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MISSION REPORT AND RECOMMENDATIONS

following the Fact-finding visit to Spain of 8-10 February 2016

Committee on Petitions

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Objective

The objective of the fact-finding visit to Spain was to meet with petitioners of petitions 0938/2012 and 834/2012 on the ground and establish a dialogue with national authorities to obtain a better insight into various aspects of alleged breaches of EU law, in particular of the Water Framework Directive (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) in the river basins of the Ebro and Tajo.

The visit to the Ebro Delta on 8 February

On 8 February the Delegation arrived at the "Mirador Mijorn" in Tarragona to meet the petitioners of the Plataforma en Defensa del Ebre (petition 0938-12) and visit the Ebro Delta.

After a brief introductory presentation on the delta's situation and how regression affects natural species like birds, shellfish and salterns made by Carles Martin and Albert Rovira (Scientists from IRTA) and Toni Munne (Agencia Catalana del Aigua) from the Mirador, the delegation went to a place called L' Encanyisada, where the round table with petitioners took place.

In the Mirador the experts explained that the area, largely under Natura 2000 protection, had been awarded a Life+ project by the European Commission for the Delta Lagoon habitat restoration and management of two coastal lagoons in the Ebro Delta: L'Alfacada and La Tancada, which took place between 2010 and late 2014, and which was granted 1,5 million euro of EU funds in order to preserve ecosystems with a rich biodiversity that it is at stake at the moment, particularly in case of application of the second cycle of the Ebro RBMP.

The visit to the pilot project on mitigation and adaptation measures to counter climate change in the Ebro Delta didn't take place due to time constrains.

Matilde Font, the petitioner from Plataforma en Defensa de l'Ebre PDE, explained that petition 0938/2012 was presented to the European Parliament in July 2012, because at that time the Spanish government published the draft of the first Ebro River Basin Management Plan (RBMP) 2010 – 2015. This plan should have been approved in 2009 and it has been substituted by the second cycle of planning 2015–2021. The Petition has been debated on three occasions in the European Parliament and is still open.

In the petitioner's views, the allegations in the petition remain valid for the second cycle with the "new" Plan. The new Ebro River Basin Management Plan (RBMP) presented by the government in January 2016, does not present any substantial changes with respect to the previous plan, especially in the parts referring to the impacts of the plan on the Ebro Delta.

The petitioner said that in the Report on the implementation of the Water Framework Directive, River Basin Management Plans published in March 2015 by the European Commission (EC), in reference to the Hydrological Management Plans of the Spanish state, including the Ebro RBMP, a very important number of recommendations were made which were not taken in account by the Spanish government in this second cycle. Therefore, the new plan does not guarantee the objectives set by the EC nor the good ecological state of the water

bodies required by the Water Framework Directive (WFD).

For David Howell from SEO Bird Life, the Ebro Delta is a natural environment of strategic importance, for the migratory movements of birds between Africa and Europe. Most of the Delta's surface area is a Natural Park, protected by the Habitat and Birds Directive, a RAMSAR area and a UNESCO Biosphere Reserve. The new Ebro RBMP 2015-2021 does not guarantee the preservation of the natural species of the Ebro Delta. This second cycle (2015-2021) in his view, has not improved the situation.

For Susanna Abella from PDE, the recently approved RBMP was designed according to criteria of water use rights assignment, which are not in line with the WFD environmental standards. Around 85% of the budget assigned for the implementation of the Plan concerns measures and projects associated with the satisfaction of water demands, mostly related to the construction of large water works, dams and irrigation channels. Most of these measures would lead to a deterioration of water bodies. The Ebro RBMP foresees a huge increase of water consumption and, therefore, a reduction of river flows. The currently irrigated area in the basin (965,000 hectares) will increase, reaching a total area of 1,410,000 Hc (an increase of 46%). In fact, the RBMP includes 56 new regulation works (dams and similar projects), enabling the storage of more than 2,000 hm^3/year, on top of the current total capacity of 7,580 hm^3.

For Carles Ibañez from IRTA, the average natural flow of the Ebro is estimated to be around 13,900hm^3/year. Water use demands associated with the hypothetical development of 1,410,000 hectares of irrigated farmland in the basin are estimated to add up to 10,700 hm3/year (around 77% of the Ebro's average natural flow). The development of these new irrigation projects would increase water stress, affecting protected wetlands and especially the Ebro Delta, the river mouth and the Ebro marine ecosystems.

According to Mr. Ibañez, the new Ebro RBMP sets environmental flows at 3,010 hm^3/year (representing 21% of its estimated natural flow), in order to safeguard the Ebro Delta. However, the petitioners and experts consider this to be totally insufficient. The figure for this ecological flow regime for the final stretch of the river, given by the authorities, is the flow remaining after all the Ebro's present and future demands have been satisfied. The new RBMP shows no evidence that its proposed ecological flow regime would not deteriorate the Ebro Delta water ecosystems. The principle of precaution must be applied to set a flow regime which would guarantee the preservation of this strategic Mediterranean natural area. The final river stretch, the lower Ebro, is an estuary which requires an appropriate ecological flow regime. This is not the case in the new RBMP's calculations. For example, the flow regime for this river section should take into account the risks related to salt intrusion trends within groundwater. A long term salt intrusion would change habitat suitability for native species with low tolerance to salinity, and increase algae bloom frequency and intensity. There would be severe negative effects on the lower Ebro's water bodies. Furthermore, the Ebro's river flow dynamics have significant impacts on marine ecosystems close to the coastline. Therefore, the environmental flow regime should take into account the contribution of continental waters to the productivity of these marine ecosystems. In addition, the current flow regime does not establish an appropriate flooding flow regime, which is vital to allow the mobilization of sediments retained by dams upstream at present.

Mr. Ibañez explained that the assessment of the ecological state of water bodies is a crucial

element of the Water Framework Directive, allowing the authorities to elaborate on a specific diagnosis and set specific objectives to reach a good environmental state. The petitioners said that the Ebro RBMP is deficient with regards to the evaluation of the status of water bodies. In different parts of the river basin no reference conditions have been set and the plan does not include any appropriate method to evaluate the Ebro Delta's ecological state for fulfilling the quality standards required by the EU. Without a clear definition of the current ecological state of water bodies, it will not be possible to evaluate the impact of the measures planned. The information disseminated by the Ebro river authorities and competent Spanish Ministries gives, in the views of the petitioner, a misleading picture of the current ecological state of the Ebro basin. In fact, these authorities maintain that around 70% of the basin's water bodies are in a good ecological state, setting environmental objectives to reach 75%. This analysis highly overestimates the situation, given that 35% of water bodies are not even included in the assessment. For the petitioner, a more accurate figure concerning water bodies with a good ecological state would be 42%. Finally, complementary controls for Natura 2000 areas are not included in the RBMP. From an environmental point of view, the Ebro Delta is significant for its huge diversity of habitats and wildlife in a relatively small area (330 km^2) and also for its strategic role for north-south bird migrations. It is noteworthy for its ornithological fauna, and its halophile flora. Many of the Delta's habitats and species are scarce within Europe and the Mediterranean area which makes their conservation important to maintain biodiversity. Most of these habitats and species are extremely dependent on the water and sediments the Ebro delivers to the Delta.

Mr. Ibañez concluded that the Ebro RBMP does not evaluate impacts on the areas of great environmental value or on the species which live there: the impacts caused by an increase of 445,000 hectares of irrigated land upstream (with resultant pollution of fertilizers and other chemical products) and the decrease in the amount of sediments reaching the Delta as they are retained behind dams upstream. At present, few sediments reach the Delta. Since the construction of huge reservoirs and the expansion of irrigation lands in the 1960s, the Delta has lost a significant amount of land (due to subsidence and regression) – especially coastal areas within the Natura 2000 network, with the resultant loss of habitats and animal species. Nowadays the pace of regression is of 10 metres every year. The reduction of river flow, nutrient delivery and sediments would reduce the biological productivity of the Sea of the Ebro and at the nearby coastal areas. The decrease in fresh water input would lead to changes in the plant communities of the Delta and in the flooding regimes, and birdlife depends on these factors for survival. The lack of sediments together with the rise of sea levels, will lead to the loss of important nesting grounds.

For Joan Balague and Ramon Carles, fishermen, the influence of the Ebro on fishing has been clearly seen, for example in catches of anchovies in the Tarragona area – every cubic metre per second of water the Ebro delivers to the sea is equivalent to 200 kg of anchovies in the following year's captures. It is clear that keeping the large Mediterranean rivers in a good state is crucial for the delivery of nutrients to the sea and key for the food chain of the Mediterranean. The fresh water from the river "fertilizes" the sea in this area thanks to the nutrients it delivers, and produces an extremely productive salt water / fresh water interface. Phytoplankton makes up the base of the trophic chain of aquatic ecosystems. Many studies show a clear relationship between fish catches and other seafood/shellfish (sardines, anchovies, lobsters, shrimps, and shell fish) and the output of the river Ebro. The flow proposed in the RBMP, apart from representing a drastic reduction, also ignores natural flow cycles.

In the year 2011/2012, the lowest flow level of the Ebro was seen – 4,000hm3/year. Mussel production dropped to 2,500 tonnes/year and its average quality dropped to 180g g/kg.
The following year, 2013/2014 (start of the damp cycle), the flow was over 16,000 hm^3/year and mussel production increased to over 4,000 tonnes/year, and quality rose to 240g
To conclude, the water from rivers is not wasted in the sea. It generates productivity in marine ecosystems in a natural way.

For Jordi Prat, rice farmer, the Ebro Delta rice fields are the only possible crop to grow in most of the Delta. Due to the natural salinity of the ground because of sea water, it is necessary to flood the fields with fresh water to keep this salinity under control. The fields are flooded and rice planted in the spring time. The crops are harvested six months later.
Rice fields are turned over and flooded after the harvest, which leads to them becoming a strategic haven for birds. Rice fields are home to a wide variety of birdlife, especially for feeding. Hence this crop is essential to preserve the ornithological importance of this area.
Rice fields also act as an aquatic ecosystem with a wide variety of biological diversity.
The Delta has an irrigation network. It distributes water (coming from the Ebro River) around the Delta and transports a small amount of sediments to the Delta's surface area. It is the only way these sediments can reach the Delta's fields and reduce the subsidence and regression effects. Reductions in river flow and the construction of new reservoirs will drastically reduce the amount of water reaching the Delta's surface area and so its salinity will increase. The lack of sediments reaching the Delta will accelerate its natural sinking.

After the round table, MEPs Ms. Tatjana Ždanoka, Ms. Bodil Valero, Ms. Kostadinka Kuneva, Ms. Rosa Estaràs Ferragut, Mr. Javi Lopez, Ernest Urtasun and Pál Csáky took the floor for question /answer

Madrid - 9 February - Meeting with authorities of of Ministerio de Agricultura, Alimentación y Medio Ambiente, Confederacion hydrografica del Tajo; Confederacion hydrografica del Ebro and DGA (Directorate General of Water)

Mr.Csaky, head of the Delegation, thanked and expressed the constructive spirit of the visit and his desire to better understand the issues related to water management in Spain, recalling that the two petitions on Tajo and Ebro have been presented to the Committee on Petitions. He also explained that the outcome of these discussions and the visits made the previous day (to the Ebro Delta) and the next day (to the river basin of the Tagus) will help the Delegation to make the appropriated recommendations.

Ms. Liana Ardiles, Director General of Water, made a brief presentation on hydrological planning in Spain, highlighting the following general aspects:
- The first planning cycle has been largely superseded by the second cycle; plans include a significant number of improvements. The second plan was approved in January 2016 by the Government of Spain. It highlights the improvements of the second cycle: they have adapted the plans to the requirements of the WFD and incorporated all the recommendations of the European Commission. She explained that the planning cycle is a continuous improvement.
- She highlighted the peculiarities of water management in Spain, a country affected by extreme events of drought and floods, and how water in Spain affects economic development; water being determinant in the Mediterranean climate. According to her, other EU plans this

balance between attention to the demands and environmental objectives is not performed because there is no problem of scarcity and irregularity of water as there is in Spain.
- She explained how over the last few years the authorities have made the process of the first and second cycle plans with a very high participation of users, with more than 18 months of public information available, and all stakeholders being represented. All water plans, including for the Ebro and Tajo, obtained 80% support, representing all regions and all users. All users voted in favour of the plans.
- She recognized that there have been judicial problems and litigation in the courts but she clarified that for the 40 court cases open on the first cycle plan, 20 have been resolved in favour of the National Administration (and in particular, she quoted the recent Supreme Court ruling on the first cycle of the Ebro, whose judgment supports the Administration Plan and, in particular, the establishing of environmental flows)

Mr.Victor Arqued, Deputy Director General of Water Planning and Sustainable Use of Water, took the floor and noted the following:
- Hydrological plans were conceived in Spain before the WFD, and had different objectives. They were designed to meet socioeconomic needs and to allocate water (given the large inequality that exists in Spain concerning water resources). The WFD modified the approach to water management in Spain, following its publication the authorities decided to combine both approaches (water demands and environmental protection).
- The first cycle plans had to overcome significant obstacles in their preparation and processing due to the difficulties associated with the distribution of water (being a scarce resource in Spain). The second cycle plans have attempted to correct the problems identified in the first cycle. The authorities worked with the EU to do so, and these plans are clearly in line with EU requirements. It is a continuous process of improvement and many of the recommendations will also lead to improvements in the third cycle.
- Specific aspects of improvement of the second cycle (approved on time):
    - Almost 3,000 water bodies (of 4000) have established environmental flows.
    - Better characterization of water bodies, especially in Delta del Ebro.
    - Consideration of requirements of Natura 2000 and particularly in the Tajo and Ebro.
    - Great progress in defining environmental flows and enhanced monitoring programs.
    - Reduction of the number of water masses in an unknown state and new rules already in place for assessing the status of water bodies.

Mr. Raimundo Lafuente, President of the Hydrographical Confederation of the Ebro, took the floor and made the following considerations:
- The Ebro basin is the largest in the Peninsula.
- The Ebro River Basin Management Plan was established in accordance e with Spanish and EU regulations (such as the Habitats Directive and the Strategic Environmental Directive).
- This Plan has been prepared following an extensive public consultation process which sought to integrate all the sensitivities within a framework of compliance with current legislation. Improvements have been made in cost recovery, evaluation of the water masses and environmental flow control.
- Water planning and management in the Ebro basin has applied the principles of integrated water management in the area of river basin district, fostering cooperative spirit among stakeholders.
- He highlighted that important efforts were made in connection with the study and research of ecological flows of the Ebro Delta. The ecological flow at the Ebro mouth as defined in the Hydrological Plan is proportionally much higher than the ecological flows of the rivers of the

Ebro basin, the ones established at the mouth of other Spanish rivers and rivers in semiarid regions of the world. This makes clear the efforts made in the Ebro basin in favour of the environment.
- The adopted ecological flow complies with Spanish regulations about calculation methodology. The evaluation of the effects of these flows allows to conclude that the ecological flows are feasible and that the biggest problem of the Ebro Delta in the future will be linked to sea level rise due to climate change
. - He said that the technical quality of the work of the Hydrological Plan for the determination of ecological flows in the Ebro Delta has been endorsed by the judgment of the Supreme Court of Spain (STS 5035/2015 of 20th November)

Mr.Miguel Antolin, President of the of the Hydrographical Confederation of the Tajo, took the floor and made the following considerations:
- The Tagus is the longest river of the peninsula: the basin with less and very irregular water input. The basin has the greater regulatory capacity (11,500 hm^3) and more than 20% of the urban population of Spain. The use of the water is 58.9% for agricultural use and 26.5% for urban use.
- Regarding the status of water bodies he noted that 58.2% of the masses are already in good condition. There have been improvements in their ecological and chemical status. Tagus Plan second cycle has made progress in achieving environmental goals, particularly in the quality of water, and the incorporation of protected natural areas.
- Regarding environmental flows in the Tagus, existing plans have established for the first time a minimum flow of 10 m3 / s. In practice, the circulating flow is higher.
- He explained a program of measures with a planned investment of 2.583 billion: 58% of the investment is intended to reduce water pollution and 21% to reduce pressure for water extraction.
- He said that the authorities have made great efforts in this legislature to approve the first review cycle and the second cycle plans, stressing that the plans are subject to a process of continuous improvement.

Mr. Manuel Menendez, environmental consultant and expert on strategic environmental assessment, Directorate General of Quality and Environmental Assessment and Natural Environment, took the floor next. He explained the process of strategic environmental assessment, which followed the Hydrological Plans. Mr. Menendez explained that the hydrological plans have a purpose of environmental improvement; he noted that the environmental body has acted in a supervisory capacity to ensure that the environmental objectives of the WFD were met. This process has promoted significant improvements in the second cycle plans. In this context, he highlighted that the environmental restrictions for new infrastructure are in line with European directives and consistency between measures of hydrological plans and the actions of other European directives.

Mr. Csaky took the floor and opened it for questions:

Ms. Pitera referred to the statements of the petitioners, who claimed that the new hydrological plans could ruin European investment amounting to €2 mln for the protection of habitats in the Ebro Delta (LIFE program). She asked for more precise information in this regard, particularly about the length of the investment period and the total costs of EU spending. Mrs. Pitera also wondered if there have been studies on the impact of the hydrological plans on investment in the ecosystem. In relation to the recommendations of the EC for the second

cycle, she asked whether the authorities had done everything possible for the assessment of water bodies, since the petitioners claimed that current data is based on the assessment of only 65% of water bodies.

Ms. Valero said that she understands the problems of water management in Spain, but the solutions of the past cannot serve to meet the challenges of the present and the future. She considers that Spain does not work in the direction given by the WFD, including in the hydrological plans the issue of sharing water. She explained that, for example, in the Segarra-Garrigas Canal other solutions should have been sought to meet the water needs of the users like using water from desalination plants or reducing water for tourism uses.

Ms. Zdanoka intervenes to point out that the Delegation didn't come to evaluate the work of Spain but focus on the petitions received by the Committee in relation to specific regions. She knows that there was a demonstration in the Ebro Delta. Demonstrators said that there is not a fair distribution of water and she asked for the priorities used for water allocation. She suggested having better communication with Catalonia and hearing their claims.

Ms. Kuneva said that the new Plan will irrigate 500000hc, and asked how they will remedy the problem of the sediments retained by the dams, and what measures have been taken for the Natura 2000 regions affected.

Ms. Estaras explained that the petitions were made before approving the first plan. There was a presentation of the plan allowing for scrutiny over 18 months to the public and that ensures broad public participation: 84% of representatives of the ANC have agreed with the proposal of the second cycle Plan of Ebro. She explained that there are 17 autonomous regions in Spain and there may be conflicting interests between them or with the State. She wants to acknowledge the efforts made by the Government of Spain to approve the first cycle plans after a delay of 3 years and that the second cycle was done on time. On the other hand, she considers it important to know that only 5% of the mass of water from the Ebro has not been evaluated. She welcomed the explanations received and requested to continue in this way, that technical arguments prevail over political ones with regard to the suitability of the Plans and their suitability regarding the WFD.

Mr. Gutiérrez explained that the Commission is now in Spain because the EC considered that the petitioner's arguments pointed out a possible infringement of the WFD and other EU environmental Directives. He is aware of the difficulty of water planning in Spain. He stressed that the Administration must take into account the 20% of disagreements regarding the Plans. He refers to the fact that the regional government of Castilla La Mancha, along with the mayors of the towns affected and agricultural organizations have expressed their unanimous wish to appeal against the new Tagus basin plan. He believes that Spain needs a balanced water policy. He noted that there are technical decisions but also political. In this context he indicated that the Platform in Defence of the Tajo and Alberche upheld the following claims with respect to the second cycle Tagus Plan: it is excessive to transfer the figure of 400 hm^3, 15% of the dammed reservation; 20 m^3/s is required in Talavera against the current 10 m^3/s and the Jarama river must improve the purification of its waters. He concluded that there are good things in the second basin plan cycle but believes that a better balance is needed.

Ms. Evi requests information on the Delta. She noted that the EU will not meet the 2020

biodiversity targets and asked if the authorities are doing everything necessary to protect biodiversity and Natura 2000. On the other hand, and in relation to the Water Register, she asked if the administration is trying to implement measures to positively discriminate in favour of those drawing less water and discourage those who extract more.

Mr. Csaky appreciated the replies and explanations and noted that the discussion was very useful for both sides of the table. He thanked everybody for the very new information provided; recognized the complexity of water management in Spain and the efforts made by the Administration to improve water planning. He indicated that there is determination from the authorities in this matter and concludes recommending temperance and energy for the future.

The visit to the Tagus basin - Talavera de la Reina on 10 February

On 10 February the Delegation visited the sites in Talavera with the petitioners (petition 0834-12). The Delegation went to the Talavera University where the round table with petitioners and scientists took place.

- Mr.Miguel Angel Sanchez (Petitioner, Platform Tajo Talavera) explained that in the case of the second cycle of the Tagus Water Plan not many recommendations made by the EC to improve the first cycle plan have been incorporated (evaluation methods, adequate justification of exceptions to compliance to environmental objectives, consideration of environmental flows, objectives for environmental protected areas, cost recovery). The second cycle of the Tajo is virtually a copy of the first, with few variations, given the enormous delay in the adoption of the first Plan (2014, instead of 2009), both plans have almost overlapped in time, and improvements have not been made in the new 2016 Plan. For example, in the case of the ecological flows, the second cycle Plan refers literally to the content of the previous one. The Tagus Water Plan of 2016, approved in January, subordinates achieving environmental objectives to internal and external water demands of the Tagus basin. He also reminded that complains on the so called memorandum haven't been replayed yet.

- Dr. Domingo Baeza (Autonomous University of Madrid) The assessment of the status of water bodies in the Tagus river basin between Bolarque and Talavera de la Reina (the main object of the petition) classified them as having a bad ecological status. The Ministry should have established measures to improve this. This has not been done and therefore the authorities have not complied with the WFD obligations. Furthermore, in the case of environmental flows, a legal requirement in Spanish law and a key measure to improve the status of water bodies in the Tajo, the new plan (2015-2021) approved in January 2016, reproduces the proposed minimum flows that were included in the previous plan (2009-2015). The concept of minimum flows (constant all the year) has no scientific or legal basis and it is not appropriate for achieving the goal of establishing the good ecological status of the river. A stable minimum flow, invariable throughout the year, is not adequate from a scientific point of view. What is required is an environmental flow regime that replicates the natural river flow variability, and allows the recuperation of the biological and environmental functions of the water flows: fish migration, recuperation of riparian vegetation, periodic flooding of the river banks. This requires a minimum flow during the drier and hotter summer months but more abundant flows the rest of the year, mimicking the natural and variable hydrography of the river. The Tajo river management plan does not propose an environmental flow regime. The fact that average flows in Talavera sometimes exceed 20 m^3/s is not an acceptable

measure, it represents average flows and it doesn't contemplate the necessary variability of flows throughout the year, necessary to comply with the biological and environmental requirements for an adequate river ecosystem.

• Dr. José María Bodoque del Pozo (Tajo Research Group, Castilla-La Mancha University) explained that the Tagus river is not a functional river from a hydro morphological point of view, which means that the water flow practically remains constant during the 365 days a year. This has important implications from an environmental point of view. The absence of flooding has caused major disruption of river habitats and the ancient riparian forest has been replaced by crops. As a result, the river ecosystem has suffered a major breakdown by significantly reducing the contribution of organic matter to the river bed, which is the main source of energy of the food chain. The absence of the hydro morphological function of the river makes it impossible to reach a good environmental status, according to the provisions of the Water Framework Directive.

• David Howell (Head of Environment Policy SEO) and Nicolás López-Jiménez, (Head of Threatened Species - Conservation Unit, SEO/BirdLife) explained that the current water management in the River basin of the Tagus, especially in the central axis affected by water transfers of the Tajo-Segura, is causing serious damage to the ecosystems, since most fish species have disappeared. Also several species of birds living in the ZEPA zones have stopped nesting in the area since they have not been able to adapt to artificial changes (regulation of water flow). The nesting areas have dried up and the habitats have suffered a severe fragmentation. The Natura 2000 areas have suffered a major transformation. The River Basin management Plan of the Tagus has not taken into consideration the maintenance of an ecological water flow regime that allows for the existence of these species, or measures to restore the banks and most affected areas. The new Management Plans are a threat to habitats and protected species. The actual flow regulations have a negative impact on the Natura 2000 zones. This impact is caused by the regulation of the Tagus River and the constant water transfers and it could be seen in the Natura 2000 areas "Carrizales and Sotos de Aranjuez".

• Nuria Hernández-Mora (Fundación Nueva Cultura del Agua / Universidad de Sevilla) explained that the Tajo-Segura transfer has been a political priority for different national governments which has made it difficult to rationally tackle the water supply challenges in the Segura river bassin. However, it is clear now that, in order to comply with EU legislation, particularly Natura 2000 Directives and the Water Framework Directive, the transfer cannot continue in this way given current climate change scenario predictions. There has already been a 48% reduction in available water resources in the Tajo headwaters since the 1980s to today. The Transfer was projected using estimations that are no longer true. And predictions are that available water resources in the headwaters of the Tajo will decrease further. In addition, environmental conditions in the Tajo downstream from the transfer, and particularly in Natura 2000 sites, are deplorable because of a lack of environmental flows in the Tajo River. There is not enough water for the transfer to continue. Over 80% of water resources in the Segura river basin are used for irrigation. Therefore, there is clearly enough water in the Segura basin to cover domestic water supply needs. There is, in addition, a complete lack of control on groundwater uses in the basin. Transferred waters need to be charged at full cost, not at the current highly subsidized rates. Today the cost for Segura river irrigators of transferred waters is 0,09 €/m^3, 40% less in real costs than when the transfer started in 1981, and 50% less than the price paid for that water in inter-basin water markets during the 2005-2008 drought.

After presentations by scientists, members of different Tajo riparian citizen organizations and town associations briefly presented the socioeconomic, cultural, and environmental and landscape impacts of the Tajo-Segura transfer for their cities and towns. The President of the Entrepeñas and Buendía Riparian Towns Association spoke about the losses resulting from lost tourism income, lost economic development possibilities and population decrease as a result of the continuously low reservoir levels (currently 13% storage) since the Tajo-Segura transfer became operational. Representatives from the citizen associations: Aranjuez Association in Defence of the Tajo, Toledo Platform in Defence of the Tajo, Association Friends of Carpio del Tajo, and Talavera Platform in Defence of the Tajo also intervened to present the existing social demand for the recuperation of the health of the river. Aranjuez and Toledo are also UNESCO World Heritage cities, and the Tajo river is part of the patrimonial value of those cities.

The visit finished with a demonstration of canoeists (clubs Talavera-Talak and Sports Club Aranjuez) showing the river depth in front of Talavera de la Reina which allows them to walk beside their kayaks, the water was only 20cm high, up to their knees.

General observations

During the visit, the Delegation noted that there is a need for a more fruitful and trustworthy dialogue between petitioners and competent public authorities. In general authorities said that the Water Management Plans of the rivers Ebro and Tajo were in compliance with the Water Framework Directive and petitioners claimed the opposite. Moreover, the latter pointed possible breaches of Habitats and Birds directives, as the scarcity and state of waters in both rivers affecting different Natura 2000 sites. Also the authorities claim that the plans complied formally with the public participation provisions, whereas the petitioners complain that these were only cosmetic.

Secondly, the visit raises awareness of the water scarcity in Eastern Spain due to the climate change, urban pressure uses and intensive irrigation, as well as tourism activities Two main solutions have been brought forward in order to solve this water shortage: water transfer and desalination. However, Members were informed of existing desalination technology subsidised by EU funds. Future water demands should be reviewed in order not to generate a scarcity problem, which would also endanger the current irrigation crops.

Thirdly, experts brought evidences of how regression affects natural species like birds, shellfish and salterns and suggested possible measures to mitigate the effects of climate change in the Ebro Delta. Most of the Delta's surface area is a Natural Park, protected by the Habitat and Birds Directive, a RAMSAR area and a UNESCO Biosphere Reserve. The various stakeholders, such as rice farmers, fishermen, bird experts and environmentalists pointed out following Delta's problems: regression, subsidence, erosion and salinization.

One of the main issues, about which petitioners complained, is the lack of ecological river flow. Bad water quality in a river that keeps the same level during the twelve months of the year has negative effect on the habitats and species. The delegation noted that in the case of the Tajo River the factual situation on site, the environmental conditions downstream from the Transfer, and particularly the Natura 2000 areas, differed from the situation described in the

previous meetings due to a lack of environmental flows. There have been complains to the Commission previously, in relation to the alleged breaches of the Birds and Habitats directives in the Natura 2000 areas located within the Tajo basin. It appeared to be a confusion between the concepts of minimum flow, legal flow and ecological flow (the latter being the concept required by the WFD). An in-depth independent study has been recurrently demanded by NGOs, related to the calculation of the ecological flows.

The WFD aims at preserving the good state of the inland water bodies. Its transposition shall be made ensuring a sustainable use of these water resources and in compliance with EU-law, and with the recommendations of the EU institutions, as well as with regard to public interest.

The delegation explained that EU law has to be implemented and applied by the Member States and that issues need to be addressed firstly at local, regional or national level, through dialogue and cooperation between authorities and citizens.

Recommendations

The Committee on Petitions:

1. Considers that water management in Spain should be reassessed in line with the requirements of the WFD and the RBMP;

2. Underlines that the latest River Basin Management Plans (RBMP) do still not address all the deficiencies identified by the Commission in March 2015 within the first cycle plans, and that therefore they are not yet compliant with the Water Framework Directive provisions; asks the Commission to reject the second cycle of River Basin Management Plans presented by the Spanish government;

3. Requests that the Commission reports on the latest developments with regard to the petitions 0938/2012 and 834/2012 and all opened complaints concerning the water framework directive in the Tajo and Ebro rivers;

4. Requests that the Commission closely monitors the way in which EU law on river basin management plans is applied in Spain and especially the second cycle of plans of the Ebro and Tajo River Basin Management Plan (RBMP) presented by the Spanish government in January 2016; request that the Commission closely monitors the situation in the Ebro delta and the middle Tajo in the next Report on the implementation of the Water Framework Directive, River Basin Management Plans to be published in 2017 by the European Commission (EC);

5. Suggests that the Spanish national authorities work effectively together with the regional authorities, NGOs and civil society and engage with them a constructive dialogue for the preparation of the third cycle of RBMP; taking genuinely into due consideration the allegations that might emerge in the process;

6. Stresses the importance of consistency between each individual Environmental Impact Assessment in different parts of the river with the Strategic Environmental Assessment over the RBMPs for each river;

7. Reminds that on the basis of the provisions of the WFD the ecological flow should also

be sufficient to achieve a favourable conservation status of natural habitats and species of Natura 2000 sites dependent on the status of water; underlines that ecological flow does not only refer to the amount of water, but also in what regards a good chemical composition of the internal waters, particularly in such relevant rivers as the Ebro and Tajo which are the source of relevant biodiversity, as acknowledged by the many different Nature 2000 protected areas along both rivers;

8. Points out that the low levels set for the minimum flow in the Tajo RBMP, in Almoguera, Aranjuez, Toledo and Talavera de la Reina, together with a non-existent seasonal flow variation, contribute to the serious alteration of water flow regimes in the Natura 2000 related areas; considers that this generates a persisting habitat alteration for fish and other species within the Sites of Community Interest, seriously affecting its conservation and not contributing to their recovery;

9. Recommends conducting an updated independent and in-depth study on the needs of the protected areas in terms of water quality and ecological flows in accordance with the environmental objectives set in the Water Framework Directive and the requirements of the Habitats and Birds Directives. The study shall provide data for the review of the next cycle of RBMP and help to establish the ecological flows needed in the Ebro Delta and in the middle Tajo. It shall be subsidized by European funds with the participation of all the concerned stakeholders, including representatives of regional authorities, petitioners and civil society associations;

10. Suggests that the Spanish authorities examine further possibilities, in line with European Commission´s recommendations, within the programs of measures of the RBMP and their associated investments in order to achieve environmental goals and existing essential water demands such as drinking water, which enables appropriate flooding flow regime;

11. Suggests that, in order to achieve environmental goals set for in the Tajo RBMP, the Spanish authorities shall review the ecological river flows proposed for the Tajo river in the second cycle Tajo RBMP; suggest that in accordance with the legal provisions established by the Spanish Water Act, the EC Guidance on e-flows and the Water Framework Directive, the ecological flow should be sufficient to achieve the objective of a good status in the river, allowing for sufficient dilution of the treated wastewater; the ecological flow should also be sufficient to achieve a favourable conservation status of natural habitats and species of Natura 2000 sites dependent on the status of water;

12. Urges the Spanish authorities to integrate available water resources within the framework of the current RBMP, including non-conventional resources, especially the water from the EU funded desalination plants, in order to enhance water supply security at the basin level;

13. Suggests that the Spanish authorities assess the adequacy of the existing recovery cost instruments and their consistency to achieve the goals set for in Water Framework Directive and in the RBMP; a proper system of water price determination, will further on facilitate efficient environmental protection.