

(English version)

Question for written answer E-000748/22
to the Commission
Manu Pineda (The Left), Sira Rego (The Left), João Pimenta Lopes (The Left)
(22 February 2022)

Subject: Enlargement of toxic sludge ponds in Riotinto

The Riotinto Project is made up of a series of mining operations located in Huelva. A substantial amendment to the environmental permit is being envisaged in connection with this project providing for an enlargement of the toxic waste ponds. This enlargement has cross-border implications because, although the ponds are in Spain, a breach would affect Portugal.

The Spanish Ministry of Ecological Transition has notified the Commission that the dams of the Riotinto Project constitute Category A waste facilities with an impact in another Member State. There have been a number of serious disasters as a result of dams failing in Europe and Spain. According to technical information, the Riotinto dam has been at serious risk of failing for several years.

With that in mind:

1. Is the Commission aware of this planned extension of a toxic waste facility classed as Category A pursuant to Decision 2009/358?
2. What is its assessment of that project, in particular in light of Directives 2011/92/EU and 2001/42/EC?
3. Does it know whether the Autonomous Government of Andalusia has taken into account Decision 871/2008 on environmental impact assessment in a transboundary context?

Answer given by Mr Sinkevičius on behalf of the European Commission
(19 April 2022)

The planned extension of the waste facility was brought to the Commission's attention in Written Question E-000458/2022.

The Strategic Environmental Assessment (SEA) Directive⁽¹⁾ only applies to certain plans and programs that are likely to have significant effects on the environment. By contrast, the Environmental Impact Assessment (EIA) Directive⁽²⁾ applies to public or private projects that are likely to have significant effects on the environment. These projects are defined in Annexes I and II of the directive.

Article 7 of the EIA Directive includes special provisions for cases in which a project implemented in one Member State is likely to have significant effects on the environment of another Member State.

Under this framework, should the Spanish authorities determine that the project is indeed likely to have significant effects on the environment of Portugal, or if Portugal so requests, Spain is under the obligation to send to Portugal as soon as possible a description of the project and information on the nature of the decision that may be taken.

Both Member States should then enter into consultations regarding, i.a. the potential transboundary effects of the project and the measures envisaged to reduce or eliminate such effects.

Without prejudice to its mediating role pursuant to the Treaties in case of dispute among Member States, the Commission recalls that the EIA Directive provides for a system of administrative and judicial review of the decisions, acts or omissions taken by the authorities during the environmental impact assessment procedure, which are available to the public concerned.

⁽¹⁾ Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment — OJ L 197, 21.7.2001, p. 30-37.

⁽²⁾ Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment, OJ L 26, 28.1.2012, p. 1-21, as amended by Directive 2014/52/EU of 16 April 2014 — OJ L 124, 25.4.2014, p. 1-18 (the EIA Directive).