



15.4.2019

NOTICE TO MEMBERS

Subject: Petition No 1373/2014 by J. F. Z. G. (Spanish) on environmental issues related to the construction of the metro in Bilbao

1. Summary of petition

The petitioner explains that the metro of Bilbao was defective as of its launch, and that it created unbearable noise and vibrations in the neighbours' houses and streets. The residents sent many claims to the direction of Metro Bilbao, which ignored them until they seized the Defender of the Basque People. After two years of proceedings, the direction finally admitted its responsibility, but refused to undertake the repairs. The city council of Bilbao ordered an expert appraisal, whose conclusion (released in June 2014) supported the accusations against the direction of Metro Bilbao. Therefore, the petitioner demands that the Parliament helps the residents to obtain repairs from the direction of Metro Bilbao.

2. Admissibility

Declared admissible on 30 April 2015. Information requested from Commission under Rule 216(6).

3. Commission reply, received on 26 August 2015

Directive 2002/49/EC relating to the assessment and management of environmental noise¹ (hereafter: the Directive) requires noise mapping and preparation of action plans for agglomerations having a population in excess of 100 000 persons, as well as major roads, railways and airports. Action plans, summaries of which need to be submitted to the Commission, need to comply with the requirements laid down in Annex VI of the Directive. This Annex provides for the action plans to include data on any noise-control programmes that have been carried out in the past and noise-measures in place. Member States shall also ensure

¹ OJ L 189, 18.7.2002

that the public is consulted about proposals for action plans.

The Spanish authorities have drawn up and submitted to the Commission the strategic noise map for the agglomeration of Bilbao for the most recent reporting round under Directive 2002/49/EC. However, a summary of the corresponding action plan for the management of noise in the agglomeration has not been submitted to the Commission to date. The Spanish authorities have provided the Commission with regular updates on their progress with the development of action plans, with letters in January 2013, October 2013, January 2014 and July 2014. In their communications, the Spanish authorities recognised that not all required action plans have been completed, due to delays caused by the current economic situation.

Conclusion

The Commission will continue to follow the situation.

4. Further Commission reply (REV), received on 30 November 2016

The Commission has launched an infringement procedure against Spain for not complying with the requirement to prepare and adopt a noise action plan for the agglomeration of Bilbao because, at this point in time, the action plan is still being drafted.

5. Further Commission reply (REV II), received on 28 March 2018

The Commission is assessing the five replies received from the Spanish authorities during 2017 in response to the letter of formal notice. The Committee on Petitions will be informed in due course about the next steps.

6. Further Commission reply (REV III), received on 21 September 2018

The Commission analysed the information received by the Spanish authorities up to the end of June 2018 and concluded that a valid action plan, according to the Directive 2002/49/EC, for the agglomeration of Bilbao has so far not been adopted, and the public was not consulted. The Commission therefore decided to send, on 19 July 2018, a Reasoned Opinion to the Spanish authorities concerning - inter alia - the absence of this noise action plan (see http://europa.eu/rapid/press-release_MEMO-18-4486_en.htm).

7. Further Commission reply (REV IV), received on 15 April 2019

The Spanish authorities replied to the reasoned opinion in the context of the infringement procedure concerning the compliance by Spain with the obligations instituted by the Noise Directive and submitted updated information concerning the action plans.

An action plan for the metro in the agglomeration of Bilbao was adopted, after public consultation, and the adopted plan was published on 14 March 2017.

Bearing in mind that the measures and the implementation of the measures are within the margin of discretion recognised by the Noise Directive to the competent public authorities, the Commission is not in a position to challenge the substance of the action plan.

Conclusion

The Spanish authorities have complied with their obligations deriving from the Noise Directive for the agglomeration of Bilbao.