




Parliamentary questions

2 December 2015

E-015330-15

Question for written answer
to the Commission
Rule 130
Ashley Fox (ECR)

► Subject: Cross-border air pollution in Gibraltar caused by Spanish oil refinery

 Answer(s)

In an answer provided to me on 14 March 2011 ([E-000834/11](#) and [E-00968/11](#)), the Commission confirmed that the Spanish CEPSA oil refinery located close to Gibraltar in the municipality of San Roque did not meet the requirements of the IPPC Directive (Directive 2008/1/EC) concerning integrated pollution prevention and control.

Following proposals made to rectify the problem by the operator of the installation in question, the Commission said that it would continue to follow the situation on the ground and would investigate with the Spanish authorities the progress made in improving the operation of the installation.

Since then, my concerned constituents in Gibraltar have not heard anything further from the Commission about to the results of this investigation and the Commission has not confirmed whether or not it is now satisfied that the CEPSA oil refinery meets the requirements of EU legislation in this field.

The situation certainly does not appear to have improved given that in May 2014 the World Health Organisation reported that La Línea de la Concepción (the municipality which immediately neighbours San Roque) had the worst air pollution in Spain.

Can the Commission provide an update as regards the CEPSA oil refinery's current level of compliance with any applicable EU environmental law?

Last updated: 9 February 2016

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Parliamentary questions

14 March 2011

E-000834/11

E-000968/11

Joint answer given by Mr Potočník on behalf of the Commission

Written questions : E-000834/11 , E-000968/11

As regards the ambient air quality in Gibraltar (United Kingdom), the latest data submitted by the United Kingdom for the year 2009 shows that the air quality zone is in compliance with all the pollutant limit values laid down in Directive 2008/50/EC on ambient air and cleaner air for Europe⁽¹⁾ with the exception of the annual limit value for NO₂. This exceedance however does not constitute a breach of the directive as such as the limit values for NO₂ are applicable since the 1 January 2010 only.

With respect to the Honourable Members question whether the CEPSA facility's emissions affect the air quality in Gibraltar, the Commission would like to refer the Honourable Member to the air quality action plan prepared by the government of Gibraltar which includes a source apportionment of PM₁₀ and NO_x⁽²⁾

According to Article 25 of Directive 2008/50/EC, in case a limit value is exceeded due to a significant amount of transboundary pollution, Member States have to cooperate in order to remove such exceedances. The Commission, therefore, welcomes that the United Kingdom's authorities have initiated discussions and cooperation with the Spanish authorities on the basis of data exchange.

Furthermore, mineral oil and gas refineries are covered by Regulation (EC) No 166/2006 concerning the establishment of a European Pollutant Release and Transfer Register (E-PRTR)⁽³⁾. Starting in 2007, facilities covered by E-PRTR and releasing pollutants exceeding the reporting thresholds contained in Annex II of the regulation have to report their emissions annually to the register. These data are made available to the public on the E-PRTR website⁽⁴⁾, including data submitted by the Spanish authorities for the installation in question.

Moreover, the Commission contacted the Spanish authorities and launched an investigation regarding the implementation of Directive 2008/1/EC concerning integrated pollution prevention and control (the IPPC Directive)⁽⁵⁾ in the case of the installation in question. Findings to date suggest that certain shortcomings presently exist for the installation but that action is being taken to rectify this situation. Information collected by the Commission indicates that the operator, under guidance from the competent authority, is investing in improvements to the installation with further investments planned in the coming years. Such investment includes further actions to fully implement best available techniques to prevent or minimise pollution as required by the IPPC Directive. The Commission has also been made aware that the actions identified in the major audit of this site carried out in 2008 by the competent authority are being incorporated into the permit of the installation. The Commission will continue to follow the situation on the ground and will investigate with the Spanish authorities the progress made in improving the operation of the installation over the coming months.

(1) OJ L 152, 11.6.2008.

(2) http://www.gibraltar.gov.gi/images/stories/PDF/environment/NO2%20Evidence%20base%20documents/REF_NO2_1.pdf

(3) OJ L 33, 4.2.2006.

(4) <http://prtr.ec.europa.eu/>

(5) OJ L 24, 29.1.2008.

OJ C 286 E, 30/09/2011

Last updated: 3 May 2011

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Parliamentary questions

10 February 2016

E-015330/2015

Answer given by Mr Vella on behalf of the Commission

As regards ambient air quality, according to the annual reports submitted by the Spanish authorities under Directive 2008/50/EC⁽¹⁾ on air quality, the EU mandatory limit values appear to be met in the air quality zone where the municipalities of La Línea de la Concepción and San Roque are situated (air quality zone Bahía de Algeciras, ES0104). Concerning the other air quality objectives, exceedances have been reported for the year 2014 of both the ozone Long Term Objectives for health and vegetation and of the target value for nickel in aerosol⁽²⁾.

It follows from exchanges with the Spanish authorities that the CEPSA oil refinery has undertaken action to ensure compliance with its permit and implement the best available techniques to prevent or minimise pollution, as required by Directive 2010/75/EU⁽³⁾ on industrial emissions (IED). The Commission has therefore not been in a position to establish a breach of EC law.

It should be noted that the national administrative and/or judicial bodies in charge of the implementation of the IED are primarily responsible to verify the situation and have the means appropriate to address the problem if the concerns are found justified.

(1) OJ L 152, 11.6.2008, p. 1.

(2) <http://cdr.eionet.europa.eu/es/eu/aqd/g/envvboekg/>

(3) OJ L 334, 17.12.2010, p. 17.

Last updated: 14 March 2016

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