



12.7.2010

NOTICE TO MEMBERS

Subject: **Petition 1176/2008 by Mr. José Luis Cort Bas (Spanish), on behalf of Corpas S.L., on the improper collection and storage of waste water in a protected area**

1. Summary of petition

The petitioner maintains that the company Canal de Isabel II which is responsible for the administration of water in the Autonomous Community of Madrid would have failed to observe its obligations concerning the collection and storage of waste water. According to the petitioner, the dumping of waste water inside the protected area of the Parque Regional Suroueste de Madrid has resulted in adverse impact on the area and on the activity of Vega Corpas farm. The petitioner maintains that the farm has as main activity the production of agricultural goods and, therefore, it has been severely affected. The petitioner explains that the solution found by Canal Isabel II, that is the installation of a storage tanker, would not solve the matter and asks the European Parliament to investigated possible breaches of the EC environmental legislation.

2. Admissibility

Declared admissible on 6 February 2009. Information requested from Commission under Rule 202(6).

3. Commission reply, received on 1 September 2009.

The petitioner claims that the discharge of waste water in the protected area of the Parque Regional del Sureste, in the province of Madrid is having a detrimental impact on this site and also in the activities of the farm "Vega Corpas". The petitioner claims, as well, that the water management authority responsible, Canal de Isabel II, is not fulfilling its obligations regarding the adequate management and storage of waste water. The authority's solution to

this problem would be to locate a storage tank within the borders of a Special Protection Area (SPA).

The site of Community importance ES3110006 "Vegas, Cuestas y Páramos del Sureste de Madrid" designated under the Habitats Directive 92/43/EEC¹ and the special protection area ES0000142 "Cortados y cantiles de los ríos Jarama y Manzanares" designated under the Birds Directive 79/409/EEC² are both located in the south of the province of Madrid. These two partly overlapping sites also coincide with the regional protected area "Parque Regional del Sureste".

According to the information provided by the petitioner, the project to construct a storage tank was approved by the regional government of Madrid on 3 July 2008 and the location of the storage tank falls in an area designated both as site of Community importance and as special protection area.

The Commission considers that it might be useful to recall the obligations arising under Article 6(3) and 6(4) of the Habitats Directive 92/43/EEC, which states that 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 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. If the conclusions of the assessment of the impacts of a plan or project are negative, procedures under Article 6(4) should be applied, and Member States shall take all the compensatory measures necessary to ensure that the coherence of a Natura 2000 site is protected.

Regarding the installation of the storage tank, the Commission considers that the competent authority must assess adequately the impact of this project on the site, respecting the site's conservation objectives.

Conclusions

In order to verify whether the applicable provisions of Article 6 of the Habitats Directive are fulfilled, the Commission will request detailed information from the Spanish authorities about the preparation and implementation of this plan.

4. Commission reply, received on 12 July 2010.

The Commission requested detailed information from the Spanish authorities concerning the installation of a storage tank within the borders of the "Parque Regional del Sureste" in the province of Madrid, within the borders of the site of Community importance ES3110006 "Vegas, Cuestas y Páramos del Sureste de Madrid" and the special protection Area

¹ Council Directive 92/43/EC, of 21 May 1992, on the protection of natural habitats and wild fauna and flora. OJ L 206, 22.7.1992

² Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds. OJ L 103, 25.4.1979, p. 1–18

ES0000142 "Cortados y cantiles de los ríos Jarama y Manzanares".

According to the information submitted by the Spanish authorities (*Consejería de Medio Ambiente, Vivienda y Ordenación del Territorio, Comunidad de Madrid and Canal de Isabel II*), the overflowing of the drain from Ajalvir to Daganzo is causing several problems in the area. The competent authorities have considered three alternatives to solve this problem. The construction of the project "Storage Tank of the drain from Ajavir to Daganzo" has proved the most suitable one. This project constitutes a provisional solution until the new planned collecting system, adequately dimensioned for the existing urban and industrial developments in the area, is completed. According to the information provided, the competent authorities have assessed the impact that this project would have in the SCI and SPA concerned, having in mind the characteristics of the project "Storage Tank of the drain from Ajavir to Daganzo" and the characteristics of its location, and have concluded that it will not have significant negative effects on the Natura 2000 sites.

The storage tank will be located within the borders of the above-mentioned SCI and SPA (very close to the edge), over a 0.5 ha surface, in an area where no species or natural habitats have been identified. According to the information provided by the Spanish authorities, this location is close to a motorway and to an industrial area with few natural vegetation patches. On the contrary, the construction of the store tank will help enhance the environmental quality of the area, seriously compromised by the overflowing drain and it will not adversely affect the integrity of the Natura 2000 sites concerned.

In light of the information provided, the Commission considers that the provisions of the Habitats Directive have been respected.