

The Commission is at present looking into complaints concerning the way the United Kingdom has transposed certain aspects of Directive 92/12/EEC into national law. The Commission is awaiting the outcome of this investigation to determine whether, in its view, the United Kingdom has faithfully implemented the Directive.

(2002/C 172 E/008)

WRITTEN QUESTION E-2616/01

by María Sornosa Martínez (PSE) to the Commission

(27 September 2001)

Subject: State of affairs concerning bottling plant in La Gomera (Canaries)

A water-bottling plant in process of construction on the island of La Gomera (Canaries) is meeting with a broad-based opposition movement, bringing together residents' associations, farmers' organisations and environmental groups, who have complained to local, national and Community institutions on the grounds that this project will have an irreversible impact on the sites of Community importance of Tagaluche (identification number ES-7020108) and Lomo del Carretón (ES-7020037). In addition, the project has not been subjected to the mandatory environmental impact assessment.

The author of this question addressed an earlier question on La Gomera to the Commission (E-0859/00⁽¹⁾), to which Commissioner Wallström replied on 8 May 2000, pointing out, among other aspects, the following:

- the Commission had received a complaint on the matter (99/4875, SG/99, A/10714/2);
- the Commission was examining the dossier in order to determine the impact of the project on the above-mentioned sites of Community importance and ascertain whether there was an infringement of Article 6 of Directive 92/43/EEC⁽²⁾;
- the Commission would take the necessary action to ensure compliance with Community law.

However, now that over a year has passed since Commissioner Wallström's answer, no information on the state of the dossier has been received by either the complainant organisations or the author of this question.

Can the Commission state what research and other activity it has carried out in the past year and what results have been obtained, as well as indicating the stage reached by the works referred to in Complaint 99/4875?

Can the Commission indicate the date by which the Spanish government is obliged to reply to its inquiries? Should a reply have already been received, can the Commission state its content?

Can the Commission state what measures it has taken to prevent the plant from being constructed in Tagaluche and ensure compliance with Community law?

Would the Commission be willing to send a delegation to La Gomera to verify the real environmental and agricultural impact of the construction work for the bottling plant?

⁽¹⁾ OJ C 46 E, 13.2.2001, p. 63.

⁽²⁾ OJ L 206, 22.7.1992, p. 7.

(2002/C 172 E/009)

WRITTEN QUESTION E-2809/01

by Jean Lambert (Verts/ALE) to the Commission

(10 October 2001)

Subject: Construction of a bottling plant at Tagaluche, La Gomera (Canary Islands)

With respect to our question P-0360/00⁽¹⁾ on the construction of a bottling plant in Tagaluche, La Gomera, Canary Islands, the Commission told us on 7 March 2000 that it would take the necessary measures to ensure conformity with Community law in this case.

As we have not received any additional information on the Commission's action, we would like to know:

- Has the Commission enquired into the environmentally adverse effects of the project and therefore assessed whether the Habitat directive (92/43/EEC)⁽²⁾ has been infringed? Should not Art. 6 of that directive apply for the preventive preservation of the site?
- Has the Commission enquired into the environmental impact assessment procedure, given the fact that no proper assessment on the underground water sources was done, as mentioned in our previous question?
- What measures has the Commission taken in order to ensure the protection of the site and the correct application of the Habitat and EIA (97/11/EC)⁽³⁾ directives?
- What follow-up has the Commission given to the complaint it has received on the same issue (P-1999/4875)?
- Would the Commission be ready to send a delegation to La Gomera so as to enquire into the real impact of this project on the environment as well as on local agricultural activity?

⁽¹⁾ OJ C 330 E, 21.11.2000, p. 137.

⁽²⁾ OJ L 206, 22.7.1992, p. 7.

⁽³⁾ OJ L 73, 14.3.1997, p. 5.

**Joint answer
to Written Questions E-2616/01 and E-2809/01
given by Mrs Wallström on behalf of the Commission**

(12 November 2001)

Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment⁽¹⁾, amended by Council Directive 97/11/EC of 3 March 1997⁽²⁾, does not apply in the case mentioned by the Honourable Member because the project in question is not included in the annexes to that Directive.

Nevertheless, as was pointed out in the answers to the written questions cited above, this project might affect the Taguluche and Lomo del Carretón nature sites identified by the Spanish authorities in their national list of sites of Community importance likely to 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⁽³⁾.

In its preliminary inquiries into complaint 99/4875, the Commission asked the Spanish authorities to comment on the facts as stated and to find out if the project concerned is likely to have a significant effect on the sites mentioned in the light of the objectives of Directive 92/43/EEC, in which case the procedure laid down in Article 6 of that Directive has to be applied. The Commission has analysed both the Spanish authorities' reply and the additional information supplied by the complainant.

Having examined the dossier and in view of this project's considerable potential impact, the Commission has sent another letter to the Spanish authorities asking for additional information regarding the effect of this project on the area and their assessment of possible alternatives. It has not yet received a reply. The Commission has informed the complainant of the above.

As regards sending a Commission delegation to La Gomera to verify the real impact of the work, it should be noted that the Commission has no inspection capability in the environmental field.

⁽¹⁾ OJ L 175, 5.7.1985.

⁽²⁾ OJ L 73, 14.3.1997.

⁽³⁾ OJ L 206, 22.7.1992.