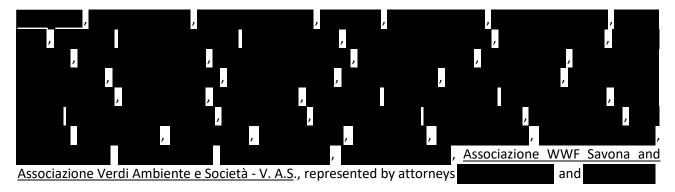
TAR Liguria Section I no. 600 of 3 September 2020 no. 00600/2020 REG.PROV.COLL.

## The Regional Administrative Court (TAR) of Liguria

First Section

judgment

on appeal no. 687/2019, supplemented by additional grounds, by:



Vs.

Regione Liguria, represented by attorneys

Province of Savona, represented by attorney

Municipality of Zuccarello, represented by attorney

Lose S.p.a., represented by attorneys

for the annulment of the Decree of the Manager of the Department of Territory, Environment, Infrastructure and Transport - Environmental Impact Assessment and Sustainable Development Sector of the Liguria Region, register number 3592, registration year 2019, dated 20.6.2019, concerning "Legislative Decree no. 152/2006 art. 19. EIA procedure for the modification of the bituminous conglomerate production plant located at the Isola Quarry in the Municipality of Zuccarello (SV). Proponent: Icose S.p.a. di Paroldo (CN). Not subject to EIA";

and, with a first appeal on additional grounds, for annulment of the executive deed authorising the Servizio autorizzazioni ambientali, the Road, Building and Environment Management Sector of the Province of Savona, concerning "Ditta Icose S.p.a. with registered office in the Bovina 2 region, in the Municipality of Paroldo (CN) and administrative office in via Benessea 29/A, in the Municipality of Cisano sul Neva - Plant Iocated in the Municipality of Zuccarello, Isola region, quarry called Isola. Revocation and replacement of the P.D. 2014/2994 of 24/06/2014 and 2014/3440 of 16/07/2014";

and, with a second appeal on additional grounds, for the annulment of the measure of the SUAP of the Municipality of Zuccarello, prot. no. 618 of 14 February 2020 - no. 161/2020 of the authorisation register, concerning the "Final measure relating to the approval referred to in the simplified conference of services (art. 14 bis of Law no. 241 of 07.08.1990, as amended (ii)) for a substantial modification concerning the replacement of part of the bituminous conglomerate production plant to be carried out in the Isola region within the perimeter of the quarry area known as Cava Isola Fg. 13 mappale 175";

Given the deeds of incorporation of the Liguria Region, the Province of Savona, the Municipality of Zuccarello and Icose S.p.a.;

1) The exception raised by the Regional administration as regards the lack of standing of WWF Savona is well-founded in light of the fact that, by its explicit admission, the plaintiff association constitutes a "local articulation of the Italian Association for the World Wide Fund for Nature - WWF Italia NGO ONLUS".

[...]

In conclusion, the appeal is unfounded and must therefore be dismissed.

11) The costs of the proceedings shall be allocated according to the costs follow the event rule and shall be settled in an equitable manner as follows below.

The Regional Administrative Court for Liguria (Section One), hence rules as follows:

- dismisses the participation of WWF Savona in the current appeal proceeding;
- dismisses the appeal, including its additional grounds and the claim for damages;
- orders the appellants, jointly and severally with each other, to bear the costs of the proceedings, which are assessed in the total amount of  $\in$  2,000.00 (two thousand euros), plus ancillary costs and lawyers fees, <u>in</u> favour of each of the defendants.

So decided in Genoa, 8 July 2020
Giuseppe Caruso, Chairman
Luca Morbelli, Councillor
Richard Goso, Councillor, Extender