

Query from the Catalan Ombudsman to the European Commission concerning the obligations on Spain to protect habitats and biodiversity, notably in relation to the Ebro Delta

Decision

Case Q1/2021/MHZ - Opened on 24/02/2021 - Decision on 16/06/2021

The Catalan Ombudsman submitted a query to the European Ombudsman concerning Spain's obligations to protect habitats and biodiversity, notably in relation to the Ebro Delta, which suffered damages during Storm Gloria (January 2020). The query was made in the context of an own-initiative investigation by the Catalan Ombudsman concerning the lack of timely action by the Spanish authorities to properly plan measures for the protection of the Ebro River and Delta.

Query

On 24 February 2021, the European Ombudsman asked the Commission to elaborate on the following questions:

- (i) The Ebro Delta is designated as a Special Area of Conservation under the Habitats Directive (92/43/EEC) and a Special Protection Area under the Birds Directive (2009/147/EC). Do the provisions of these directives require Member States to adopt and implement effective measures for such designated areas aimed at protecting natural habitats and the animal and plant species therein?
- (ii) Do the EU's recent environmental and climate change commitments — as set out, for example, in the EU Biodiversity Strategy for 2030 ; the Communication 'Stepping up Europe's 2030 climate ambition, Investing in a climate-neutral future for the benefit of our people'; or the European Green Deal — make the adoption and implementation of such measures more urgent?
- (iii) Does Article 7 of the Floods Directive (2007/60/EC) oblige Member States to develop and implement flood risk management plans for areas that have been subject to previous repeated floods? For such areas, are Member States obliged to implement measures aimed at mitigating the risk posed by flooding for human health, the environment, cultural heritage and economic activity, and, if appropriate, reducing the likelihood of future flooding?



Commission's reply

On 31 March 2021, the Commission replied that the Habitats Directive and the Birds Directive require Member States to set conservation objectives and to establish specific conservation measures for the designated areas. It stated that it is currently conducting an infringement procedure against Spain for breaching the Habitats Directive, including regarding the Ebro Delta.

It also stated that Member States have an obligation to establish flood risk management plans that include measures for achieving the main objectives (notably reducing the potential adverse consequences of flooding for human health, the environment, cultural heritage and economic activity). It noted that Spain's Flood Risk Management Plan [1] designates the entire area of the Ebro Delta as being subject to flooding, and that the plan includes measures such as “ *coastal restoration projects that aim to increase the system capacity to absorb flood impacts and restoration of sand dunes in the delta area to reduce erosion problems*” .

[1] Spain's Flood Risk Management Plan for Ebro Delta, available at <http://www.chebro.es/contenido.visualizar.do?idContenido=42699&idMenu=4800>.