



12.7.2010

NOTICE TO MEMBERS

Subject: Petition 0150/2004 by José Carlos Faria Feijoeiro (Portuguese), on behalf of the Committee for the Protection of the Environment and the Milagres River, with 2500 signatures, on pollution of the river by pig abattoirs

1. Summary of petition

The petitioner indicates that, since the 1970s, pig breeding has been a flourishing activity along the Milagres River in Portugal, with waste and faeces being discharged directly into the river. In the absence of any sewage treatment plant, local residents are, as a result, inconvenienced by offensive odours and at certain times pollution has made it impossible to bathe in the Atlantic Sea near the river estuary. The authorities are continuing to turn a blind eye in view of the crisis currently facing the pig breeding sector and the revenue and employment provided by local abattoirs. However, the problem of pollution has become so serious that the petitioners feel it is high time for the EU to react.

2. Admissibility

Declared admissible on 9 July 2004. Information requested from Commission under Rule 192(4).

3. Commission reply, received on 7 December 2004

The petitioner indicates that effluent from pig farms in the Milagres region, in the municipality of Leiria, is allowed to flow directly into a river in the area – "Ribeira dos Milagres" – without any adequate treatment resulting not only in the pollution of the river but also of the bathing waters off the Vieira de Leiria beach.

The "Ribeira dos Milagres" is in the basin of the rivers Lis and Seiça.

In 1997, the Portuguese authorities submitted a request to the Cohesion Funds concerning a project for the initial phase of the clean-up of the above-mentioned rivers. As a result, on 15 December 1999, the Cohesion Fund granted a contribution of EUR 11 million.

A second phase is due to be completed by 30 June 2005, co-financed by the Cohesion Fund with a contribution of EUR 33 million pursuant to a decision of 29 December 2000.

When the project for the clean-up of the river basins of the Lis and Seiça rivers was submitted to the Cohesion Fund, the Commission demanded that the effluent from pig farms, which constituted industrial pollution, should be subject to pre-treatment before reaching the urban waste-water treatment plants to be co-financed by the Cohesion Funds so as to render it compatible. It would appear that these pre-treatment installations, the responsibility for the construction of which lay with the Leiria pig-breeders' association, are still not operational.

Clarification of the situation described in the petition is currently being sought from the Portuguese authorities in view of the obligations established by Directive 91/271/EEC of 21 May 1991 concerning urban wastewater treatment¹ and Directive 76/160/EEC of 8 December 1975 concerning the quality of bathing water², and of the commitments made in connection with Community funding.

4. Further Commission reply, received on 20 October 2005

The Commission drew the attention of the Portuguese authorities to the situation in the light of the relevant Community provisions, i.e. Directive 91/271/EEC of 21 May 1991 concerning urban wastewater treatment³, Directive 76/464/EEC of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community⁴, and Directive 76/160/EEC of 8 December 1975 concerning the quality of bathing water.⁵

At a meeting held in Lisbon, the Portuguese authorities had the opportunity to give the Commission some preliminary information regarding the situation.

As regards the treatment of effluent from pig farms, the Portuguese authorities have pointed out that, as part of the integrated sewage clean-up in the area, three sewage treatment plants are to be built; these will not, however, be completed before the end of 2006. In any case, according to the authorities in question, effluent discharge into water is subject to the conditions laid down in a licence granted by the public authority to the RECIDIS company, which is responsible for managing the system; furthermore, before the work is completed, a temporary solution has been found, whereby manure will be spread in such a way as to prevent its discharge into water. The authorities have also stated that the operation of the

¹ *OJL 135, 30.5.1991, p. 40-52*

² *OJL 31, 5.2.1976, p. 1-7*

³ *OJL 135, 30.5.1991, p. 40-52*

⁴ *OJL 129, 18.5.1976, p. 23-29*

⁵ *OJL 31, 5.2.1976, p. 1-7*

farms is subject to inspection. In 2004, 220 of the 370 units included in the system were inspected; only 10% of those inspections resulted in infringement proceedings for failure to comply with the national rules.

With regard to the Vieira de Leiria beach, the Portuguese authorities stated that the bathing waters off the beach had been analysed and that in five areas the limit values relating to total coliform bacteria and fecal coliform bacteria had been exceeded.

The Portuguese authorities undertook to confirm and supplement the above-mentioned information in a written reply to the Commission.

The Commission will take the necessary measures to ensure that the relevant Community provisions are complied with.

5. Commission reply, received on 29 November 2007

As previously communicated to the European Parliament, the clean-up of the river basins of the Lis and Seiça rivers included the construction of three sewage treatment plants (*Norte*, *Milagres* and *Batalha*) specifically for the treatment of effluent from pig farms in the Leiria region. In the meantime, the management of the effluent in question has been carried out by a company called RECILIS, which was set up to carry out this work. All discharge into water is subject to conditions laid down in the general licence granted by the public authority to the RECILIS company or in the individual licences granted to farmers who did not wish to be covered by the aforementioned global licence. According to the conditions of the abovementioned licences, effluent from the pig farms is first spread on the land in such a way as to prevent its direct discharge into water. Furthermore, according to the Portuguese authorities, the pig farming operations are subject to inspection, and this has led to the opening of numerous infringement procedures for failure to comply with the terms of the licences.

According to the most recent information given by the Portuguese authorities, the number of members of the RECILIS system now stands at 95% of all pig farmers in the region. The situation regarding the construction of water treatment plants can be summarised as follows: work on the *Norte* purification plant should be completed in November 2007; completion of the *Milagres* plant is expected during the first half of 2009; the *Batalha* plant will be built only if it proves necessary to increase the treatment capacity of the system.

The Portuguese authorities have also stated that they do not envisage designating the area in question as vulnerable under the Nitrates Directive,¹ since the RECILIS licence requires good agricultural practice and a programme to put the sludge produced by effluent to agricultural use is currently being implemented.

The Commission concludes that the situation is in the process of being improved by various

¹ Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (OJ L 375 of 31.12.1991, p. 1 - 8).

forms of management and by a water treatment plant construction programme. The Commission will continue to monitor the implementation of the aforementioned measures, inter alia within the framework of monitoring projects co-financed by the Cohesion Fund. These projects, which form part of the general clean-up of the Lis and Seiça river basins in the Leiria area, concern the collection and treatment of urban waste water. The system has been designed to receive effluent from pig farms after it has been subjected to a pre-treatment which makes it compatible with the treatment of urban waste water.

6. Commission reply, received on 12 July 2010

In line with and further to its previous notices, the Commission wishes to clarify that Community co-financing of the second clean-up phase of the Lis and Seiça river basins, carried out from 2000 to 2006 with the support of the Cohesion Fund, strictly includes the sub-systems of Olhalvas, Norte (e.g. Carreira), Ponte das Mestas, Fátima, Chão de Mendiga, Juncal and Pedreiras, comprising inter alia a total of six water treatment plants. These infrastructures were completed, both financially and physically, in June 2008.

The Milagres treatment plant was not, in fact, constructed during the abovementioned period, either with EU support or with exclusively national funds.

According to the information given by the Member State, in the framework of co-financing by EAGGF-Orientation of the CENTRO Operational Programme (2000-2006), an application was put forward for the funding of environmental rehabilitation projects for treating waste from farms in the Milagres region. This application, worth approximately EUR 7 million, was approved by the managing authority, but no payment request was issued by the developers. As a result, the funding did not take place.

The managing authority of the programme in question should be contacted for additional information on specific projects.

With regard to the period from 2007 to 2013, on the basis of OPs approved by the Commission and the selection criteria established by the relevant monitoring committees, the managing authorities responsible for measures which could potentially contribute towards financial support for the Milagres treatment plant (OP ERDF Centro, OP ERDF/CF Territorial Enhancement, and OP EAFRD Rural Development) have not, at the time of sending this notice to Parliament, approved any Community support for this infrastructure.