



21.5.2019

NOTICE TO MEMBERS

Subject: Petition 0012/2013 by Jesús Salamanca Tejero (Spanish) on behalf of Izquierda Unida de Castilla y León, on the discharge of untreated urban waste-water into the Duero River

1. Summary of petition

The petitioner denounces that urban waste-water is discharged untreated into the Duero River, in its passage through the municipality of Laguna de Duero (Castilla y León). The petitioner notes that the Duero River is part of the Natura2000 Network and that the municipality of Laguna de Duero has a population of over 20,000. The petitioner thus points to the infringement of the Urban Waste Water Directive (Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment).

2. Admissibility

Declared admissible on 10 September 2013. Information requested from Commission under Rule 202(6).

3. Commission reply, received on 31 January 2014

The Commission received Written Question E-10622/12 on the same subject, presented by Mr Willy Meyer, MEP.

The Commission responded that no information on the compliance status of this agglomeration under the terms of the Urban Waste Water Treatment Directive (UWWTD)¹ had been received from the Spanish authorities. Therefore, the Commission requested additional information as regards the applicability of the Directive and the provision of waste water treatment services in the area concerned.

The request was sent to Spain through the EU Pilot system. The assessment of the response from the Spanish authorities led to the following conclusions:

¹ 91/271/EEC, OJ L 135, 30.5.1991

- The agglomeration is subject to the provisions of the UWWTD. Spanish authorities will have to report on the implementation of the Directive in this agglomeration in future reporting exercises.
- At present, the agglomeration does not meet the obligations laid down in Articles 3 and 4 of the Directive. The Spanish authorities indicate that the works to tackle the situation will be finished in February 2014.

Conclusion

The Commission takes note of the situation and will keep its enquiry open till March 2014, requiring the Spanish authorities to provide updated information. The Commission will then assess the situation again and decide if any further follow up is necessary.

4. Commission reply (REV), received on 29 September 2014

The Commission requested (through EU pilot) the Spanish authorities to update information regarding the provision of waste water treatment services in the agglomeration named "Laguna de Duero" (Castilla-León).

A reply from the Spanish authorities was received on 14 January 2014. In this reply, the authorities indicated that the works to take the waste water generated by the agglomeration "Laguna de Duero" to the treatment plant in Valladolid were still unfinished. They were very advanced but were interrupted in 2012 due to bankruptcy of the company. After further administrative arrangements, a new company re-started the works on 27 December 2013. The Authorities estimated that the work would be finished by 27 June 2014.

As the Spanish authorities have not provided any other information by July 2014, the Commission asked the authorities again, and received a reply on 12 September 2014.

In their reply, the authorities indicated that the works were practically finished, with the only pending element being the connection to the electricity network that would allow for pumping of the waste water generated in Laguna de Duero to the treatment plant in Valladolid. They also stated that, as soon as this was in place, they would inform the Commission.

Conclusion

Based on the reply by the Spanish authorities, the main works can be considered as finished but the waste water from Laguna de Duero cannot be pumped to the treatment plant yet.

As this is an important and necessary step to ensure the treatment of waste waters from Laguna de Duero, the Commission will address the Spanish authorities again and urge them to finalise the works as soon as possible (connection to electricity network), in order to allow the effective treatment of waste waters from the above-mentioned agglomeration.

5. Commission reply (REV. II), received on 28 February 2015

After having assessed the information submitted by the Spanish Authorities on 19 November 2014 in the framework of an EU Pilot investigation, the following conclusions may be drawn:

- Little progress has been made in the works which were necessary to ensure treatment in the waste water generated by the agglomeration named "Laguna de Duero". The Authorities stated (like in former communications), that still the only pending element relates to the electricity connection of the pumping station for which they are not able to provide a forecast for finalisation of works with, as a consequence, continued discharges of untreated waste water into river Duero.
- According to the Municipal and Regional Authorities, it seems that "Laguna de Duero" is an agglomeration which generates a polluting load of 53 990 p. e., much beyond 20 000 p.e. (figure indicated in the petition). Therefore, the problem appears to be larger than expected.

Conclusion

As the situation in this case is unsatisfactory under Directive 91/271/EEC, this individual situation is now incorporated in a wider "horizontal" examination scrutinising the compliance with this Directive in a large number of agglomerations in Spain. When the Commission will draw the conclusions of this examination, it will take the measures that will be appropriate.

6. Commission reply (REV III), received on 28 February 2017

The Commission has closely monitored the progress made by the Spanish Authorities to address this situation of non-compliance, at first through an individual investigation and then under a larger, horizontal follow up, which also covered other situations of failure to comply with the Directive's requirements in Spain. The Authorities submitted the last available information on this concrete case in November 2015 and confirmed the following:

- a) The pending infrastructure works, designed to pump and conduct the untreated waste water to the treatment plant serving the agglomeration of Valladolid have been finished and the waste water from Laguna de Duero is treated in this plant. Therefore, direct discharges from Laguna de Duero into the Duero river have ceased.
- b) Laguna de Duero was considered to be part of the agglomeration of Valladolid, whose treatment plant should apply treatment more stringent than secondary treatment, that is to say treatment addressed not only to remove biodegradable organic matter from the waste water, main target of the secondary treatment, but also nutrients such as nitrogen and phosphorus, as it discharges into a freshwater area designated as sensitive, or area in which algae tend to proliferate under an excess of nutrients (Embalse de San José), for the purposes of the Directive, on 28 July 2006.

Conclusion

As the Spanish Authorities did not submit the necessary representative evidence to confirm compliance with the relevant requirements of the Directive as regards the aforementioned type of treatment, the agglomeration of Valladolid, which also comprises the municipality of Laguna de Duero, has been included in the Infringement case n° 2016/2134, currently at the stage of Letter of Formal Notice under Article 258 of the Treaty on the Functioning of the European Union (TFEU). The Commission will assess the reply that will be provided by the Spanish Authorities and proceed accordingly.

7. Commission reply (REV IV), received on 31 July 2017

The petition denounces the untreated waste water discharges originating in Laguna de Duero (Castilla-León, Spain), with more than 20000 inhabitants, into the Duero River.

A breach of Directive 91/271/EEC related to this municipality was already included in a horizontal infringement procedure against Spain, launched by the Commission in December 2016.

The Commission decided that the agglomeration of Valladolid, into which Laguna de Duero was recently incorporated, would become part of this procedure. Indeed, the waste water generated by Laguna de Duero was, already some time ago, pumped and conducted to the treatment plant serving Valladolid, but this plant discharges into a sensitive area which only applies an insufficient, secondary treatment.

The Commission has recently received from the Spanish authorities a reply to the Letter of Formal Notice submitted in the context of the aforementioned infringement procedure in which the agglomeration of Valladolid was included. The Commission services are currently assessing the information received.

Conclusion

Upon finalization of the assessment, the Commission will decide on the appropriate follow up to be given under the aforementioned legal procedure.

8. Commission reply (REV V), received on 21 May 2019

The Commission has carried out a preliminary assessment of the latest information provided by the Spanish authorities in the framework of the ongoing horizontal infringement procedure against Spain under the urban waste water treatment Directive¹, in which the agglomeration of Valladolid is included.

Based on this preliminary assessment, Valladolid appears to be still in breach of the Directive's requirements.

Conclusion

The Commission will thus continue to closely monitor the level of compliance achieved in this and other agglomerations in the context of the above-mentioned infringement procedure.

¹ Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment, *OJ L 135, 30.5.1991, p. 40–52.*