

EN
E-003037/2024
Answer given by Ms Roswall
on behalf of the European Commission
(21.3.2025)

1. The Commission is not aware of the details regarding the licensing procedure of this project and cannot assess if the alleged granting of the license refers to a work license or to the urban licensing procedure to continue in the city council.

Pursuant to Article 6(3) of the Habitats Directive¹, any plan or project likely to have a significant effect on a site must be subject to an appropriate assessment. The project shall only be authorised after having ascertained that it will not adversely affect the integrity of the site concerned, and, if appropriate, after having obtained the opinion of the general public.

Depending on their capacity, storage facilities for petroleum, petrochemical and chemical products fall under the scope of the Environmental Impact Assessment (EIA) Directive². Projects listed in Annex I are automatically subject to EIA, while for those in Annex II Member States shall determine if an assessment is needed. Failure to conduct an EIA, where required, is considered a breach of EU law.

2. The Commission has a structured dialogue with the Spanish national authorities in charge of nature conservation policies and reminds them regularly of their obligations under EU nature legislation.

3. Spanish authorities have the primary responsibility for the correct implementation of the above provisions of EU law. According to the Commission's strategic approach on enforcement action³ on cases of systemic non-compliance, the means of redress available under national legislation are the most appropriate mechanism to address individual cases of possible non-compliance, such as this. Therefore, the eventual suspension of the licence is a matter for the Spanish authorities and the national courts.

¹ 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.

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, as amended by Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014, OJ L 124, 25.4.2014, p. 1–18.

³ 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.