



29.11.2024

NOTICE TO MEMBERS

Subject: Petition No 0671/2024 by S.S.D. (Spanish), on behalf of EUC Parques de Sotogrande, on the environmental deterioration of the Guadiaro estuary

1. Summary of petition

The petitioner highlights the condition of the Guadiaro estuary, a wetland of significant faunal richness and an important route for bird migration. He notes that the area has suffered considerable deterioration since the 1970s-1980s, following the closure of one of the river's branches. The petitioner explains that in 2014 he obtained authorization from the Junta de Andalucía to reopen the western branch of the river. However, he explains that he was unable to carry out the necessary work. The petitioner expresses regrets that a recent State initiative in the same area did not address this issue. The petitioner calls on the European Parliament to investigate the environmental situation of the Guadiaro estuary, aiming to restore the closed river branch and improve the natural area's ecological condition.

2. Admissibility

Declared admissible on 10 October 2024. Information requested from Commission under Rule 233(5).

3. Commission reply, received on 29 November 2024

The Petition

The Petitioner claims that the west river branch of the Rio Guadiaro was closed artificially in the 1970s and 1980s, resulting in a deterioration of the area that is still ongoing. Due to the inaction of regional and national authorities, it requests the European Parliament to urgently intervene so that the river branch will be restored.

The Commission's observations

The Estuary of Rio Guadiaro has been designated as site of Community importance (SCI), “Estuario del Río Guadiaro”¹, under the Habitats Directive² and has been classified as Special Protection Area (SPA), with the same name and code, under the Birds Directive³. Therefore, the site belongs to the EU Natura 2000 network. The site was first proposed to be designated as SCI in 1997 and adopted as such in the list of SCI for the Mediterranean biogeographical region in 2006⁴. The site was classified as SPA in 2002. In addition, the upstream of the Estuary has been designated as SCI, “Ríos Guadiaro y Hozgarganta”⁵, proposed in 1997 and adopted in the same list of SCI for the Mediterranean biogeographical region.

Under the Habitats Directive, Member States authorities must take appropriate steps to avoid, in Natura 2000 sites, the deterioration of natural habitats and the habitats of species as well as the significant disturbance of the species for which the areas have been designated. This obligation applies since the SCI was proposed for addition to the above-mentioned list in 2006, and since the SPA was classified in 2002.

While the Habitats and Birds directives provide a framework for the conservation of natural habitats, species and protected sites, the implementation and enforcement of these laws are the primary responsibility of the competent Spanish authorities. In order to assist them in this task, the Commission has issued guidance⁶.

In addition, the EU Nature Restoration Regulation (NRR)⁷ sets nature restoration targets for Member States. It is up to the Member States to determine and plan how to achieve these targets and where they will implement restoration measures. Stakeholders should be given opportunities to participate in the preparation of National Restoration Plans (NRPs) and various restoration activities. In particular, the NRPs will need to address the potential needs of local communities and specific stakeholder groups⁸.

As concerns funding opportunities, including for projects like the one the petitioner refers to, many restoration projects can be funded with the EU LIFE programme, but the NRR relies on financing opportunities available under EU funds such as Regional Funds, and the Maritime, Fisheries and Aquaculture Fund, among others.

Without prejudice of the Commission’s role as a guardian of the Treaty, and as stated in Communication C/2016/8600⁹, the redress mechanisms provided at national level are the most appropriate means to deal satisfactorily with individual cases of possible incorrect application of EU law.

¹ Site code ES6120003

² Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora - OJ L 206, 22.7.1992, p. 7–50

³ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (Codified version) OJ L 20, 26.1.2010, p. 7–25

⁴ 2006/613/EC: Commission Decision of 19 July 2006 adopting, pursuant to Council Directive 92/43/EEC, the list of sites of Community importance for the Mediterranean biogeographical region (notified under document number C(2006) 3261)

⁵ Site code ES6120031

⁶ <https://op.europa.eu/en/publication-detail/-/publication/2c9f4a14-8f97-43ac-a274-4946c142b541>

⁷ Regulation (EU) 2024/1991 of the European Parliament and of the Council of 24 June 2024 on nature restoration and amending Regulation (EU) 2022/869

⁸ For more information: https://environment.ec.europa.eu/topics/nature-and-biodiversity/nature-restoration-law_en

⁹ Communication from the Commission — EU law: Better results through better application C/2016/8600. OJ C 18, 19.1.2017, p. 10–20

Conclusion

In view of the foregoing, the Commission does not intend to take further action on this specific matter. It is the responsibility of the national competent authorities to apply the above-mentioned provisions, and to ensure compliance with the relevant EU legislation. Concerns in relation to breaches of these obligations would best be addressed at the national level, with recourse to national courts if deemed necessary.