



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
ENVIRONMENT

The Director-General

Bruxelles, **08 MARS 2016**
ENV.D.2/CA/vf/ARES(2016)

Peacelink Brussels
E-mail: a.battaglia@peacelink.it

Dear Ms Battaglia,
Dear Mr Marescotti,
Dear Mr Santoriello,

Thank you for your letter of 17 February 2016 sent to Commissioner Vella, and in which you express concerns about the environmental situation in the Basilicata Region in Italy in general. Commissioner Vella has asked me to reply on his behalf.

You more specifically raised the attention to a new oil centre "Tempa Rossa", for which you denounce the lack of an environmental impact study and the lack of participation of civil society in the decision-making process.

The Commission is not in possession of detailed information on this project, but it is likely to fall within the scope of Directive 2010/75/EU¹ on industrial emissions and of Directive 2011/92/EU² on the assessment of the effects on the environment of certain public and private projects (the EIA Directive).

In particular, the project could fall under Annex II of Directive 2011/92/EU. For Annex II projects, Member States have to determine, either through a case by case examination or according to thresholds or criteria, whether the project is to be made subject to an assessment because of its likely significant effects on the environment, taking into account the relevant selection criteria set out in Annex III of the Directive. Where the Member State decides that the project will have significant effects on the environment, an environmental impact assessment has to be carried out. Member States are also obliged to make the findings available to the public. From the information available, the Commission cannot verify if the respective requirements have been followed.

Directive 2010/75/EU on industrial emissions obliges Member States to ensure that installations covered by it comply with the applicable permit conditions. These should be based on the so-called Best Available Techniques (BAT) and should set emission limit values for releases of polluting substances to air, water or land, in line with the BAT associated emission levels, where applicable. Whereas the Directive on industrial emissions does not apply to oil fields as such, it does apply to related refinery activities. Similar to the

¹ Directive 2010/75/EU (OJ L 334 of 17.12.2010, p. 17).

² Directive 2011/92/EU (OJ L 26 of 28.01.2012, p. 1).

EIA Directive mentioned above, it is useful to note that Articles 23 and 24 of this Directive provide citizens with express rights in terms of information and public participation in permitting procedures as well as in terms of inspections in the event of serious environmental complaints. These provisions may allow you to reach more effective solutions on the issue you have raised.

As you are aware, it is primarily for the national competent authorities to monitor and ensure correct implementation and compliance with EU legislation. Moreover, the national administrative and/or judicial bodies in charge of the implementation of the EU legislation have more appropriate means to address specific situations of non-compliance if the concerns are justified.

However, should the Commission receive clear evidence of breach of the EU legislation in this specific area, it will consider the possibility to investigate the matter further.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D. Calleja', written in a cursive style.

Daniel Calleja