



24.7.2019

NOTICE TO MEMBERS

Subject: Petition No 1123/2018 by P. F. N. (Spanish), on behalf of the ‘Coordinadora Antiencoro do Umia’, on the dismantling of the A Baxe dam on the River Umia (Galicia)

1. Summary of petition

The petitioner calls to ensure that the competent authorities urgently take measures to enable the River Umia (Galicia) to recover, by dismantling the hydroelectric A Baxe dam. The petitioner complains that the construction of the dam has been seriously environmentally detrimental to the riverbed, with harmful consequences for human and animal health.

2. Admissibility

Declared admissible on 4 March 2019. Information requested from Commission under Rule 227(6).

3. Commission reply, received on 24 July 2019

The Commission’s observations

As the petitioner points out, following petition 0079/1998, the Commission launched on its own initiative an infringement procedure (ref. 1999/2271) in order to ascertain the correct application of the relevant provisions of EU environmental legislation by the Spanish authorities in this case. The conclusions reached by the Commission after all the information gathered in the course of this infringement procedure did not point to any breach of EU law: the dam project in question, which was authorized in 1998, was made subject to an environmental impact assessment in accordance with the provisions of Directive 85/337/EEC¹. The competent Spanish courts made

¹ Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment, OJ L 175, 5.7.1985, p. 40–48.

the same conclusion in a judgement of 1999. Accordingly, the Commission decided to close infringement 1999/2271 in December 2006. The Commission duly informed the Committee on Petitions and the petitioners of all the developments that took place during the handling of the infringement procedure and of the reasons that warranted the closure of the case.

The Commission notes that the only evidence provided by the petitioners in support of their allegations consists of a few pictures comparing the previous and current state of the river.

Conclusion

The Commission investigated the facts raised in petition 0079/1998 thoroughly and was unable to establish any infringement of EU law. Since the petitioners have not provided any substantial information that would contradict the conclusions of that investigation, the Commission does not intend to provide further follow up to this petition.