

(English version)

**Question for written answer E-002896/24
to the Commission
Irene Montero (The Left)
(12 December 2024)**

Subject: Impact of the Guggenheim Urdaibai project on the Urdaibai Biosphere Reserve and use of EU funds

The Urdaibai Biosphere Reserve (Unesco, 1984), while robustly protected (Natura 2000 network, Ramsar Convention, Law No 5/1989) ⁽¹⁾, is under threat from Basque Government plans for two Guggenheim museum sites to be built in the protected area. Consequences will include a new path to link the two sites, a wooden pile structure that would affect the marsh and 140 000 more tourists a year, which would harm a delicate ecosystem ⁽²⁾.

The project is funded by NextGenerationEU and could pose problems regarding access to information and participation ⁽³⁾. In view of the above:

1. What does the Commission make of the project's potential impact on the Urdaibai ecosystem and marsh, which are protected under the Natura 2000 network?
2. Is the Commission monitoring this project's compliance with Directives 92/43/EEC (on habitats) and 2009/147/EC (on birds)?
3. What measures will the Commission take to ensure the rights of participation and access to justice on environmental matters, as required by the Aarhus Convention, are upheld with regard to this project?

Submitted: 12.12.2024

**Answer given by Ms Roswall on behalf of the European Commission
(14 February 2025)**

As referred to in the reply to Written Question E-003188/2022 ⁽¹⁾, pursuant to the Environmental Impact Assessment (EIA) Directive ⁽²⁾, Member States are primarily responsible to ensure compliance with their obligations under EU law.

It is for the competent national authorities to determine, prior to granting development consent, whether the project ⁽³⁾ shall be subject to an assessment because of its likely significant effects on the environment.

The EIA Directive provides for specific review procedures that allow the public concerned to challenge the substantive or procedural legality of decisions, acts or omissions subject to the directive's provisions on public participation.

Member States are also responsible under the Habitats ⁽⁴⁾ and Birds Directives ⁽⁵⁾ to conduct an appropriate assessment of the project's implications for the site in view of its conservation objectives.

Where the obligation to carry out assessments arises simultaneously from the EIA Directive and the Habitats Directive, the Member State shall, where appropriate, provide for coordinated and/or joint procedures.

Based on the available information, the Commission cannot assess the authorities' compliance with the above obligations in the particular case at issue here.

Moreover, the Commission's strategic approach to enforcement action focuses on systemic non-compliance cases ⁽⁶⁾. Without prejudice to the Commission's role as guardian of the Treaties, the most effective way to address an individual case of alleged non-compliance is to use the national review procedures that allow the public concerned to challenge the substantive or procedural legality of decisions, acts or omissions subject to the EIA public participation provisions.

¹ ¹Página web de la plataforma Guggenheim Urdaibai Stop. <https://guggenheimurdaibaistop.info/es/>.

² ²https://www.eldiario.es/euskadi/puntos-negros-segundo-guggenheim-zona-inundable-acuifero-contaminado-problemas-abastecimiento-urdaibai_1_10647731.html.

³ ³<https://cadenaser.com/euskadi/2024/12/04/los-ayuntamientos-de-urdaibai-guardan-silencio-ante-el-dialogo-impulsado-por-la-diputacion-sobre-el-futuro-de-la-comarca-radio-bilbao/>.

⁽¹⁾ ⁴ https://www.europarl.europa.eu/doceo/document/E-9-2022-003188_EN.html

⁽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.

⁽³⁾ Projects for the construction of museums may be considered as urban development projects, which are referred to in point 10(b) of Annex II of Directive 2011/92/EU.

⁽⁴⁾ 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.

⁽⁵⁾ 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.

⁽⁶⁾ As set out in the communication of 19 January 2017 (EU law: Better results through better application — C/2016/8600, OJ C 18, 19.1.2017, p. 10-20) and in the communication of 13 October 2022, COM(2022)518 final, 'Enforcing EU law for a Europe that delivers'.