

EN
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Answer given by Ms Roswall
on behalf of the European Commission
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Based on available information, the la Vega de Mestanza plant would serve, among others, Alhaurín el Grande, one of the agglomerations covered by an infringement case¹ for which Spain is paying fines for failing to comply with the Urban Wastewater Treatment Directive². The Commission, which attaches high importance to ensuring implementation of EU law, lacks information to ascertain whether or not this project complies with EU law. National courts play a key role in enforcing Union law in individual cases of possible bad application³.

The planning and permitting of large⁴ urban wastewater treatment plants must be subject to an assessment⁵ of significant effects, including on biodiversity, water, land and soil. The risk of accidents or disasters and vulnerability to climate change including extreme weather events must also be assessed. Moreover, local climatic conditions as well as seasonal variation in wastewater must be considered when designing treatment plants⁶. In addition, flood risk management plans⁷ should consider a flood risk⁸ assessment and be considered in spatial and land-use planning including the building of such plants.

The Commission is aware that ‘land take’ is an environmental challenge⁹ and a concern for the farming community. The Commission will launch an EU Observatory on Farmland¹⁰ to enhance transparency in land use, as well as loss of agricultural land. Member States should also consider the land take hierarchy put forward in the EU Soil Strategy for 2030¹¹ and contribute to achieve the EU policy objective of ‘no net land take’ by 2050.

¹ INFR(2004)2031.

https://ec.europa.eu/atwork/applying-eu-law/infringements-proceedings/infringement-decisions/?lang_code=en&langCode=EN&version=v1&typeOfSearch=byCase&page=14&size=10&order=ascending&sortColumns=memberState&infringementType=BAD&activeCase=true; Judgment of 14.04.2011 of the Court of Justice of the European Union (CJEU Case) C-343/10: <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:62010CJ0343> and judgment of 25.07.2018 of the CJEU- Case C-205/17: <https://curia.europa.eu/juris/liste.jsf?language=en&num=C-205/17&td=ALL>.

² Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment, OJ L 135, 30.5.1991, p. 40–52.

³ As set out in Communication from the Commission ‘EU Law: Better Results through Better Application’- C(2016)8600 final.

⁴ With a capacity exceeding 150 000 population equivalent.

⁵ Pursuant to 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.

⁶ Article 10 of Council Directive of 21 May 1991 concerning urban wastewater treatment (91/271/EEC).

⁷ Directive 2007/60/EC of 23 October 2007 on the assessment and management of flood risks, OJ L 288, 6.11.2007.

⁸ <https://discomap.eea.europa.eu/floodsvviewer/?page=Page>.

⁹ <https://www.eea.europa.eu/en/analysis/maps-and-charts/land-take-during-2018-by?activeTab=570bee2d-1316-48cf-adde-4b640f92119b>.

¹⁰ Vision for Agriculture and Food: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52025DC0075>.

¹¹ https://environment.ec.europa.eu/publications/eu-soil-strategy-2030_en.