

EN

E-003030/2026

Answer given by Ms Roswall
on behalf of the European Commission
(15.9.2026)

The Commission takes note of the concerns about the potential impact of the project on the Ríos Guadalhorce, Fahalas y Pereilas¹ Natura 2000 site protected under the Habitats² and Birds³ Directives. Under the Habitats Directive, projects not directly linked to site management must be subject to an assessment to ensure they do not adversely affect the integrity of the site⁴. Depending on their nature and scale, they may also fall under the Environmental Impact Assessment Directive⁵ and require assessment before development consent⁶. Member States are responsible for these assessments, which may be organised through joint or coordinated procedures.

Without prejudice to its role as guardian of the Treaties, it is primarily for Member States to ensure compliance with EU law. In line with its strategic enforcement approach⁷, the Commission focuses its action on systemic and structural issues. Individual alleged cases of non-compliance, like this one, are more effectively addressed through national means, including national courts. Based on the available evidence, the Commission could not identify a breach of EU law in this particular case.

As regards EU funding, all supported projects must comply with applicable EU and national law, including the EU environmental law⁸. If a project supported by the European Regional Development Fund (ERDF)⁹ may affect the environment or a Natura 2000 site, it must be subject to relevant procedures¹⁰. After consulting the Managing Authority of the ERDF in Spain, the Commission was informed that the projects have not received such support. As for

¹ Special area of conservation ES6170033.

² 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.

³ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds, OJ L 20, 26.1.2010, p. 7–25.

⁴ Commission's guidance document: Managing Natura 2000 sites – The provisions of Article 6 of the 'Habitats' <https://op.europa.eu/en/publication-detail/-/publication/11e4ee91-2a8a-11e9-8d04-01aa75ed71a1>. Guidance document on the general system of protection of bird species - Article 5 and Article 9 of the Birds Directive https://environment.ec.europa.eu/publications/guidance-document-general-system-protection-bird-species-article-5-and-article-9-birds-directive_en.

⁵ 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. Point 2 a) of Annex II of the EIA Directive refers to 'Open-cast mining'.

⁶ Canalisation and flood relief are referred to in Point 10 f) of Annex II to the EIA Directive, which requires a screening procedure.

⁷ Focused on systemic and structural issues, 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.

⁸ As required by Article 9 of Regulation (EU) 2021/1060.

⁹ https://commission.europa.eu/funding-and-tenders/find-funding/eu-funding-programmes/european-regional-development-fund-erdf_en.

¹⁰ Under the EIA directive and the Habitats Directive.

the Recovery and Resilience Facility¹¹, the Commission has not yet assessed any milestone or target covering a restoration project in this site.

¹¹ https://commission.europa.eu/funding-and-tenders/find-funding/eu-funding-programmes/recovery-and-resilience-facility_en.