

# EUROPEAN PARLIAMENT

2004



2009

*Committee on Petitions*

## NOTICE TO MEMBERS

Subject: **Petition 1089/2007 by Mr Gabor Egri (Hungarian), on behalf of the Association for the Roman Bank, bearing 2 signatures, on the need of anti-flood measures to protect the area along the Roman bank of the Danube (Budapest)**

### 1. Summary of petition

The petitioner challenges the anti-flood option chosen by the Hungarian authorities for the Roman Bank of the Danube (3rd district of Budapest), considering that it fails to protect about 70 hectares of residential and recreational area. The petitioner explains that this option supposes the replacement of the current rampart, built in 1954 along the Nanasi-Kiralyok streets line, with a new one, therefore disregarding the evolution of the third district where a considerable number of new buildings have been built since then. According to the petitioner, a second better option, which implied the removal of the rampart from the Nanasi-Kiralyok line and the construction of a new one on the Danube River bank along the Kossuth Lajos resort embankment, have been discarded without due consideration. The petitioner considers that the decision of the Hungarian authorities disregards public opinion and exposes many real estates to a high flood risk.

### 2. Admissibility

Declared admissible on 14 March 2008. Information requested from Commission under Rule 192(4).

### 3. Commission reply

#### I. The petition

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supposes the replacement of the current rampart, built in 1954 along the Nanasi-Kiralyok streets line, with a new one, therefore, disregarding the evolution of the third district where a considerable number of new buildings have been built since then. According to the petitioner, a second option, which implied the removal of the rampart from the Nanasi-Kiralyok line and the construction of a new one on the Danube River bank along the Kossuth Lajos resort embankment, has been discarded without due consideration. The petitioner considers that the decision of the Hungarian authorities disregards public opinion and exposes much real estate to a high flood risk.

## II. The Commission's comments on the petition

The newly adopted Directive 2007/60/EC<sup>1</sup> on the assessment and management of flood risks requires the assessment of man-made flood defence infrastructure where needed in a preliminary flood risk assessment (by 2011) as well as the planning of measures to reduce the risks that floods pose to human health, economic activity and the environment (by 2015), and for the latter the directive prescribes a thorough public consultation process. Prior to these deadlines, however, these requirements are not binding under Community law. Under the Water Framework Directive (2000/60/EC<sup>2</sup>), Member States are required to take measures against accidental pollution, for instances related to flood events, and to include such measures in the River Basin Management Plans (RBMP) currently being drafted in the Member States (draft due end 2008, final due end 2009). These RBMP shall also include a report on the measures taken to ensure recovery of the costs of water services, such as impoundments. In addition to the limited applicability of these directives to the specific case raised by the petitioner at this point in time, neither directive specifically prescribes particular flood risk management measures, since it is important to take the local situations into account.

Council Directive 85/337/EEC<sup>3</sup> on the assessment of the effects of certain public and private projects on the environment (EIA Directive) as amended by Directives 97/11/EC<sup>4</sup> and 2003/35/EC<sup>5</sup> provides that projects likely to have significant effects on the environment by virtue inter alia of their nature, size or location, must be subject to an assessment of their environmental effects [Article 2(1)].

Projects subject to the EIA Directive are defined in Article 4 and listed in Annexes I and II of the EIA Directive. An EIA is mandatory for projects included in Annex I. Projects in the categories listed in Annex II are to be subject to a 'screening' where Member States determine the likely significant effects on the environment. This determination may be carried out through a case-by-case examination, by setting thresholds or criteria or by a combination of these methods, taking account of the relevant selection criteria in Annex III to the directive.

The project referred to by the petitioner may come under Annex II(10)(f) *Inland-waterway construction not included in Annex I, canalization and flood-relief works*. As described above,

<sup>1</sup> OJ L 288, 6.11.2007, p.27.

<sup>2</sup> OJ L 327, 22.12.2000, p.1. Directive 2000/60/EC of the European Parliament and of the Council of the 23 October 2000 establishing a framework for Community action in the field of water policy.

<sup>3</sup> OJ L 175, 5.7. 1985, p. 40.

<sup>4</sup> OJ L 73, 14.3.1997, p. 5.

<sup>5</sup> OJ L 156, 25.6.2003, p.17.



for projects included in Annex II, Member State authorities must "screen", if there are likely significant effects on the environment, in which case an EIA is required.

When an EIA is carried out, consultations with the public and other authorities likely to be concerned by reason of their specific environmental responsibilities have to take place and the decision for development consent must take into account the outcomes of the above consultations and information provided by the developer to the competent authorities as part of the EIA procedure. Finally, the decision to grant or refuse development consent has to be made available to the public.

### III. Conclusions

On the basis of the available information, there is no indication of any breach of the provisions of EC Environmental Law.