The use of the means of redress available at national level is the most effective way to address individual cases of possible non-compliance. The specific review procedure under the EIA Directive allows the public concerned to challenge the substantive or procedural legality of decisions, acts or omissions subject to the Directive's provisions on public participation. This complements the Commission's approach on enforcement action, which focuses on cases of systemic non-compliance⁷.

Compliance with the 'Do No Significant Harm principle' is a requirement for a measure to be included in a Recovery and Resilience Plan⁸. For this measure⁹, the obligation that the calls for projects under the Spanish Territorial Plans for Tourism Sustainability at Destinations comply with a list of excluded activities and the relevant EU and national environmental legislation was assessed positively¹⁰.

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 Referred to in Annex II, 12 a) of the EIA Directive.

³ Including the cumulation with other projects.

⁴ Project to improve the abandoned railway platform and build a shared bicycle-pedestrian access lane to the Engaña Tunnel.

⁵ Articles 6(3) and 7 of the 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.

⁶ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (Codified version). OJ L 20, 26.1.2010, p. 7–25.

⁷ 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.

⁸ Article 5(2) of Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 establishing the Recovery and Resilience Facility, OJ L 57, 18.2.2021, pp. 17–75.

⁹ Component 14.

¹⁰ Under targets 217, 218 and 219 (second, third and fourth payment requests, respectively).