

(English version)

**Question for written answer E-001817/26
to the Commission
Gaetano Pedulla' (The Left)
(5 May 2026)**

Subject: Management of cross-regional wind farms — SPA-SAC site Capanne di Marcarolo

Site IT 1180026 ⁽¹⁾ is a vital migratory route between Piedmont and Liguria for protected bird species. Although its managing authority rejected a project to install wind turbines, applying the construction ban in the buffer zone provided for in the duly approved site-specific measures — a one-kilometre area from the site's perimeter along the regional border — Ligurian authorities chose to bypass the environmental impact assessment (EIA) process for that project. Their reasoning was that the Piedmont-approved conservation measures did not apply outside the administrative boundaries and that the buffer zone could not extend into Ligurian territory.

The Council of State ⁽²⁾ ruled that the site-specific measures were perfectly valid.

The Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC) mandate protection and ecological integrity in Natura 2000 sites beyond regional borders.

In view of the above, can the Commission answer the following:

1. Should special areas of conservation (SAC) measures also be considered binding for neighbouring regions whose territory falls within the buffer zone?
2. Is the bypassing of the EIA for wind turbines in areas adjacent to protected migration routes — simply because of regional administrative boundaries — a breach of Article 6 of Directive 92/43/EEC?
3. Does the Commission believe that administrative fragmentation can legitimise the circumvention of EU environmental constraints, making it possible to build infrastructure with an impact on Natura 2000 areas simply by moving projects across a regional border?

Submitted: 5.5.2026

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

The Habitats Directive ⁽¹⁾ requires the establishment of the necessary conservation measures for Special Areas of Conservation ⁽²⁾, where the deterioration of habitats and disturbance of the species for which the site was designated must be avoided ⁽³⁾.

It also requires that plans or projects not directly connected with or necessary to the management of the site, but likely to have an impact on the site must undergo an appropriate assessment of its implications in view of the site's conservation objectives ⁽⁴⁾.

Member States and regions must therefore not only consider the impacts of plans and projects on sites under their responsibility, but also of those located outside the affected site, including in other regions or Member States, whenever such impacts cannot be excluded due to the nature of the plan or project, the geographic location of the site or the ecological requirements of the habitats and species protected in that site.

The Environmental Impact Assessment (EIA) Directive ⁽⁵⁾ covers windfarms projects but this does not imply an automatic obligation for an EIA assessment.

Member States must determine if a project should be assessed due to its likely impacts on the environment, considering the relevant selection criteria, including the location of the project ⁽⁶⁾.

¹ Designated by means of Decision 2006/3261/EC.

² Judgment of the Council of State, Section IV, 7 January 2025, No 68: <https://www.studiolegalemescia.com/wp-content/uploads/2025/06/Consiglio-di-Stato-Sezione-Quarta-Sentenza-07-gennaio-2025-n.-68.pdf>.

⁽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, pp. 7-50.

⁽²⁾ Article 6(1) of the Habitats Directive.

⁽³⁾ Article 6(2) of the Habitats Directive.

⁽⁴⁾ Article 6(3) of the Habitats Directive.

⁽⁵⁾ Directive 2011/92/EU, Annex II, point 3(i).

⁽⁶⁾ For example, in view of impacts on Natura 2000 sites.

Regional or administrative boundaries are not part of the location criterion. Undertaking an appropriate assessment ⁽⁷⁾ is without prejudice to the requirements under the EIA Directive.

Member States are responsible for ensuring the respect of these provisions within their national administrative set up and, as confirmed by consolidated case law ⁽⁸⁾, administrative allocation of competences within a Member State cannot be used to circumvent EU law and its coherent application.

⁽⁷⁾ In accordance with the Habitats Directive.

⁽⁸⁾ C-96/81, Commission v. Netherlands (1982) ECLI:EU:C:1982:192, para. 12.