NOTICE TO MEMBERS

Subject: Petition No 0886/2016 by T.M.M. (Spanish) on the declining state of the ecosystem in Mar Menor lagoon, Murcia

Petition No 1168/2016 by Isabel Rubio Perez (Spanish) on behalf of Ecologistas en accion de la Region Murciana on the preservation of the “Mar Menor”

1. Summary of petition Petition No 0886/2016

The petitioner complains that the Mar Menor saltwater lagoon in Murcia, Spain has become increasingly polluted as a result of run-off from streams such as the one in El Albujón, through which effluent from intensive farming and the waste-water treatment plant at Los Alcázares work their way into the lagoon. He calls on the River Segura management board to improve the situation by increasing the capacity of the stream.

Summary of petition Petition No 1168/2016

The petitioner complains about the current environmental emergency in the Mar Menor in the Murcia region of Spain. The Mar Menor is an ecosystem of great ecological importance, consequently, the area of the Mar Menor is recognised by various national conservation initiatives with several areas (LIC) protected under the Natura 2000 network in addition to a wetland conservation convention known as RAMSAR. The Mar Menor is considered a wetland of major international importance for wetland bird species such as the black-winged stilt or the plover. Places of Community Importance (LIC) that affect the Mar Menor are ES0000175 Salinas and Arenales of San Pedro del Pinatar, ES6200006 Open Spaces and Islands of the Mar Menor, ES6200029 Submerged Coastal Strip of the Region of Murcia, ES6200030 Mar Menor, and ES6200013 Cabezo. These LICs were included in the list proposed by the regional authorities of Murcia to the European Commission in July 2000 and approved by decision of the European Commission in July 2006. The Special Protection Areas for Birds (ZEPA) applicable to the Mar Menor are ES0000175 Salinas and Arenales of San Pedro del Pinatar (declared on October 8, 1998), ES0000260 Mar Menor (declared 20
March 2001) and ES0000200 Isla Grosa (declared on 23 March 2000). ZEPAS and LICs associated with the Mar Menor do not have planning or management measures to avoid deterioration to the natural environment. This unique ecosystem is a coastal lagoon, confined, shallow, hyper saline, with abrupt changes of temperature. The area of the Mar Menor is characterised by the increased socio-economic use of the area with a convergent increase of activities that include agriculture, tourism, fishing, old mining operations. Additionally, the marked increase of recreational activities such as water sports and the construction of new golf courses have adversely changed the lagoon’s ecosystem where the effects are expected to last for decades. These environmental failures have been worsened in recent years by the uncontrolled growth of tourism, recreational sports, agriculture and, above all else, the lack of compliance with environmental conservation protocols in relation to planning and land management uses which has caused serious deterioration to the lagoon’s environment, ecosystems and protected animal species.

2. Admissibility

Petition 0886/2016 declared admissible on 22 December 2016.  
Information requested from Commission under Rule 216(6).

3. Commission reply, received on 31 March 2017

Petitions 0886/2016 and 1168/2016

The Commission is aware of the concerns raised by the petitioners on the threats and problems affecting the Mar Menor lagoon and has already engaged in a dialogue with regional authorities and local stakeholders to ensure that all efforts are made in order to improve environmental conditions of the Mar Menor, in line with EU legislation.

As regards the implementation of the Birds1 and Habitats Directives2, the latter requires Member States to designate their Sites of Community Importance (SCI) as Special Areas of Conservation (SAC) and to establish the necessary conservation measures which correspond to the ecological requirements of these sites within six years from the SCI designation at the latest. While management plans have been adopted for some Natura 2000 sites within the Mediterranean biogeographical region in Spain, no plans have been put in place yet for the sites of Community importance located around the Mar Menor and there are gaps for other sites in the country.

In February 2015, the Commission therefore launched an infringement procedure against Spain concerning the failure to designate SCAs and to establish the necessary conservation measures throughout the country. The SCIs located around the Mar Menor in the region of Murcia are covered by this infringement procedure. The Commission is assessing the information submitted by the Spanish authorities and will continue to pursue the non-compliance with these provisions under the ongoing procedure.

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Moreover, the Commission has launched horizontal investigations to address the implementation of both the Nitrates Directive\(^1\) and the Water Framework Directive\(^2\) in Spain. The Commission is currently assessing the second River Basin Management Plans (RBMPs) reported by Member States and will publish its conclusions by the end of 2017 or early in 2018. On the basis of the information received by Member State pursuant to Article 10 of the Nitrates Directive, by the end of 2017, the Commission will also publish a report concerning the implementation of the Directive, including information on water monitoring, quality and trends for the period 2012-2015. In view of the conclusions drawn from those investigations, the Commission will decide on the most appropriate course of action, which may include the start of formal infringement proceedings.

Finally, as regards other Directives referred to in the petition (the EIA Directive\(^3\), SEA Directive\(^4\), Bathing Water Directive\(^5\)), the petitioners have not explained the reasons why they consider these Directives have been breached in relation to activities affecting the Mar Menor and, therefore, the Commission cannot identify a possible breach. The Commission notes that the information reported to it in 2015 by the Spanish authorities shows that all the bathing waters located in Mar Menor lagoon are compliant with the requirements of the Bathing Water Directive\(^6\).

In the Partnership Agreement of Spain on the European Structural and Investment (ESI) Funds 2014-2020, adopted by the Commission on 30 October 2014, an Integrated Territorial Investment (ITI) for the Mar Menor is planned to support place-based interventions in the Mar Menor allowing the combination of financing from different priorities and objectives of the ESI Funds. The actions under this ITI seek to contribute to the improvement of the quality of water, the reduction of pollutants in water discharges into the lagoon, the preservation of environmental heritage and protected areas in the Mar Menor, and the promotion of research and development to optimize the use of fertilisers. With this initiative, the Spanish authorities aim to address the existing environmental challenges for the Mar Menor and contribute to the sustainable development of this area of the region of Murcia. The joint contribution of different ESI Funds (ERDF, EFMF and EARDF) is expected through the relevant Operational Programmes together with national co-financing to contribute to these targets. The implementation of the ITI Mar Menor, requires the drawing up and adoption of a comprehensive Strategy of Territorial and Integrated Development with clear objectives, as well as specific governance arrangements in order to guarantee a sound implementation and monitoring, and the involvement of the different Administrations and stakeholders in the process.

**Conclusion**


The Commission will continue to follow up and further pursue, if necessary, the ongoing investigations addressing the implementation of both the Nitrates Directive and the Water Framework Directive in Spain, as well as the ongoing infringement procedure concerning the failure to designate Special Conservation Areas and to establish the necessary conservation measures for the Natura 2000 sites in Spain.

The Commission also trusts that the implementation of the ITI Mar Menor will contribute to properly address the existing environmental problems in this area, using EU funds more efficiently.

4. **REV I Commission reply**, received on 28 March 2018

As explained in its previous communication, the Commission is currently pursuing the lack of implementation of the Habitats Directive\(^1\), as regards in particular the failure to designate Special Conservation Areas and to establish the necessary conservation measures for a number of Natura 2000 sites in Spain, including the sites located in the area of Mar Menor, in the region of Murcia. Concerning the Nitrates Directive\(^2\), the Commission investigation to address its implementation in Spain is still ongoing. The Commission will decide in due course on any further necessary steps in the framework of both the ongoing horizontal infringement procedure on the Habitats Directives and the ongoing investigation on the Nitrates Directive in order to promote compliance on these matters.

In addition, this year the Commission will also publish its report and an accompanying staff working document on the implementation of the Nitrates Directive including information on water monitoring, quality and trends in Spain.

As concerns the Water Framework Directive (WFD)\(^3\), this Directive requires Member States to take all the necessary measures to prevent deterioration of the status of water bodies and to achieve good ecological status of all surface water bodies by 2015. As a framework Directive, it covers inland surface waters, groundwater, transitional waters, and coastal waters (the Mar Menor has been designated under this latter category).

It is for Spain to select the appropriate measures for the reduction of eutrophication and the achievement of good status in the Mar Menor on the basis of local, regional and hydrological conditions. It is also the responsibility of the Spanish authorities to decide on the prioritisation of measures and to secure the necessary resources and funds to implement them.

According to the updated Segura River Basin Management Plan (RBMP), the Mar Menor is subject to several diffuse and point-source pressures (agriculture, urban, mining, industry) and hydromorphological alterations, among other. Yet, an exemption has been applied under WFD Art. 4(4) and good ecological potential and chemical status are expected to be reached in 2022-2027. A total of 98 measures (direct and indirect) are included in the RBMP's Programme of Measures, several of which are planned to be implemented prior to 2021.

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1 Directive 92/43/EEC
2 Directive 91/676/EEC
3 Directive 2000/60/EC
The Commission is currently conducting a general assessment of all EU updated RBMPs, including the Segura one and will publish a WFD implementation report by 2018. This assessment is expected to expose as a matter of priority systemic problems in RBMPs rather than individual cases of bad application. However, this assessment will determine whether methodologies to apply exemptions under the WFD have been correctly applied in Spain. On the basis of the assessment to be provided in 2018, the Commission will decide on the most appropriate way to ensure compliance with the WFD, including, if necessary, update of previous investigations or the launching of legal proceedings.

The Commission is aware that the regional authorities have put in place a range of legal, administrative and technical measures to address the environmental problems linked to the Mar Menor, including through the Integrated Territorial Investment (ITI) for the Mar Menor. A specific public web portal\(^1\) has been created to provide information about the evolution of the status of Mar Menor and the measures in place for this area.

In relation with the design and implementation of the above measures, a Scientific Advisory Committee\(^2\) has been established, which promotes the necessary scientific research and knowledge and provides scientific advice on the selection and implementation of actions for improving the ecological status of Mar Menor. Moreover, a Social Participatory Committee\(^3\) was created in March 2017, which engages the different relevant stakeholders in the decision processes related with the measures for the protection and improvement of Mar Menor.

The Commission also notes that, in April 2017, the regional Government adopted a Decree-Law for the adoption of urgent measures aiming at ensuring the environmental sustainability of the Mar Menor\(^4\), which set a number of compulsory measures addressing agriculture pressures and discharges in the area. This Decree-Law was validated by the regional Parliament and then discussed as a draft law. The regional Parliament has approved in February 2018 this law with some modification aiming at reinforcing the above urgent measures for ensuring the environmental sustainability of the Mar Menor.

Moreover, the structure of the regional Government was modified in May 2017 with the creation of a specific Directorate-General for the Mar Menor, within the regional Department for the Environment, to address and coordinate the different actions on this issue.

The Spanish authorities have continued working on the implementation of the ITI Mar Menor, based on the joint contribution of different EU Funds (ERDF, EFMF and EARDF) through the relevant Operational Programmes (OP) 2014-2020 together with national financing. This ITI Mar Menor requires the elaboration and adoption of a Strategy of Territorial and Integrated Development, as well as specific governance arrangements and the active involvement of the different Administrations and stakeholders.

Furthermore, it should be noted that the OP ERDF Murcia 2014-2020, managed by the

\(^1\) http://canalmarmenor.es/
\(^2\) http://transparencia.carm.es/-/comite-de-asesoramiento-cientifico-del-mar-menor
\(^3\) http://transparencia.carm.es/-/comite-de-participacion-social-del-mar-menor
\(^4\) Decreto-Ley 1/2017, de 4 de abril, de medidas urgentes para garantizar la sostenibilidad ambiental en el entorno del Mar Menor. (BORM núm. 80, de 6 de abril de 2017).
regional authorities, is one of the Spanish ERDF OPs with a higher rate of environment investments (around EUR 89 million, 27% of the budget OP), a good proportion of them addressed to face the Mar Menor problems. Overall, EUR 30 million have been allocated in OP ERDF Murcia 2014-2020 to interventions aiming at reaching a good environmental status of the Mar Menor.

Therefore, the effective implementation of the EU environmental policy and in particular of the obligations pursuant to the different EU Directives applicable in this case will undoubtedly contribute to solve the complex situation that the Mar Menor is facing, for which the necessary resources should be allocated based on adequate scientific knowledge to underpin these solutions. Moreover, the collaboration of the different competent authorities and the involvement of the various stakeholders concerned is indispensable. The assistance of the EU funding can play a relevant role in this regard.

Conclusion

The Commission maintains its previous conclusions in relation to this Petition and expects the competent authorities to continue addressing the existing environmental problems in the Mar Menor, including through the implementation of the ITI Mar Menor.

5. REV II Commission reply, received on 7 June 2019

Petitions 0886/2016 and 1168/2016

The Commission’s observations

As explained in its previous communication, the regional authorities have put in place a range of legal, administrative and technical measures to address the environmental problems linked to the Mar Menor, in the region of Murcia. According to the available information, these measures are currently being implemented. It should be noted that the environmental situation of the Mar Menor has improved during the last year. However, efforts must continue to enhance and consolidate this positive path.

The Commission continues monitoring the implementation of EU environmental policy and law in Spain, including in relation to the region of Murcia and in particular to the Mar Menor.

The Commission has conducted a general assessment of the second River Basin Management Plans according to the Water Framework Directive\(^1\), including the one for the Segura river basin. The Commission published on February 2019 the corresponding implementation report\(^2\) to the European Parliament and the Council, underpinned by assessments per Member State. The assessment for Spain\(^3\) concludes that the Spanish authorities still need to ensure appropriate basic measures for the control of diffuse pollution, which should go beyond what


\(^2\) \url{http://ec.europa.eu/environment/water/water-framework/impl_reports.htm}

is required under the Nitrates Directive\(^1\). The report also points out the need to increase transparency in the application of exemptions and their justification.

Nevertheless, the outcomes of the ongoing and planned measures in the Programme of Measures of the Segura River Basin Management Plan addressing existing pressures in the Mar Menor are yet to be assessed. The good ecological and chemical status of the Mar Menor Coastal Lagoon is expected to be reached in the period 2022-2027.

It has to be noted that the Commission’s investigation on the implementation of the Nitrates Directive has become an infringement procedure, launched by the Commission in November 2018 through the notification of a Letter of Formal Notice to Spain. It is a general infringement procedure covering the whole country, including the region of Murcia.

Related to the implementation of the Birds Directive\(^2\) and the Habitats Directive\(^3\), the infringement procedure against Spain concerning the failure to designate Sites of Community Interest (SCIs) as Special Areas of Conservation (SACs) and to establish the necessary conservation measures throughout the country is also ongoing. The last update received from the region of Murcia in February 2019 reports that the SCIs located around the Mar Menor are in the final phase of the SAC designation and management plan adoption.

From the financial point of view, the Spanish authorities have also continued working on the implementation of the Integrated Territorial Investment (ITI) Mar Menor, based on the joint contribution of different EU Funds (the European Regional Development Fund (ERDF), the Fund for Maritime Actions (EMFF), and the Agriculture and Rural Development Fund (EARDF) through the relevant Operational Programmes 2014-2020 (around EUR 78 million in total) together with national financing. The ITI Mar Menor requires the elaboration and adoption of a Strategy of Territorial and Integrated Development, as well as specific governance arrangements and the active involvement of the relevant administrations and stakeholders.

Furthermore, EUR 30 million have been allocated in the operational programme ERDF Murcia 2014-2020 to interventions aiming to reach good environmental status of the Mar Menor, through the above-mentioned ITI. The implementation of the operational programme ERDF Murcia is currently ongoing. The projects in the field of research, development and innovation take into account the criteria established by a director research plan supported by the Scientific Advisory Committee for the Mar Menor created in 2016. This Committee meets regularly and has produced valuable outputs on the problems of the Mar Menor as well as the possible solutions to address them.

The effective implementation of the obligations pursuant to the EU directives applicable in this case will contribute to solve the complex situation that the Mar Menor is facing provided that the necessary resources, including EU funding, will continue to be allocated to support science-based measures. Moreover, the good cooperation of the different authorities, at

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national, regional and local level, as well as the involvement of the various stakeholders concerned will be necessary.

Conclusion

The Commission maintains its previous conclusions in relation to this petition and expects the competent authorities to continue to address the existing environmental problems in the Mar Menor, including through the implementation of the ITI Mar Menor.