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Answer given by Ms Roswall
on behalf of the European Commission
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Without prejudice to the Commission's role as guardian of the Treaties, national administrative or judicial bodies are primarily responsible to verify compliance of individual projects with the EU environmental legislation. In principle, renewable projects can be permitted in Natura 2000 areas subject to the conditions laid down in the Habitats Directive (HD)[1], which shall be assessed on a case-by-case basis.

Nonetheless, the Commission has launched an infringement procedure against Greece[2] on non-compliance of the Special Framework for spatial planning and sustainable development for renewable energy resources with the obligations under Article 6(3) of the HD, as the Special Framework did not undergo an appropriate assessment procedure under the HD. A reasoned opinion was sent on 15 February 2023.

The Commission is in close contact with the Greek authorities following the sending of the reasoned opinion (e.g. the case was discussed during the package meeting that took place in April 2024). In this meeting and subsequent correspondence, the Greek authorities informed the Commission on steps taken in order to address the breaches identified. The Commission reserves the right to take a further step and refer the case to Court of Justice of the European Union, should Greece fail to ensure that it conforms with its obligations.

The Commission follows closely the application of the relevant rules on strategic environmental assessments as well as the requirements of the Aarhus Convention[3] on public participation, when licenses are granted. While it is important to avoid undue delays, it is crucial to respect the provisions of both the Convention and its Protocol on environmental impact assessment in a transboundary context[4] and the Aarhus Convention.

[1] 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.
[2] INFR(2014)4073, https://ec.europa.eu/implementing-eu-law/search-infringement-decisions/?langCode=EN&version=v1&typeOfSearch=byDecision&refId=INFR(2014)4073&page=1&size=10&order=desc&sortColumns=decisionDate.
[3] https://environment.ec.europa.eu/law-and-governance/aarhus_en.
[4] United Nations Economic Commission for Europe (UNECE): Convention on environmental impact assessment in a transboundary context, signed at Espoo on 25 February 1991, and its Protocol on Strategic Environmental Assessment, signed in Kyiv on 21 May 2003.