



24.6.2010

NOTICE TO MEMBERS

Subject: Petition 1031/2009, presented by António Manuel Ferro Terramoto (Portuguese), bearing 589 signatures, on the pollution and destruction of a protected area of nature at Ria Formosa in the Algarve Province in southern Portugal

1. Summary of the petition

The petitioner refers to the threatened destruction of an area of nature at Ria Formosa in the Algarve Province in southern Portugal. Ria Formosa, which is an area of unique salt water marshes and lagoons and which is the home and breeding ground of numerous aquatic birds and underwater animals, has been designated a wetland of international significance under the Ramsar Convention and is also incorporated on the list of Natura 2000 areas. The petitioner points out that the area is threatened by waste water pollution and that the responsible Portuguese authorities are in breach of the provisions of Council Directive 91/271/EEC concerning urban waste water treatment. He therefore calls on the European Parliament to intervene with a view to ensuring that the applicable EU legislation in this area is correctly implemented in relation to the Ria Formosa area.

2. Admissibility

Declared admissible on 11 November 2009. The Commission was invited to provide information (Article 202, paragraph 6 of the Regulation).

3. Commission reply, received on 24 June 2010.

The petition

The petitioners believe that waste water treatment in the Ria Formosa area of Portugal is causing pollution of the Ria and threatening its environmental status. They also note the

consequences of such a situation for economic activity that is directly related to the Ria Formosa, such as bivalve production.

The petitioners refer to a previous complaint sent to the Commission by the ‘Somos Olhão’ association, relating to a similar issue.

Following explanations from the Commission, the ‘Somos Olhão’ association sent further information and studies relating to the consequences of treatment plant operations in the Ria Formosa area on the quality of the receiving waters, particularly in terms of bivalve production. Following an analysis of the information, the Commission considered it necessary to request further clarification from the Portuguese authorities, which took place in the context of the EU PILOT project.

Commission’s observations

Following an analysis of the clarification provided by the Portuguese authorities, the situation can be summarised as follows:

Ria Formosa has been classified as a sensitive area protected by Council Directive 91/271/EEC¹ of 21 May 1991 concerning urban waste water treatment. It includes four urban areas: Quinta do Lago (one treatment plant), Faro (two treatment plants), Olhão (two treatment plants) and Tavira (two treatment plants). All the treatment plants undertake secondary level treatment accompanied by disinfection, as required by the above Directive. According to reports submitted in the context of this Directive, treatment at Tavira is not sufficiently efficient. For this reason, the town is one of the Portuguese urban areas included within the infringement proceedings commenced by the Commission against Portugal for inadequate collection and treatment of the waste water discharged into areas classified as sensitive throughout Portugal. This case was referred to the Court of Justice on 6 May 2010.

The Portuguese authorities believe that the treatment of effluent in the area has become much more efficient over the last few years, and that this has contributed to continuing improvements in the quality of the receiving waters. They believe that the good ecological status of the Ria will be assured by implementing the following set of plans and programmes: Plano de Ordenamento da Orla Costeira de Vilamoura - Vila Real de Santo António, approved on 27 June 2005; Plano de Ordenamento do Parque Natural da Ria Formosa, approved on 2 September 2009; Programa Estratégico do POLIS Litoral Ria Formosa (approved in the context of Council of Ministers Decision No 90/2008 of 3 June 2008); Plano de Gestão da Região Hidrográfica do Algarve, which is being drawn up in the context of Directive 2000/60/EC (‘Water Framework Directive’).

The Portuguese authorities also explained that, with the exception of sludge coming from Faro Nascente and Olhão Poente, the sludge produced by the Ria Formosa water treatment plants is reused for agricultural purposes.

With regard to the situation of the shellfish waters and bivalve production, the Portuguese authorities provided information on the number and location of breeding grounds and the

¹OJ L 135, 30.5.1991, p. 40-52

results of the analyses relating to Directive 79/923/EEC¹ (shellfish waters) and Regulation (EC) No 854/2004² (production and placing on the market of bivalves). With regard to the latter, all the production zones situated in Ria Formosa are classified B, which means that the bivalves produced can be harvested and destined for industrial depuration and processing with a view to their consumption. In contrast, the shellfish areas of Olhão, Faro and Tavira, where the production areas (breeding grounds) are located, do not fulfil the parameters stipulated in the Directive, more specifically the thresholds for faecal coliforms and E-coli.

Conclusions

It transpires from the above that the treatment of waste water from the urban areas that discharge into the Ria Formosa seems to be generally satisfactory and that Portugal has taken the necessary steps to ensure the good ecological status of the Ria. Nevertheless, although the failure to respect some parameters with regard to shellfish waters may not be likely to endanger the placing on the market of the bivalve molluscs produced in the area's breeding grounds, the Commission is in the process of conducting an in-depth examination of the situation so that it can, when the time comes, take the most appropriate measures to purify them fully.

¹Directive 79/923/EEC¹ of 30 October 1979 on the quality required of shellfish waters, codified by Directive 2006/113/EC of 12 December 2006.

²Regulation (EC) No 854/2004 of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption, amended by Regulation (EC) No 1666/2006 of 6 November 2006, which replaced Directive 91/492/EEC of 15 July 1991 laying down the health conditions for the production and the placing on the market of live bivalve molluscs.