

(English version)

**Question for written answer E-001587/26
to the Commission
Marcin Sypniewski (ESN)
(17 April 2026)**

Subject: Circumvention of EU law in environmental impact assessments

Administrative measures such as changing local government boundaries are being used in many Member States to avoid obligations under EU environmental legislation, particularly Directive 2011/92/EU. In addition, some installations subject to Directives 2011/92/EU, 1999/31/EC and 2008/98/EC have not been subject to a full, up-to-date environmental impact assessment for many years, while public participation is de facto restricted, despite clear opposition from local communities.

Given this:

1. Does the Commission consider the use of changing administrative boundaries to avoid obligations under Directive 2011/92/EU and the related requirements of Directive 1999/31/EC to potentially constitute circumvention of EU law requiring intervention at EU level?
2. Will the Commission take action against a Member State when an installation subject to Directives 2011/92/EU, 1999/31/EC and 2008/98/EC is operating without an up-to-date environmental impact assessment and with de facto limited public participation?
3. What criteria does the Commission apply when assessing whether repeated cases such as these already constitute a systemic breach of EU law, justifying the initiation of infringement proceedings?

Submitted: 17.4.2026

**Answer given by Ms Roswall on behalf of the European Commission
(7 July 2026)**

The Environmental Impact Assessment Directive (EIA Directive) ⁽¹⁾ applies to certain public and private projects listed in its Annex I and II and provides that Member States must ensure that, before authorisation, projects likely to have significant effects on the environment by virtue, *inter alia*, of their nature, size or location are made subject to an assessment of the environmental effects.

The Landfill Directive ⁽²⁾ ensures a progressive reduction of landfilling and prevents negative effects on the environment and health by requiring permits, monitoring and after-care.

Changing administrative boundaries is not a triggering factor for the application of the EIA Directive. The Commission has no information showing that such changes lead to avoidance of obligations of the Landfill Directive.

The EIA Directive applies before the authorisation of projects. An assessment in accordance with that directive, where required, must be carried out before the execution of any project falling within its scope.

The Commission may decide to take the necessary measures, including opening infringement cases, and has taken several Member States to Court of Justice of the European Union for breaches of the Landfill and the EIA Directives.

The Commission focuses and prioritises its enforcement efforts on the most important and structural breaches of EU law affecting the interests of its citizens and business ⁽³⁾.

⁽¹⁾ Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment, OJ L 26, 28.1.2011, as amended by Directive 2014/52/EU, OJ L 124, 25.4.2014.

⁽²⁾ Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste, OJ L 182, 16.7.1999, p. 1-19, amended by Directive (EU) 2018/850 of the European Parliament and of the Council of 30 May 2018, OJ L 150, 14.6.2018, p. 100-108.

⁽³⁾ Communication from the Commission — EU law: Better results through better application, OJ C 18, 19.1.2017, p. 10-20, and Communication from the Commission — Enforcing EU law for a Europe that delivers, 13.10.2022, COM(2022) 518 final.