

EN

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Answer given by Ms Roswall
on behalf of the European Commission
(7.1.2026)

Monte Arna project does not appear to be covered by Annexes I or II of the Environmental Impact Assessment Directive¹ but is near a Special Area of Conservation². In accordance with Article 6 (3) of the Habitats Directive³, projects likely to have a significant effect on Natura 2000 sites must undergo an assessment regarding the sites' conservation objectives. Member States must implement these requirements. The Commission has provided methodological guidance for this⁴. Ensuring EU environmental law compliance is chiefly Spain's responsibility and alleged breaches are best handled by national courts.

The Commission evaluated Spain's Recovery and Resilience plan (RRP)⁵ under Article 19 of Regulation 2021/241⁶, ensuring the do no significant harm (DNSH) principle. DNSH requirements are included in Spain's Council Implementing Decision. For payment requests, the Commission checks that these requirements are used as eligibility criteria when projects are proposed. Member States must ensure DNSH compliance during project implementation, while enforcing EU and national environmental laws.

EU fund usage must align with EU and national laws, verified during the selection process. When the funds are managed directly by the Commission, it does this verification itself.

Under the Resilience and Recovery Facility⁷, the Commission checks that Member States' management and control systems ensure that EU funds used to implement the national RRP are used according to the rules and comply with EU and national law. If it is not the case, Member States will be required to improve their systems, and the payments may be blocked until the improvements are implemented. Depending on the seriousness of the weaknesses identified, financial corrections may be applied.

¹ 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.

² Dunas del Puntal y Estuario del Miera - ES1300005.

³ Article 6 (3), 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.

⁴ https://circabc.europa.eu/ui/group/3f466d71-92a7-49eb-9c63-6cb0fadf29dc/library/bb79f67f-907b-491c-b462-5e283ac5faa5?p=1&n=10&sort=modified_DESC.

⁵ https://commission.europa.eu/business-economy-euro/economic-recovery/recovery-and-resilience-facility/country-pages/spains-recovery-and-resilience-plan_en.

⁶ Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 establishing the Recovery and Resilience Facility, OJ L 57, 18.2.2021, pp. 17–75.

⁷ https://commission.europa.eu/business-economy-euro/economic-recovery/recovery-and-resilience-facility_en#:~:text=The%20Recovery%20and%20Resilience%20Facility%20%28RRF%29%20is%20a,stronger%20and%20more%20resilient%20from%20the%20current%20crisis.