

# EUROPEAN PARLIAMENT

2004



2009

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*Committee on Petitions*

21.09.2007

## NOTICE TO MEMBERS

Subject: Petition 0018/2007 by Ms Isabel Fernandez Sanchez (Spanish), on behalf of Amigos de la Canadas, on the negative impact of a project concerning the regeneration of the northern beach in Peníscola (Castelón, Valencia) on Marjal o Prat, a Natura 2000 protected area

### **1. Summary of petition**

The petitioner considers that Peníscola local authorities' plans to restore the northern beach risk having a serious detrimental impact on the Marjal o Prat a Natura 2000 protected area. According to the petitioner, the plan, which benefits from EU funding under the Cohesion Fund, provides for the construction of a new road on the margins of this humid area and would suppose the drying up of 5 to 10 meters inside it. The petitioner shows that the humid area itself benefited from EU funding under Life program and maintains that EC directives 97/62 and 79/409 would be breached. The petitioner considers that there is a contradiction as regards the use of European funds and asks the European Parliament to have the situation investigated.

### **2. Admissibility**

Declared admissible on 16 May 2007. Information requested from the Commission under Rule 192(4).

### **3. Commission reply, received on 21 September 2007.**

Background

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PE394.292v01-00

Peñíscola is a coastal municipality located in the Mediterranean coast in the region of Valencia. The petitioner considers that the local authorities' plans to restore the northern beach would affect a protected area included in the European Natura 2000 Network, namely the Site of Community Importance ES5222002 *Marjal de Peníscola*, adopted in accordance with the provisions of the 92/43/EEC Habitats Directive.<sup>1</sup>

#### Comments from the Commission on the Petition

If a project is likely to have a significant negative impact on such a site, an assessment should be carried out in accordance with articles 6.3 and 6.4 of the 92/43/EEC Habitats Directive. Depending on the conclusions of such an assessment, the competent authorities shall approve the plan or project only after having ascertained that it will not adversely affect the integrity of the site. In the case of a negative assessment, the plan or project shall only be carried out in the absence of alternative solutions, for imperative reasons of overriding public interest and taking all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected.

The Commission was aware of the above plan and opened a complaint (n° 98/4104) to investigate the potential effects on this natural area. The plan analysed included the regeneration of the north beach of Peñíscola, the hydraulic improvement of the canal "*Acequia de la Segonera*" and the construction of a new urban road, the so called "*vial NI*". After the analysis of this case, the Commission considered that the Spanish authorities had taken the necessary measures in this case to comply with Community law and, therefore, closed the complaint.

The latest information received on this case does not provide any additional indication to identify a possible breach of the Community law since the closure of the complaint. Therefore, the Commission considers that the arguments put forward by the petitioner have already been examined in the context of the above complaint case.

#### Conclusions

The Commission has already studied the case raised by the petitioner on the allegedly negative effects of several project developments on the Site of Community Importance ES5222002 *Marjal de Peníscola*.

On the basis of the information available, the Commission has no evidence that the above project will lead to significant negative impacts on the conservation status of the features for which this Natura 2000 site has been designated.

The Commission has no indications that Community law is being infringed and, therefore, does not intend to take any further action.

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<sup>1</sup> OJ L 206, 22.7.1992