

EUROPEAN PARLIAMENT

2004



2009

Committee on Petitions

17.12.2009

NOTICE TO MEMBERS

Subject: Petition 1398/2008 by Koldo Oriz de Guinea (Spanish), on behalf of MEDIK ASKE Association, on the potential detrimental environmental impact of the planned wind farms to be set up in Natura 2000 protected areas in Alava (Spain)

1. Summary of petition

The petitioner challenges the intended revision of the territorial strategy concerning wind power (Planificación Territorial Sectorial de la Energía Eólica) by the Basque Autonomous Community. According to the petitioner, this strategy includes the installation of several wind farms inside Natura 2000 protected areas in Alava (Montes de Iturrieta, Cruz de Alda, Sierra de Arkamo). The petitioner maintains that these plans would have a serious detrimental environmental impact on the concerned areas. The petitioner states that the Basque authorities granted several contracts for the construction of the wind power-generators before the conclusion of the environmental impact study. The petitioner suggests that the study indicates severe environmental impact on the protected areas and asks the European Parliament to intervene with the Spanish authorities in order to ensure that the relevant European legislation is observed.

2. Admissibility

Declared admissible on 25 February 2009. Information requested from Commission under Rule 192(4).

3. Commission reply, received on 19 June 2009.

Although the overall development of wind farms is compatible with biodiversity conservation from a large-scale perspective, there is evidence that the inappropriate location of wind energy developments may cause significant negative impacts on biodiversity values at regional and local levels. In the process of planning wind energy parks and other developments, Member States must assure that full regard is given to compliance with the

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two nature directives on conservation of wild birds (79/409/EEC)¹ and natural habitats and wild flora and fauna (92/43/EEC)², including strengthening the quality and coherence of the Natura 2000 network of protected areas.

The territorial strategy concerning wind energy ("Planificación Territorial Sectorial de la Energía Eólica"), prepared by the region of the Basque Country as well as projects implemented under this strategy may have an impact on Natura 2000 sites of the region, in particular the special protection areas:

Arabako Hegoaldeko Mendilerroak / Sierras Meridionales de Álava (ES0000246), Izki (ES2110019), Salvada Mendilerroa / Sierra Salvada (ES0000244), Valderejo-Árcena Mendilerroa / Valderejo-Sierra de Arcena (ES0000245), Txingudi (ES0000243), Salvada Mendilerroa / Sierra Salvada (ES0000244), Urdaibaiko Itsasadarra / Ría de Urdaibai (ES0000144).

Due to the developments mentioned in the petition, the Site of Community Importance ES2110004 "Arkamo-Gibijo-Arrastaria" might be affected. This area hosts 15 species of birds included in Annex I of the Birds Directive (79/409/EEC). The site is also important for 28 species of regularly occurring migratory birds.

The Commission considers that, before authorising the project, the competent authorities need to ensure that the requirements of Article 6 of the Habitats Directive are fulfilled. According to Article 6(3) and 6(4) any plan or project not directly connected with or necessary to the management of the site but likely to have an effect thereon, either individually or in combination with other plans or projects, shall be subject to the appropriate assessment of its implications for the site in view of the site's conservation objectives. In light of the conclusions of such an assessment and subject to the provisions of the Habitats Directive, the competent authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned. It should be noted that the SEA and EIA procedures can also be tools for applying the provisions of Article 6 of the Habitats Directive.

Conclusions

The Commission considers that before authorizing the construction of the wind power-generators, the competent authorities need to apply the safeguards and assessment procedures required under Article 6 of Directive 92/43/EEC. On the basis of these assessments, the authorities will decide whether the activities can go ahead and if so, under which conditions. Any potential negative impact of the project should be considered, not only within the affected Natura 2000 sites, but also outside these sites with regard to the protection of birds and their migratory routes.

The Commission will ask the Spanish authorities to provide further information concerning the environmental assessment of the projects in question and the adequate implementation of

¹ Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds. OJ L 103, 25.4.1979

² Council Directive 92/43/EC, of 21 May 1992, on the protection of natural habitats and wild fauna and flora. O.J. L 206 of 22.07.1992.

Article 6 of the Habitats Directive.

4. Commission reply, received on 17 December 2009.

The Commission has requested further information from the competent Spanish authorities concerning the environmental assessment of the projects in question and the adequate implementation of Article 6 of the Habitats Directive.

According to the reply from the Spanish authorities, the projects "Parque Eólico de Arkamo" and "Parque Eólico de Canto Blanco" have not been subject to the environmental impact assessment yet. The environmental impact assessment procedure is still in a preliminary stage.

Concerning the authorisation for both projects, the Spanish authorities have replied that the procedures for issuing the authorisation are still ongoing. The environmental impact assessment of these projects according to the provisions of Article 6 (3) of the Habitats Directive, 92/43/EEC,¹ has still to be initiated.

On the basis of the information available, the Commission understands that the competent authorities have not yet made a final decision regarding the two wind farm projects. Therefore, and since the procedures still seem to be ongoing, there is no apparent breach of EU environmental legislation.

¹ Council Directive 92/43/EC, of 21 May 1992, on the protection of natural habitats and wild fauna and flora.

O.J. L 206 of 22.07.1992.