NOTICE TO MEMBERS

Subject: Petition 0910/2010, by Domingo Blanco Sidera (Spanish), on behalf of Sociedad Albacetense de Ornitolópia, on the 'Presa de Zapateros' project in Vianos (Albacete province, Castilla-La Mancha region, Spain) and its environmental impact

1. Summary of petition

The petitioner, in his capacity as president of the Albacete Birdwatchers' Association, calls for an immediate halt to work on the 'Presa de Zapateros' project being carried out in Vianos (Albacete province, Castilla-La Mancha region, Spain), aimed at creating a tourist beach zone. He claims that it would impact adversely on the local flora and fauna, and calls for the work already done to be undone and for the area to be restored to its original state.

2. Admissibility

Declared admissible on 17 November 2010. Information requested from Commission under Rule 202(6).

3. Commission reply, received on 3 March 2011.

The Commission's observations

Directive 85/337/EEC¹ (known as the Environmental Impact Assessment or EIA Directive) makes provisions for the carrying out of an EIA for certain public and private projects.

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The Commission notes that the project in question has been subject to an EIA procedure that was finalised with an EIA Statement (DIA), by Resolution of the Ministry for Environment, published in the State Official Journal of 28 June 2005.

The DIA stipulates that the project will be constructed within the site of Community Importance ES4210008 "Sierra de Alcaraz y Segura y Cañones del Segura y del Mundo". The Commission notes that the site of Community importance ES4210008 "Sierra de Alcaraz y Segura y Cañones del Segura y del Mundo" has been designated under the Habitats Directive 92/43/EEC, and as special protection areas (SPA) under the provisions of the Directive 2009/147/EC. Therefore, the competent authorities must ensure that the requirements of Article 6 of the Habitats Directive 92/43/EEC are fulfilled as regards the aforementioned Natura 2000 site and, on the basis of the required assessment, decide whether the project can go ahead and if so, under which conditions and safeguards.

The assessment of the impact of the project in the site of Community importance required by Article 6(3) has been performed in the framework of the EIA procedure, including a public consultation. The statement concludes that the magnitude of the impact of the project cannot be considered as significant. This statement details the conditions that the project must observe in order to protect the habitat types and species present in the area as well as the mitigation and corrective measures.

Under these circumstances, it seems that the Spanish authorities have adopted the required measures to protect the aforementioned Natura 2000 sites and to prevent their deterioration. The Commission has, therefore, no reason to consider that the actions taken to date are not compatible with the legal requirements laid down by the Habitats Directive and by the EIA Directive.

Conclusions

On the basis of the information provided, there are no grounds to presume that a breach of the applicable EU environmental law has occurred.

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