

EUROPEAN PARLIAMENT

2004



2009

Committee on Petitions

13.9.2006

REPORT

on the Fact-finding visit to Madrid - June 25-28, 2006

Committee on Petitions

Rapporteur: Proinsias De Rossa, Margrete Auken

Results of the Fact-finding visit to Madrid.

June 25 - 28 2006.

1 The objective of the visit was to allow the Petitions Committee to investigate the various allegations which have been made by petitioners concerning the development and ongoing construction of the so-called **M30** Madrid urban motorway project.

The petitioners make the case that this huge project contravenes a number of EU Directives including the following:

DIR 85/337/EC on **Environmental Impact Assessments**

DIR 2003/4/EC on **Public Access to Environmental Information**

DIR 1999/90/EC on **Air Pollution**

DIR 2000/60/EC on **Water Policy**.

DIR 2004/35/EC on **Environmental Liability**.

The Committee does not question the right of the competent authorities in Spain to develop their transport infrastructure for the city. But, if they do decide to do so, then their projects should comply with the rules laid down by the European Union for such projects. The Commission launched infringement proceedings on April 4th by sending a letter of formal notice related to DIR 85/337/EC concerning the lack of an environmental impact assessment, following an investigation provoked by the Parliamentary Questions introduced by Carlos Carnero, member of the Petitions Committee; - no reply had yet been received.

2 The delegation conducted a very intensive series of meetings with all interested parties in Madrid including:

- Independent experts specialising in different fields of activity related to such projects.
- Meeting with the Mayor of Madrid, Sr. Ruiz Gaillardon, and members of his administration.
- Meeting with the political groups represented on the Madrid Council.
- Meeting with Sra. Christina Narbona, Minister of the Environment.
- Meeting with officials of the Regional Government, the President of the Madrid Regional Assembly and representatives from all Political Groups.
- A Public Meeting with the participation of several hundred local people and the petitioners.

The delegation also conducted on-site visits to the project in three separate locations.

3 Extensive documentation was provided for the members of the delegation, except by the Regional Authorities. This has been assessed and taken account of when drafting the conclusions to this mission report. The Madrid Authorities have since provided the text of the statement by the Councillor responsible for the project which has been photocopied for members of the Committee.

4 Concerning the project itself, its construction was decided upon by the Municipal Authorities in 2003 and building began quickly in September 2004. The project is in fact divided into 17 different sections covering 99 kilometres of road with 56 kilometres of tunnels, around the city.

There should be no doubt that this is a massive urban infrastructure project which has a huge impact on the daily lives of the Madrid population. It is certainly not the mere improvement of a city street. The River Manzanares is also directly affected by the project.

The attempts by the city council and the region, in particular, to minimise the nature of the project in order to circumvent EU Directives are not credible.

5 Two-thirds of the projects have already been started, one-third remains to be developed. It is due to be completed during 2007. But it is already quite clear that for the local population there is a distinct lack of information and also enormous disruption to their daily lives on a scale which has to be seen to be believed. (Example of picture from the 17th floor of the Torre del Praga)

6 A request for an EIB loan of €1,500,000,000 was stopped at the end of 2005 because of the apparent lack of compliance with EU Law.

7 During the meeting with the Mayor of Madrid, we were able to view a promotional DVD of the project which emphasised its *benefits* to the city. The Mayor underlined the strategic nature of the project and explained his vision for the future and for cities of the 21st century which promote social policies and sustainable development. The M30 modernisation is designed, he said, to meet the challenges of a new era for Madrid and its population. The Mayor and his officials stated that they believed their project *is* not subject to EU law as a result of a decision by the Spanish Council of State on April 29 2004. His Councillor responsible, Pilar Martinez hoped that a political solution could be found to the question in order to avoid possible legal consequences for the lack of an EIA. They proposed that an EIA could be done for the remaining third of the project, yet to be started, and that possible supplementary measures could be envisaged for those sections already underway or completed to avoid a negative environmental impact on parts of the project already developed.

8 The current Spanish National Government, on the other hand, considered that an EIA should have been organised for the whole project. This view was shared by the opposition parties at municipal and regional level. The Minister of the Environment herself informed the delegation that she has always been of the view that such a project required an Environmental Impact Assessment. The Minister described the responsibilities of the national authorities in relation to the Manzanares River and she informed the delegation that 14 infringements had been served on the Madrid Council for lack of respect for national legislation in this field.

9. Meeting with the people affected by the project in the Legazpi area was in many ways the highlight of the visit as those present quite clearly did not feel that their views had been taken into account at all. For the first time one person said, she felt like a citizen and not a subject, now that she could meet with the European Parliament Delegation and express her views openly. People seemed most concerned about the following issues:

- The location, size and lack of effective filters for the vents which are required to extract the noxious fumes from newly constructed tunnels for motor traffic.
- Noise and air pollution from the building work itself and the massive disruption to their lives. (24 hour round-the-clock noise of construction)
- Lack of proper information except through press reports
- Poor communication with municipal authorities about the timing of public works and their impact.
- Water distribution and contamination as a result of the project.
- Damage to their cultural and historical heritage.
- Impact of the project on most vulnerable.
- Destruction of local neighbourhood.
- Destruction of old trees to which all were particularly attached.
- Traffic problems.

10 **Conclusions:**

- This issue cannot be reduced to a semantic argument about whether a motorway can be legally designated or not as a city street; it is a serious debate about a massive infrastructure project affecting the lives of the whole population of Madrid and the region.
- The Mayor appeared to be more open to compliance with the EU Directives than the Regional Authorities who refused to recognise that they should be subject to EU Directives.
- The Regional Government indeed abdicated its responsibility by not designating a responsible person at political level, such as Minister, to meet with the delegation. Instead they arranged for us to meet the head of administration, who could only be expected to reiterate support for political decisions already taken. They refused to accept that EU laws should apply to the M30 project and were unwilling to consider alternatives, believing that they were in conformity with Spanish law. This

contradiction between national and regional authorities in relation to the application of EU law needs to be investigated further.

- In order to carry out the project in the first place the Regional and Municipal authorities sought arbitrary changes in the designation of the M30 motorway as a 'city street' ostensibly to try to avoid having to face up to the implications of an Environmental Impact Assessment. The then outgoing government sanctioned this change of status. This appears to be no more than a thinly disguised attempt to deliberately avoid the requirements of EU law in relation to Environmental Impact Assessment, Information of the Local Population, and possibly other directives mentioned in this report.
- EU Law must be respected in this case. There is the danger of creating a precedent for lax implementation of EU law generally if we are not clear about this. The Commission are therefore correct to pursue their infringement case concerning failure to apply the EIA Directive. The petitioners are therefore also correct to insist upon this fundamental issue. The Commission is invited to look into other aspects of the project more closely to assess whether any other infringements may have occurred as indicated in this report.
- The public must have an easier and more regular access to information about the project which concerns them directly. Moreover, the negative consequences of the M30 project on local communities must be more directly addressed by the Madrid Government and resources provided for compensation where appropriate.
- As a priority the extractor chimneys should be reassessed and where found necessary for reasons of safety, re-located, with more attention paid to their design and efficiency and safety in dispersing toxic fumes from a potentially increased traffic load.
- Noise pollution should also be more effectively addressed than would appear to be the case at present.
- The delegation received no information from the Madrid authorities about the direct negative impact on the local communities, either in the construction phase or when completed. The offer of the City authorities to carry out an EIA on the phase not yet started should be immediately confirmed by the Commission.
- In addition the Commission should insist on environmental impact studies to be carried out on the completed and partially completed phases to establish the remedial measures necessary to mitigate the impact of construction on the residents closest to the project, and the remedial measures necessary to prevent a deterioration of the air quality, to mitigate noise pollution, to re-establish access to amenities, restore fully the river, and taking fully into account the views of the residents and the environmental and urban development experts which the EP delegation met.

Proinsias de Rossa & Margrete Auken. September 13, 2006.