

The Commission does not intend to adopt stricter criteria for the authorisation of development projects in coastal areas close to Natura 2000 sites. Plans or projects likely to have a significant effect on Natura 2000 sites¹ must be subject to an assessment of their implications for the sites and be authorised in accordance with the Habitats Directive². Furthermore, Member States must take appropriate steps to avoid deterioration of habitats and disturbance of species in the sites³, as well as ensure a general system of protection for strictly protected species⁴.

For construction projects carried out with funds from the Recovery and Resilience Plan (RRP)⁵, ex-ante checks are carried out to clarify if the new construction activities will take place in or near biodiversity-sensitive areas, and to clarify if an Environmental Impact Assessment needs to be carried out. As a rule, and without prejudice to its role as guardian of the Treaties, the Commission does not assess the environmental impact of specific projects. Member States are primarily responsible and are requested to ensure compliance of specific projects with Union and national law, including the environmental *acquis*, to ensure that the use of funds complies with Union and national law, as provided by Article 22 of the Recovery and Resilience Facility Regulation⁶. Similarly, Member States are primarily responsible for ensuring that ‘do no significant harm (DNSH)’ conditions are fully respected at all times, taking into account commitments set out in the submitted RRs in accordance with the DNSH Technical Guidance⁷.

The Commission has opened an infringement procedure⁸ against Cyprus for failing to properly assess projects that may have a significant impact on Natura 2000 sites as required by the Habitats Directive.

¹ Either individually or in combination with other plans or projects.

² Articles 6(3) and (4) of 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.

³ Article 6(2) of Council Directive 92/43/EEC.

⁴ In accordance with Article 12 of Council Directive 92/43/EEC and Article 5 of Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds, OJ L 20, 26.1.2010, p. 7–25.

⁵ https://reform-support.ec.europa.eu/what-we-do/recovery-and-resilience-plans_en

⁶ 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, p. 17–75.

⁷ https://commission.europa.eu/publications/dnsh-technical-guidance-amended-october-2023_en

⁸ INFR(2019)2303: https://ec.europa.eu/commission/presscorner/detail/en/inf_24_663