

1. The site ‘Sierra del Escudo’¹ has been designated as a Special Area of Conservation (SAC) under the Habitats Directive², which requires that Member States take appropriate steps to avoid, in such SACs, the deterioration of natural habitats and the habitats of species, as well as significant disturbance of the species for which the areas have been designated. The competent national authorities can agree to a project likely to have a significant effect on a Natura 2000 site, only after having ascertained that it will not adversely affect the integrity of the site concerned through an appropriate assessment of its implications for the site in view of the site's conservation objectives³. Member States are responsible of ensuring the proper implementation of the Habitats and Birds Directives⁴, as well as the Environmental Impact Assessment Directive⁵.

2. The monitoring of the correct implementation of mitigation measures and their effectiveness, and the implementation of corrective measures, if needed, to ensure that the site is not adversely affected during the project's execution works or operational phase are primarily the responsibility of the Spanish authorities. The Commission has issued guidance to support Member States in this task⁶. Without prejudice to the Commission's role as guardian of the Treaties, and as stated in Communication C/2016/8600⁷, 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 ES1300016.

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 Without prejudice of Article 6(4) of the Habitats Directive.

⁴ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds, OJ L 20, 26.1.2010, p. 7–25.

⁵ 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.

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

⁷ Communication from the Commission — EU law: Better results through better application C/2016/8600. OJ C 18, 19.1.2017, p. 10–20.