



31.7.2017

NOTICE TO MEMBERS

Subject: Petition No 1519/2016 by Carmen Méndez Altozano (Spanish) on a high-voltage power line construction project in Fuerteventura

1. Summary of petition

The petitioner criticises the Red Eléctrica Española high-voltage power line construction project in Fuerteventura. The project crosses through a number of special protection areas (SPABs) and special areas of conservation (SACs) from north to south, causing serious harm to birds classified as at risk of extinction or vulnerable. Projects which affect the Natura 2000 network should only be authorised under exceptional circumstances and provided that they are in line with Article 6 of the Habitats Directive. Countervailing measures should be taken. The petitioner complains of gaps in impact assessments and explains that reports indicate the need for follow-up studies, with a view, in this case, to adopting further prevention measures and introducing changes. He says that no alternative solutions have been sought and that the undergrounding project has been dropped for technical reasons.

2. Admissibility

Declared admissible on 24 April 2017. Information requested from Commission under Rule 216(6).

3. Commission reply, received on 28 July 2017

The Habitats Directive requires that any plan or project likely to have a significant effect on protected Natura 2000 sites (such as SPAs and SACs) shall be subject to an appropriate assessment of its effects on the site, in view of the site's conservation objectives. The competent authorities shall only agree to the project after having ascertained that it will not adversely affect the integrity of the site concerned. Otherwise, the project could only be carried out for imperative reasons of overriding public interest, in the absence of alternative solutions and provided that compensatory measures be put in place to protect the overall coherence of the Natura 2000 network.

Based on publicly available information, the Commission notes that the regional authorities granted administrative authorisations for the three projects referred to by the petitioner in 2015¹, after completing environmental impact assessment procedures², including public information procedures.

It also appears that the decision authorising the project for a high power line in Fuerteventura has been challenged by the Fuerteventura local authorities (Cabildo de Fuerteventura) before the national courts. In January 2017, in the framework of these ongoing proceedings, the regional Supreme Court issued an interim order declaring the suspension of the works in order to avoid irremediable environmental impacts.

Conclusion

The Commission recalls that Member States have the primary responsibility for correctly applying and implementing EU law, and that - pursuant to the principle of effective judicial protection - national redress mechanisms are in place to ensure the compatibility of national measures with EU law. In the case referred to in this petition, the action challenging the authorization for the project is still pending before Spanish courts. Therefore, the Commission considers it inappropriate and premature to intervene in this case at this stage.

¹ Notice of 24 July 2015 publishing a resolution authorising Red Eléctrica de España, S.A.U. to construct a 132 kV DC power line between the substations at Puerto del Rosario and La Oliva and setting out its public utility.- Case No AT 10/181.

Notice of 24 July 2015 publishing a resolution authorising Red Eléctrica de España, S.A.U. to construct a 132 kV DC power line between the substations at Puerto del Rosario and Gran Tarajal and setting out its public utility.- Case No AT 12/016.

Notice of 24 July 2015 publishing a resolution authorising Red Eléctrica de España, S.A.U. to construct a 132 kV double-circuit DC power line between the substations at Puerto del Rosario and La Oliva and setting out its public utility.- Case No AT 12/026.

² Agreement of 22 December 2014 approving the environmental impact statement for the project to build an underground 132 KV DC power line between the substations at Puerto del Rosario (nueva Salinas) and La Oliva (nueva Corralejo);

Agreement of 30 July 2013 approving the environmental impact statement for the project to improve the transport grid by upgrading power line AT12/016 between the substations at Gran Tarajal and Salinas from 66 KV to 132 KV;

Agreement of 2 March 2015 approving the environmental impact statement for the projects to construct a 132 KV DC power line from Great Tarajal to Matas Blancas and to build a new 132 KV substation at Matas Blancas.