

(English version)

**Question for written answer E-003162/26
to the Commission
Cristina Guarda (Verts/ALE)
(29 July 2026)**

Subject: Public participation in and publicity of SEZ proceedings: compatibility with EU law

Article 15(1) of Italian Decree-Law No 124/2023 governing the Single Special Economic Zone (SEZ) for Southern Italy provides for the application for a single authorisation to be submitted to the SEZ Digital One-Stop Shop for technical documentation. There is no provision requiring the publication of a notice of submission of the application on the municipal noticeboards of the municipalities concerned, nor in local newspapers, nor by displaying it at the site where works will take place.

Article 6 of the Aarhus Convention requires ‘timely and effective’ public information in environmental decision-making; the Court of Justice of the European Union has also clarified that this information must actually reach the public concerned (C-535/18, 7 November 2019) and that the public concerned must enjoy wide access to environmental justice (C-243/15, 16 April 2015, Article 11 of Directive 2011/92/EU).

In its judgment in Case C-243/15 of 8 November 2016, the Court of Justice of the European Union reiterated that Article 6(1) (b) of the Aarhus Convention grants environmental organisations the right to participate in decision-making procedures with environmental impacts and to obtain effective judicial protection of that right.

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

Is a piece of legislation compatible with EU law if, by providing for the possibility of implementing a change in urban planning, it does not provide for an appropriate system of publicity around the administrative procedure so that environmental organisations and individual citizens can participate in decision-making procedures relating to projects likely to have effects on the environment?

Submitted: 29.7.2026

**Answer given by Ms Roswall on behalf of the European Commission
(23 September 2026)**

Urban planning is a Member States’ competence. However, the adoption or authorisation of urban planning plans, programmes or projects must comply with all applicable EU law, including the rules on transparency and public participation under the Strategic Environmental Assessment Directive ⁽¹⁾ and the Environmental Liability Directive ⁽²⁾.

Moreover, where a specific project is likely to have significant effects on the environment, Member States must inform the public timely and effectively and allow participation at an early stage in the decision-making process. This follows, among others, from Article 6 of the Aarhus Convention ⁽³⁾ and Articles 6 and 11 of the Environmental Impact Assessment Directive ⁽⁴⁾.

The case law of the Court of Justice of the EU ⁽⁵⁾ has clarified that information must be organised in such a way that it can genuinely reach the public concerned and allow the public to exercise their rights effectively. It has also confirmed that environmental organisations are entitled to participate in relevant procedures and benefit from effective judicial protection of those rights.

Italian legislation, including Article 15(1) of Decree-Law No 124/2023 referred to by the Honourable Member, must be read in light of the above-mentioned EU legislation. In any case, the rights provided for under relevant EU legislation must be granted under national law.

⁽¹⁾ Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment, OJ L 197, 21.7.2001.

⁽²⁾ Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC, OJ L 156, 25.6.2003.

⁽³⁾ United Nations Economic Commission for Europe Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention), <https://unece.org/environment-policy/public-participation/aarhus-convention/text>.

⁽⁴⁾ 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 (codification), OJ L 26, 28.1.2012.

⁽⁵⁾ E.g., Cases C-243/15 (https://infocuria.curia.europa.eu/tabs/affair?lang=en&sort=AFF_NUM-DESC&searchTerm=%2522C%252D243%252F15%2522&publishedId=C-243%2F15) and C-535/18 (https://infocuria.curia.europa.eu/tabs/affair?sort=AFF_NUM-DESC&searchTerm=%2522C%252D535%252F18%2522&publishedId=C-535%2F18).