



24.6.2010

## **NOTICE TO MEMBERS**

**Subject: Petition 0255/2006 by Carlos Lumbreras Vicente (Spanish), on behalf of the 'Salamanca Ecologists in Action', on inadequate environmental impact surveys regarding 'La Covatilla' winter sports centre in Salamanca**

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

The petitioners express concern that irregularities have occurred in extending winter sports facilities at La Covatilla in the Sierra de Béjar, Salamanca, involving the installation of new infrastructures without a prior environmental impact assessment or public information. The petitioner argues that the technical information submitted to the Castilla y León regional government argues against the project, particularly since the area forms part of the Natura 2000 network and partly encompasses sites of Community interest and bird conservation areas.

### **2. Admissibility**

Declared admissible on 31 July 2006. Information requested from Commission under Rule 192(4).

### **3. Commission reply, received on 7 May 2007.**

'The petition concerns the authorisation procedures underway regarding the extension of the 'Sierra de Béjar' winter sports centre (Salamanca).

It should be recalled that, following consideration of complaint 1996/4811, the Commission initiated infringement proceedings against Spain under Article 226 of the EC Treaty for alleged failure to implement correctly Community environmental legislation in connection with the planned construction of the winter sports centre in question at La Covatilla, in the Candelario mountains, situated in the municipality of Béjar (province of Salamanca) in the Spanish Autonomous Community of Castilla y León.

The Commission finally decided to file the matter in June 2002, an environmental impact assessment having been carried out in respect of the projected 'Sierra de Béjar' tourist centre and access road in accordance with Council Directive 85/337/EEC<sup>1</sup> of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment, as amended by Directive 97/11/EC. The matter was filed following the measures adopted and the compromise agreement reached with the Spanish authorities. In addition, it was considered that the project would not have an unfavourable impact on habitats and priority species or on the nearby 'Sierra de Candelario' area, designated by the Spanish authorities for future inclusion in the Natura 2000 network under Council Directive 92/43/EEC<sup>2</sup> of 21 May 1992 concerning the conservation of natural habitats and of wild fauna and flora.

The Commission is currently considering complaint 2002/5033 concerning a number of possible projects involving the extension of the 'Sierra de Béjar' winter sports centre and tourist facilities. The petitioner maintains that these new projects would affect the 'Sierra de Candelario' and 'Sierra de Gredos' Special Protection Area (SPA) for birds, designated by the Spanish authorities under Council Directive 79/409/EEC<sup>3</sup> of 2 April 1979 on the conservation of wild birds and the sites of Community importance (SCI) of the same name, contained in the Commission decision regarding the Mediterranean biogeographic region of last July, in accordance with Directive 92/43/EEC.

The petitioner queries the appropriateness of the assessments carried out regarding the possible impact of the project on sites designated for inclusion in the European Natura 2000 network and possible changes to the area of these sites.

Following exchanges of correspondence between the Commission and the Spanish authorities, the Commission received additional documentation, including information on the environmental impact survey which, under Directives 85/337/EEC and 92/43/EEC, must be carried out prior to authorisation of the project. These documents are now being considered by the Commission.

In any case, the Commission, as guardian of the Treaties, will take all necessary measures to ensure compliance with Community law in this connection.'

---

<sup>1</sup> OJ L 175, 5.7.1985.

<sup>2</sup> OJ L 206, 22.7.1992.

<sup>3</sup> OJ L 103, 25.4.1979.

**4. Commission reply**, received on 24 June 2010.

Following an in situ visit by the Commission at the end of May 2008 and further to observations submitted by the Spanish authorities after the letter of formal notice, the Commission services observed that the project did not infringe upon the natural assets of the SCI or the Sierra de Candelario SPA, and that the environmental impact declaration finally adopted in December 2007 did not allow an extension of the facilities that would infringe upon these assets.

The case is now closed and the petitioner has been informed.