



22.11.2024

NOTICE TO MEMBERS

Subject: Petition No 0104/2024 by C. G. (Spanish) on behalf of ‘Plataforma Ciudadana de Afectados por el Cambio del Sistema de Riego (Ejea de los Caballeros, Zaragoza) y Comunidad de Regantes A-19-20 (Huerto, Huesca)’, on irrigation projects in Las Bárdenas, Zaragoza and Canal del Flumen

1. Summary of petition

The petitioner denounces that the Bárdenas and Flumen canal irrigation projects belonging to the Recovery, Transformation and Resilience Plan of the Spanish economy (PRTR) and therefore financed within the Next Generation EU plan, violate the principle of “not causing a significant damage”. He adds that the project allegedly fail to comply with the environmental objective called “sustainable use and protection of water and marine resources”, since the execution of both projects would allegedly be “detrimental to the good condition or good ecological potential of the bodies of water, including surface waters and underground.” According to the petitioner, both projects propose the replacement of gravity irrigation systems with pressurized irrigation systems, which would be detrimental to their sustainability.

2. Admissibility

Declared admissible on 30 April 2024. Information requested from Commission under Rule 233(5), former Rule 227(5).

3. Commission reply, received on 22 November 2024

Safeguarding environmental protection and transparency with regard to the decision-making process for public and private projects is of utmost importance to the Commission. In this context, the Commission ensures the respect of the ‘do no significant harm’ (DNSH) principle

as enshrined in Article 5(2) of the Recovery and Resilience Facility (RRF)¹. The Commission put in place a framework to ensure that the DNSH assessment is applied for all the measures included in the Recovery and Resilience Plan of all Member States, including Spain^[OBJ]², under the RRF^[OBJ]. Member States are primarily responsible for ensuring that DNSH conditions are fully respected at all times, taking into account commitments set out in the submitted RRFs in accordance with the DNSH Technical Guidance.

In particular, Component 3 Investment 1 (C3.I1) – Plan to improve efficiency and sustainability in irrigation, establishes that *“It is expected that this measure does not do significant harm to environmental objectives within the meaning of Article 17 of Regulation (EU) 2020/852, taking into account the description of the measure and the mitigating steps set out in the recovery and resilience plan in accordance with the DNSH Technical Guidance (2021/C58/01). In particular, desalinated water shall be produced using the best available technology with the lowest environmental impacts in the sector. All irrigation activities shall be carried out in compliance with the Water Framework Directive, the necessary Environmental Impact Assessments shall be carried out in accordance with Directives 2009/147/EC and 92/43/EEC, and the required mitigation steps for protecting the environment shall be implemented”*.

As part of the RRF requirements embedded in the annex to the Council Implementing Decision³, the above-mentioned DNSH criterion has been embedded in the collaboration agreements between the Ministry of Agriculture, Fisheries and Food (MAPA) and SEIASA, the state-owned company in charge of executing this measure. These agreements set the basis for selecting the projects to be financed under C3.I1. Two collaboration agreements have already been positively assessed by the Commission under Target 46 (2nd payment request⁴) and Target 47 (4th payment request⁵) including its the compliance with the DNSH requirements and environmental legislation (Water Framework Directive and the Environmental Impact Assessment Directives) above-mentioned.

Without prejudice to the Commission’s powers as guardian of the Treaties, the primary responsibility for the correct implementation of the above provisions lies with the competent authorities of the Member States.

On the basis, at this point, the projects included under the above-mentioned collaboration agreement are considered compliant with the DNSH provisions and relevant environmental legislation. In this respect, future milestones under C3.I1 will analyse the implementation of the projects and their compliance with the requirements established under the Council Implementing Decision Annex⁶, including the DNSH requirements established above.

Conclusion

For the reasons outlined above, the Commission has not identified, at this stage, any

¹ Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 establishing the Recovery and Resilience Facility (OJ L 57, 18.2.2021, p. 17–75)

² Commission Notice Technical guidance on the application of ‘do no significant harm’ under the Recovery and Resilience Facility Regulation 2021/C 58/01 - C/2021/1054, OJ C 58, 18.2.2021, p. 1–30

³ ANNEX to the Proposal for a COUNCIL IMPLEMENTING DECISION:
[COM_2023_576_1_EN_annexe_proposition_cp_part1_v4.pdf \(europa.eu\)](#)

⁴ [Positive preliminary assessment of the satisfactory fulfilment of milestones and targets related to the second payment request \(europa.eu\)](#)

⁵ [e8b93743-5a80-4c10-9caa-4dabedc95728_en \(europa.eu\)](#)

⁶ [COM_2023_576_1_EN_annexe_proposition_cp_part1_v4.pdf \(europa.eu\)](#)

indication of a breach of the '*do no significant harm*' principle for C3.I1 under the Spanish Recovery and Resilience Plan. Consequently, the Commission cannot give any further follow up to this petition.