



4.8.2021

NOTICE TO MEMBERS

Subject: Petition No 0445/2016 by F. J.S. R. (Spanish) on the Barrón dam in Álava (Spain)

1. Summary of petition

The petitioner states that the construction of the Barrón dam in Álava was illegal and that the dam will have a huge environmental impact on the area as it is next to the Natura 2000 Arkamo-Gibijo-Arrataria area.

2. Admissibility

Declared admissible on 15 September 2016. Information requested from Commission under Rule 227(6), (Former rule 216(6)).

3. Commission reply, received on 21 December 2016

The petition refers to a projected dam in Alava, Spain, to be constructed within the Ebro River Basin. The major concerns of the petitioner refer to possible non-compliance with the Water Framework Directive¹ (WFD), namely article 4(7), impacts on a Natura 2000 site, in addition to possible socio-economic negative effects in the affected area.

According to available information, the environmental impact assessment (EIA) for this dam has not yet been concluded and no construction has begun.

It is uncertain, with the information currently available, whether the construction of the dam would lead to a deterioration in the status of water bodies or prevent the achievement of the environmental objectives, and therefore whether an assessment under Article 4(7) of the Water Framework Directive would be required.

Conclusion

¹ OJ L 327, 22.12.2000.

The Commission cannot at this point determine, on the basis of available information, the possible effects of the dam on water bodies and hence the potential application of Article 4(7) of the WFD to this case.

4. Commission reply (REV.), received on 4 August 2021

The petition

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The Commission's observations

The Commission observes that the competent Spanish authorities abandoned the Barrón dam project, which is not included in the 2021-2027 Ebro River Basin Management Plan. This Management Plan is currently undergoing an open public consultation process².

Conclusion

As the referred dam project has been abandoned, and based on the available information, the Commission cannot determine a non-compliance of the Water Framework Directive.

¹ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy, *OJ L 327, 22.12.2000, p. 1–73*.

² <http://www.chebro.es/contenido.visualizar.do?idContenido=65805&idMenu=6521>