Answer given by Mr Nielson on behalf of the Commission

(20 July 2000)

1. to 3. The Commission is fully aware of the situation in the North of Uganda of the terrible conditions both in the camps and in the battlefields and is following events closely through its delegation in Kampala.

4. and 5. The Commission is intervening at various levels to try to improve the situation in the North of Uganda. Together with the representatives of Member States in Kampala, the Commission is in permanent political dialogue with the Ugandan authorities and is constantly lobbying for the implementation of the Nairobi peace agreement and the amnesty law. The Commission has just taken the leadership of donors for discussions with the government to accelerate the implementation of the amnesty law and is preparing with the government and the local authorities a scheme of financial support for those returning to Acholi district. The Commission is also directly supporting a return programme for abducted children in Sudan, which for the time being however only covers Sudanese children.

The Commission has already given financial support to the ‘Concerned Parents Association’ established after the abduction of the ‘Aboke Girls’ for their work of international awareness raising and for help to the families, and for the rehabilitation of the victims of mines in Northern Uganda through the Italian non-governmental organisation AVSI. In addition, the Commission is preparing a general rehabilitation programme for the Gulu and Kitgum districts which will be implemented through the local authorities. Implementation of this programme depends however on the development of the security situation in the region. The Commission is also chairing the donor coordination group for the North of Uganda.

6. The Commission does not have detailed information about the presence or the activities of the Lord’s Resistance Army (LRA) ‘representatives’ in Member States. Questions of immigration, residence or political activities of non-Community citizens are dealt by Member States themselves.

WRITTEN QUESTION E-1959/00

by Laura González Álvarez (GUE/NGL) to the Commission

(21 June 2000)

Subject: Infringement of Community law: construction of the new La Breña II dam on the River Guadiato (Cordoba province, Spain)

By means of a resolution dated 23 December 1997 the Spanish Environment Ministry’s Directorate-General for Environmental Quality and Assessment issued a favourable environmental impact statement in respect of the project involving the construction of the new La Breña II dam on the river Guadiato in Cordoba province (Spain). However, the Nature Conservation Institute (ICONA) has announced that the building of such a dam would affect species included in Annex I to Directive 79/409/EEC (1) on wild birds. Furthermore, the dam would seriously affect highly protected species of Community interest which are included in Annex IV of the Directive on the conservation of natural habitats (92/43/EEC(2)), such as wolves, otters and the Spanish lynx. Construction of the dam would require valuable Mediterranean woodland (comprising, inter alia, ilex and cork oak) to be flooded. In addition the Andalusia Regional Government’s Environment Agency (in a report dated 16 November 1993) explains in detail the major ecological importance of the area and states that the particularly valuable features thereof would suffer severely, for which reason an alternative location needs to be found.

The Sierra de Hornachuelos, which is the intended site of the dam, has been declared a ZEPA (area of special protection for water birds) and construction of the dam would destroy 600 hectares thereof. The area which is due to be flooded meets several of the criteria laid down in Directive 92/43/EEC which qualify it to be included in the Nature 2000 Network as a Special Area of Conservation, for which reason
it has been proposed by the Spanish Government as a Site of Community Importance. Under Spanish Law 2/1989 of 18 July 1989 the Sierra de Hornachuelos Natural Park is included as a Nature Network Natural Park in Andalusia's Network of Protected Natural Areas. Andalusia's 1995-2000 Environment Plan provides for the Sierra de Hornachuelos to be declared a biosphere reserve.

What action is the Commission proposing to take in order to ensure that the Spanish authorities abide by Community law and comply with Directives 79/409/EEC, 92/42/EEC and 92/43/EEC by abandoning the plan to build the La Breña II dam?


Answer given by Mrs Wallström on behalf of the Commission

(7 September 2000)

The construction of the La Breña II dam in Cordoba province (Andalusia) may have an impact on the Sierra de Hornachuelos special protection area (SPA) for birds designated by the Spanish authorities pursuant to Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds (1). This natural area has also been proposed by Spain as a Site of Community Importance (SCI) which can be included in the Natura 2000 network under Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (2).

The project has been subjected to the environmental impact assessment procedure laid down by Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment (3).

As regards Directive 92/43/EEC, it should be noted that Article 6 (3) and (4), which apply to SPAs, provide that any plan or project not directly connected with or necessary to the management of the SPA but likely to have a significant effect thereon has to be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site the competent national authorities agree to the plan or project only 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.

If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State takes all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It informs the Commission of the compensatory measures adopted.

The Commission became aware of the dam project in question as a result of a complaint. It should be noted that the dossier is currently being examined by the Commission, which has already sent several requests for information to the Spanish authorities and had meetings with them on a number of occasions in order to verify whether the obligations arising out of Article 6 (3) and 6(4) of Directive 92/43/EEC have been complied with here.

Whatever the circumstances, the Commission as guardian of the Treaties will take the necessary measures to ensure that Community law is complied with in the case in point.