

(English version)

Question for written answer E-003202/25
to the Commission
Nicolás González Casares (S&D), Javi López (S&D)
(6 August 2025)

Subject: Risks to health and violation of fundamental rights due to environmental damage in the Limia river basin

On 11 July 2025, the High Court of Justice of Galicia ruled that the pollution of the River Limia had entailed the violation of the claimants' fundamental rights. The statement of facts proved sets out the serious pollution and its causal link to the deterioration of the environmental conditions for the local residents, which poses health risks and violates their fundamental rights.

Bearing in mind that the pollution in question is directly linked to issues of compliance with the Nitrates Directive:

1. Is the Commission aware of the above judgment and, if so, does it intend to update, in light of this judgment, the monitoring of compliance with the Nitrates Directive and the status of the waters in the A Limia region?
2. Given that the main cause of the pollution stems from the cumulative impact of intensive livestock farming (large-scale farms) and that those farms must go through a process that includes an environmental impact statement, is the Commission considering reviewing compliance with Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment by the competent authority (the Regional Government of Galicia)?

Submitted: 6.8.2025

Answer given by Ms Roswall on behalf of the European Commission
(17 October 2025)

The Commission is aware of the ruling of the High Court of Galicia of 11 July 2025. The Miño-Sil third River Basin Management Plan (RBMP) reported by the Spanish authorities within the Water Framework Directive ⁽¹⁾ (WFD) reports that the As Conchas reservoir (ES010MSPFES511MAR002400) is in 'less than good' general status, having moderate ecological potential and good chemical status. The data reported under the Nitrates Directive ⁽²⁾ shows eutrophication in this reservoir.

The Commission consulted Spain about the measures envisaged in the implementation of the Nitrates Directive and asked for actions to tackle the situation. The Nitrates Directive requires Member States to designate areas draining into polluted waters as vulnerable zones and to notify the Commission on these designations.

The Environmental Impact Assessment (EIA) Directive ⁽³⁾ requires that, before a consent is given, projects likely to have significant effects on the environment should be subject to an assessment of their environmental effects. Projects listed in Annex I of the directive must be subject to an assessment. For projects listed in Annex II the authorities must determine whether an assessment is necessary through a case-by-case study or through previously setting thresholds or a certain criteria ⁽⁴⁾. Intensive livestock installations fall under both categories ⁽⁵⁾.

The competent authorities in the Member States are primarily responsible for the correct implementation of the above provisions. 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.

⁽¹⁾ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy, OJ L 327, 22.12.2000, p. 1-73, as amended by Commission Directive 2014/101/EU of 30 October 2014, OJ L 311, 31.10.2014, p. 32-35.

⁽²⁾ Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources, OJ L 375, 31.12.1991, p. 1-8.

⁽³⁾ 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.

⁽⁴⁾ In doing that, the authorities must take into account the relevant selection criteria set forth in Annex III to the EIA Directive.

⁽⁵⁾ Referred to in Annex I, point 17 and Annex II, point 1 e) of the EIA Directive.