

**COMPLAINTS MECHANISM**

SG/E/2022/15

# **MEDITERRANEAN RAILWAY CORRIDOR (SPAIN)**

**CONCLUSIONS REPORT**

**10 JANUARY 2024**





# SG/E/2022/15 MEDITERRANEAN RAILWAY CORRIDOR (SPAIN) Conclusions Report

**Complaint confidential:** No

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## **Disclaimer**

The conclusions presented in this report are based on the information available to the EIB Group Complaints Mechanism Division up to 29 November 2023, representing the report's cut-off date. The conclusions are addressed solely to the EIB.

## The EIB Group Complaints Mechanism

The EIB Group Complaints Mechanism is a tool enabling the resolution of disputes if any member of the public feels that the European Investment Bank (EIB) might have done something wrong, i.e. if it has committed an act of maladministration. The Complaints Mechanism is not a legal enforcement mechanism and will not substitute the judgment of competent judicial authorities.

Maladministration means poor or failed administration. It occurs when the EIB fails to act in accordance with a rule or principle that is binding upon it, including its own policies, standards and procedures. The concept of maladministration includes failure by the EIB to comply with human rights, applicable law or the principles of good administration. Maladministration may relate to the EIB Group's decisions, actions or omissions and this may include the environmental or social impact of the EIB's projects and operations.

One of the main objectives of the Complaints Mechanism is to ensure the right to be heard and the right to complain. For more information on the Complaints Mechanism please visit: <https://www.eib.org/en/about/accountability/complaints/index.htm>.

**Please note:** Complainants that are not satisfied with the EIB reply to their complaint may file a complaint of maladministration against the EIB with the European Ombudsman<sup>1</sup>.

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<sup>1</sup> Available at: <https://www.ombudsman.europa.eu/en/home>. For more information see [EIB Group Complaints Mechanism policy dated November 2018](#), Section 4.5.

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## ABBREVIATIONS

ADIF	<i>Administrador de Infraestructuras Ferroviarias</i> (Spanish) (the state-owned railway infrastructure manager for the conventional rail network under the Ministry of Development)
ADIF AV	<i>Administrador de Infraestructuras Ferroviarias Alta Velocidad</i> (Spanish) (the state-owned <b>railway infrastructure manager</b> for the high-speed rail network ( <b>borrower</b> ) under the Ministry of Development ( <b>promoter</b> ))
CEF	Connecting Europe Facility
EIA	environmental impact assessment
EIB	European Investment Bank
EIB-CM	European Investment Bank Group Complaints Mechanism
ERTMS	European Railway Traffic Management System
ESDS	environmental and social data sheet
ESIA	environmental and social impact assessment
ESMP	environmental and social management plan
MER	<i>Mapas Estratégicos de Ruido</i> (Spanish) (strategic noise maps)
MoD/MoTMU	Ministry of Development (MoD) (1996–2018); known as the Ministry of Transport, Mobility and Urban Agenda (MoTMU) from 2018
PAR	<i>Planes de Acción Contra el Ruido</i> (Spanish) (noise action plans)
PEA	preliminary environmental analysis
PITVI	<i>Plan de Infraestructuras, Transporte y Vivienda</i> (Spanish) (Infrastructure, Transport and Housing Plan)
UNESCO	United Nations Educational, Scientific and Cultural Organization



## EXECUTIVE SUMMARY

In September 2022, the European Investment Bank Group Complaints Mechanism (EIB-CM) received a complaint regarding the alleged unmitigated environmental and social impacts of a section of the Mediterranean Railway Corridor — an operation that the European Investment Bank (EIB) co-financed.

The complaint concerns a part of the construction of a new section of standard double-track railway infrastructure and the transformation of 339 km of the existing Spanish track gauge into interoperable European track gauge between Barcelona and Valencia along the Mediterranean Railway Corridor. The complaint refers to the works planned on a section between Tarragona and Sant Vicenç de Calders in the Catalonia region.

This is the third complaint received regarding the operation.

The current complaint, in the first place, alleges that the operation failed to mitigate significant negative noise and vibration impacts on the impacted population and that the operation, once completed, will have a negative impact on the area's tourism sector and a world heritage site because of the lack of noise and vibration mitigation measures. Secondly, the complainants allege that, during the operational phase, the operation may result in additional threats from the possible transport of hazardous freight through the affected area.

After reviewing and analysing the available information, the EIB-CM found both allegations to be ungrounded. However, in its role to prevent future grounded complaints and contribute to a consistent and comprehensive appraisal, the EIB-CM issues one suggestion for improvement, as presented below.

Allegation	Outcome	Suggestion for improvement
1. The project's unmitigated significant negative noise impact	No grounds	The EIB services are reminded that the operations within the EU must be compliant with all applicable environmental law, including where relevant the Environmental Noise Directive, as applicable in this case. The Bank should encourage the borrower to inform the public on how the significant, including cumulative, impacts are taken into account in every phase of the operation's implementation, including the operational one.
2. The risk of contamination from accidents on the line	No grounds	n/a

# 1 BACKGROUND

## 1.1 Operation and the object of the complaint

- 1.1.1 In November 2014, the European Investment Bank (EIB) approved financing for the Mediterranean Railway Corridor in Spain in the amount of €650 million (the operation). This was later increased to a total of up to €1.05 billion<sup>2</sup>. The operation was promoted by the Ministry of Development (MoD) (the promoter) and developed by Administrador de Infraestructuras Ferroviarias Alta Velocidad (ADIF AV) (the borrower).
- 1.1.2 The operation involves the construction of 46 km of new standard double-track infrastructure, known as the Variante de Vandellòs branch, and the transformation of 339 km of existing Spanish track gauge into interoperable European track gauge<sup>3</sup> between Castellbisbal (Barcelona) and Almussafes (Valencia) along the Spanish section of the Mediterranean Core Network Corridor.<sup>4</sup> The aim of the gauge transformation is to enable interoperability between the Spanish and wider European networks by adding a **third rail** to the track. Achieving interoperability between France and Spain is expected to attract additional international freight trains, which in turn is expected to have a positive impact on the economy. The operation is co-funded by the Connecting Europe Facility (CEF) Transport programme<sup>5</sup> and is a flagship component of the Trans-European Transport Network.<sup>6</sup>
- 1.1.3 The object of the complaint is the planned works on a section of railway between Tarragona and Sant Vicenç de Calders (hereinafter, the project), located in the Catalonia region. The project passes by Els Muntanyans,<sup>7</sup> which is a part of a Natura 2000 site<sup>8</sup> located in the Province of Tarragona. The location of the project is shown in Figure 1. Annex 1 provides information on the speed limit on the section of railway line between Tarragona and Sant Vicenç de Calders and on the location of the Natura 2000 site.

**Figure 1: The section between Tarragona (Vila-seca) and Sant Vicenç de Calders (highlighted in yellow), part of the TEN-T Core Network<sup>9</sup>**



<sup>2</sup> Information on the operation on the EIB's web page available [here](#). The environmental and social data sheet is available [here](#). Two additional finance contracts were signed in 2020 and 2021.

<sup>3</sup> European gauge is also called standard gauge or UIC (International Union of Railways) gauge. More information about gauges in the EU is available [here](#).

<sup>4</sup> The documents are available on the EIB web page [here](#). The operation is a part of the Trans-European Transport Network Core Network. A map is provided [here](#).

<sup>5</sup> [CEF Transport](#) supports the European transport infrastructure policy by helping realise key projects.

<sup>6</sup> More information on Trans-European Transport Network can be found [here](#).

<sup>7</sup> More information is available [here](#).

<sup>8</sup> The Natura 2000 site is called Costes del Tarragones (ES5140007); more information is available [here](#).

<sup>9</sup> Figure 1: The railway line between Tarragona and Sant Vicenç de Calders close to the Mediterranean coast (green line). Source: <https://www.adif.es/informacion-al-usuario/mapa>.



- 1.1.4 The Bank received a complaint about the operation in 2014,<sup>10</sup> which, in line with the applicable procedures, was transferred to the relevant services for information, as the operation was still under appraisal. The EIB-CM also handled a complaint related to the project that was closed in December 2015.<sup>11</sup> The EIB-CM did not establish any failure of the EIB in the operation's appraisal but found areas for improvement<sup>12</sup>. The areas for improvement related to the preliminary environmental analysis (PEA) study being prepared at the time and a follow-up on the progress of national court proceedings, to assess the possible impact of a court decision on the operation. The PEA study<sup>13</sup> in preparation at the time was to describe environmental measures that would be implemented to address the project's noise impacts, if any, under several different scenarios (with and without the project, for 2020 and 2040).

## 1.2 Complaint

- 1.2.1 A complaint was submitted in two emails received in September 2022. The first email came from an individual. During the initial assessment, the civil society organisations: Plataforma "Mercaderies per l'Interior" and the Associació Tarragona Avança, joined the complaint. The project is described in Section 1.1. The complainants included information about their 2021 and 2022 grievances to the World Heritage Centre (United Nations Educational, Scientific and Cultural Organization (UNESCO)), a noise report conducted in the area of concern (2016)<sup>14</sup> and photographs from the UNESCO site.
- 1.2.2 The complainants alleged maladministration by the EIB and requested action from authorities and the EIB to ensure that the noise and vibration effects are mitigated.<sup>15</sup> On 11 August 2023 the complainants sent additional information with relation to the complaint with references to the EIB's Environmental and Social Standards.
- 1.2.3 The complaint specifically concerns the section of railway on the coastline between the city of Tarragona and the railway station of Sant Vicenç de Calders (see Annex 1). This section is due to have a third rail installed on a double-track railway line. According to the complainants, the project would allow freight rail transport in the area to double in the future. The works on the section in question, to adapt the Iberian gauge to the European one, include the renewal of the existing track superstructure, adapting the track to a mixed gauge and updating the track geometry, catenary (maintaining the current voltage of 3 kV) and platforms (see § 1.1.2).<sup>16</sup>
- 1.2.4 The allegations established during the initial assessment<sup>17</sup> are presented in Table 1.

**Table 1: Summary of allegations**

Allegation	Description
#1. The project's unmitigated significant negative noise and vibration impact	<p>The allegation concerns:</p> <ul style="list-style-type: none"> <li>the lack of noise reduction measures to protect the residents from noise and vibration (current and future);</li> <li>the negative impact on the tourism sector due to increased freight transport;</li> </ul>

<sup>10</sup> More information is available [here](#).

<sup>11</sup> Case SG/E/2015/03 and the related complaint were confidential, but the EIB-CM website summarises the results [here](#).

<sup>12</sup> The EIB-CM communicated the areas for improvement to the EIB services, as they related to the preliminary environmental analysis (PEA) report being prepared at the time and a follow-up on the progress of national court proceedings, to assess the possible impact of a court decision on the operation and on the operation's compliance with national law. The PEA report described environmental measures that would be implemented to address the operation's noise impacts, if any, under several different scenarios (with and without the project, for 2020 and 2040)

<sup>13</sup> See the 2017 environmental report for the Castellbisbal–Almusafes railway section, entitled "Analysis of the environmental integration of the Mediterranean rail corridor in view of its adaptation to the standard track gauge of the European Union" and available [here](#).

<sup>14</sup> See "Mesuraments del soroll ambiental produït per una infraestructura ferroviària al seu pas per una urbanització del Vendrell", Ref. 063 – 16 0627, of 24 October 2014, submitted to the Air Quality Directorate of the Department of Land Use and Sustainability of the Catalanian Administration.

<sup>15</sup> During a call with complainants in November 2022, the Complaints Mechanism explained that the EIB-CM cannot initiate actions against public bodies (see also § 3.4).

<sup>16</sup> Information based on the preliminary environmental analysis report, available [here](#).

<sup>17</sup> The Initial Assessment Report for case SG/E/2022/15 is available [here](#).

Allegation	Description
	<ul style="list-style-type: none"> <li>the lack of assessment and mitigation of the potential threats to a UNESCO World Heritage Site (the Archaeological Ensemble of Tarraco, which includes a Roman amphitheatre).</li> </ul>
2. Risk of contamination from accidents on the line	A risk of contamination from accidents was alleged, owing to the possible transport of freight from the nearby petrochemical refinery during the project's operational phase.

- 1.2.5 The complainants welcomed the fact that the Mediterranean Railway Corridor section south-west of the city of Tarragona has a new track known as the Vandellòs diversion, which may prevent conflicts between tourism and other interests. However, the complainants consider it unacceptable that the stretch between Tarragona and Sant Vicenç de Calders will be forced to carry the majority of freight traffic, with increased pressures on the population in the area.
- 1.2.6 The complainants stated that an environmental impact assessment (EIA) procedure for the project in question was not performed. This issue has been addressed in the conclusions report for complaint SG/E/2015/03. The environmental authorities carried out one EIA and two screening determinations for sections of the railway line concerned. The rest of the work on the railway line is being implemented without the engagement of environmental authorities, as this work is not considered to fall under the EIA directive (representing a non-significant environmental impact) and is not likely to negatively impact the Natura 2000 network. The borrower confirmed that the internal authorisation procedure complied with national law and that construction can be approved by authorisation of the rail infrastructure manager, Administrador de Infraestructuras Ferroviarias (ADIF). However, as described in § 1.2.2, the allegations have been backed up with specific references to the EIB Environmental and Social Standards, which were also taken into account in this report.

### 1.3 Work performed by the EIB Group Complaints Mechanism

- 1.3.1 During the initial assessment (see footnote 17), the EIB-CM established that the borrower and relevant environmental authorities considered the project is unlikely to have significant negative impacts on the relevant Natura 2000 site and did not ask for an appropriate assessment referred to in Article 6(3) of the Habitats Directive.<sup>18</sup> In line with the Bank's Environmental and Social Standards, the borrower provided Form A<sup>19</sup> for the section in question, issued by the Catalan environmental authority, certifying that there was no need for an appropriate assessment under the Habitats Directive. The EIB-CM considers the EIB to have fulfilled its role in this respect.
- 1.3.2 The EIB had already analysed the allegation of the absence of EIA procedure for the operation as a part of case SG/E/2015/03. It noted that the EIB requested a preliminary environmental analysis (hereinafter, PEA) study covering the operation's expected impacts (regarding, for example, vibrations) on biodiversity, fauna and the Natura 2000 network, as would be required by the EIA Directive. The PEA comprised a study on noise pollution effects, the impact of hazardous goods traffic, and preventive and corrective measures. The PEA study produced in 2017 was made available on the EIB web page.<sup>20</sup>
- 1.3.3 The allegation of non-compliance of the project with EIA law (i.e. the classification of the project and absence of an EIA) was dismissed at the initial assessment stage. The project, as a modification of an existing railway line, could fall under the "any change to or extension of projects" category in the EIA Directive.<sup>21</sup> The dismissal of the allegation by the EIB-CM was based on the transposition of the EIA Directive into national law and in the absence of an established infringement of EU law at the time of the operation's appraisal and approval. Moreover, the national decision-making authorities justified the lack of EIA screening

<sup>18</sup> "Appropriate assessment" is a term stemming from Articles 6 of the Habitats Directive.

<sup>19</sup> Form A is a declaration form to certify that there is no need for an appropriate assessment (as required by Article 6.3 of the Habitats Directive) to be conducted by the authorities responsible for monitoring nature conservation sites (see paragraph 28 of the *EIB Environmental and Social Practices and Procedures* (2013), Volume II).

<sup>20</sup> The EIB's operation website is available [here](#).

<sup>21</sup> See Annex II, point 13(a) of Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment, available [here](#) (as amended).

determination, which was also addressed in numerous national court proceedings between 2009 and 2019.

- 1.3.4 Once the EIB-CM had received the complaint, case-focused meetings were held with the responsible services on several occasions. The EIB-CM also reviewed the available documents, such as clarifications provided by the borrower on the progress and delays of works and public information available online. The EIB-CM requested additional information and clarifications from the borrower in March, June and November 2023 and held a call with the complainants in June 2023. On the basis of the information collected and analysed, the EIB-CM prepared this conclusions report.

## 2 REGULATORY FRAMEWORK

### 2.1 The EIB Group Complaints Mechanism

- 2.1.1 The EIB Group Complaints Mechanism Policy<sup>22</sup> tasks the EIB-CM with handling complaints concerning alleged maladministration by the EIB.<sup>23</sup> Maladministration means poor or failed administration.<sup>24</sup> This occurs when the EIB fails to act in accordance with the applicable legislation and/or established policies, standards and procedures. Maladministration may also relate to the environmental or social impact of the EIB's activities.<sup>25</sup>
- 2.1.2 The policy specifies that the EIB-CM reviews the EIB's activities to determine whether or not maladministration attributed to the EIB has taken place.<sup>26</sup> Members of the public do not need to identify a specific policy, procedure or standard, nor do they need to directly challenge the EIB Group on non-compliance with specific policies, procedures or standards.<sup>27</sup>
- 2.1.3 The EIB Group Complaints Mechanism Procedures<sup>28</sup> regulate the work of the EIB-CM. The EIB-CM compliance review includes an investigation of compliance with existing policies, procedures and standards.<sup>29</sup>
- 2.1.4 As indicated below, the EIB Environmental and Social Standards require the compliance of the project with applicable national and EU law, which is the responsibility of the borrower and local authorities. Furthermore, paragraph 4.3.14 of the EIB Group Complaints Mechanism Policy states that the EIB Group has a duty to verify compliance with its applicable policies, procedures or standards.
- 2.1.5 The EIB-CM records its findings and conclusions in the form of a conclusions report.<sup>30</sup> If it issues certain recommendations in the conclusions report, the policy tasks the EIB-CM with monitoring the implementation of the recommendations.<sup>31</sup>

### 2.2 Project-applicable standards

- 2.2.1 The project must comply with national law, EU environmental law including EU principles and standards and international treaties. The EIB applies a set of environmental and social requirements throughout the project cycle to help ensure the sustainability of all projects that it finances. Project-applicable requirements consist of the standards set out in the *EIB Statement of Environmental and Social Principles and Standards* (2009)<sup>32</sup> and the *EIB Environmental and Social Handbook* (2013),<sup>33</sup> which in Volume II also describes the EIB's environmental and social

<sup>22</sup> The *EIB Group Complaints Mechanism Policy* (2018) is available [here](#).

<sup>23</sup> See paragraph 5.1.3 of the *EIB Group Complaints Mechanism Policy* (2018).

<sup>24</sup> See Section 3.1 of the *EIB Group Complaints Mechanism Policy* (2018).

<sup>25</sup> See paragraph 3.1.1, of the *EIB Group Complaints Mechanism Procedures* (2018).

<sup>26</sup> See paragraph 5.3.3 of the *EIB Group Complaints Mechanism Policy* (2018).

<sup>27</sup> See Section 1.4 and paragraph 5.3.3 of the *EIB Group Complaints Mechanism Policy* (2018).

<sup>28</sup> A full copy of the *EIB Group Complaints Mechanism Procedures* (2018) is available [here](#).

<sup>29</sup> See paragraphs 4.3.14 and 5.3.3 of the *EIB Group Complaints Mechanism Policy* (2018).

<sup>30</sup> See paragraph 6.2.5 of the *EIB Group Complaints Mechanism Policy* (2018).

<sup>31</sup> See paragraph 5.3.1, point 4, of the *EIB Group Complaints Mechanism Policy* (2018).

<sup>32</sup> The *EIB Statement of Environmental and Social Principles and Standards* (2009) is available [here](#) (in English).

<sup>33</sup> The *EIB Environmental and Social Handbook* (2013), Volume II, is available [here](#). The text of the 2013 standards is no longer available online.

internal procedures. The *EIB Environmental and Social Standards* (2018)<sup>34</sup> apply to all finance contracts involved in the operation.

### National legislation

- 2.2.2 **Environmental impact assessment.** Law 21/2013 on Environmental Assessment<sup>35</sup> (amended) applies to the project. In July 2023, the list of projects falling under Annex II was modified<sup>36</sup> by including a new category “Expansion of the number of tracks of an existing railway line or installation of a third rail (projects not included in Annex I), when developed in areas of special acoustic protection”.
- 2.2.3 **Noise.** The following legislation applies to the project: Law 16/2002 of June 28 on Protection against Noise Pollution<sup>37</sup> (amended), Law 37/2003 of 17 November on Noise<sup>38</sup> and Royal Decree 1513/2005 of 16 December (consolidated on 24 October 2007).
- 2.2.4 **Railways.** The following legislation applies to the project: Law 38/2015 of 29 September on Railway Sector,<sup>39</sup> Royal Decree 664/2015 of 17 July approving the Rail Traffic Regulation and Royal Decree 412/2001 of 20 April, which regulates various aspects related to the transport of dangerous goods by rail.<sup>40</sup>

### EU legislation

- 2.2.5 **EIA Directive** (amended).<sup>41</sup> In May 2015, owing to non-conformity with the EIA Directive after its transposition into Spanish law, the European Commission opened an infringement procedure against Spain.<sup>42</sup> The infringement procedure has been closed in 2023 (see §2.2.2).
- 2.2.6 **Environmental Noise Directive** (as amended).<sup>43</sup> In September 2016, owing to shortcomings in the implementation of the Environmental Noise Directive, the European Commission opened an infringement procedure against Spain, which is currently at the reasoned opinion stage.<sup>44</sup> In the country report for Spain in the 2019 Environmental Implementation Review, the Commission proposed two priority actions: the completion of noise maps and the approval of noise action plans. Although Spain has recently made some progress, these issues are still outstanding. In

<sup>34</sup> The *EIB Environmental and Social Standards* (2018) are available [here](#) (in English).

<sup>35</sup> *Ley 21/2013, de 9 de diciembre, de evaluación ambiental*, available [here](#) (in Spanish). *ANEXO II: Proyectos sometidos a la evaluación ambiental simplificada regulada en el título II, capítulo II, sección 2.ª Grupo 7. Proyectos de infraestructuras, (j) Modificación del trazado de una vía de ferrocarril existente en una longitud de más de 10 km.* Annex II: Projects subject to the simplified environmental evaluation regulated in Title II, Chapter II, Section 2. Group 7. Infrastructure projects, (j) Modification of the layout of an existing railway over a length of more than 10 km.

<sup>36</sup> See *Grupo 7 (5). Anexo II “Proyectos sometidos a la evaluación ambiental simplificada regulada en el título II, capítulo II, sección 2.” Real Decreto 445/2023, de 13 de junio, por el que se modifican los anexos I, II y III de la Ley 21/2013, de 9 de diciembre, de evaluación ambiental*, available [here](#).

<sup>37</sup> See *Ley 16/2002, de 28 de junio, de Protección contra la Contaminación Acústica*, available in Spanish [here](#) and amended by [Law 5/2020](#) amending Law 16/2002. Article 146.1: “Article 7 of Law 16/2002, of June 28, on protection against noise pollution, is amended as follows: ‘Article 7. Zone of special protection of acoustic quality. 1. Areas in which, due to their characteristics, it is considered advisable to preserve an acoustic quality of special interest, may be declared areas of special protection of acoustic quality (ZEPQA), as long as they are not included in the noise zones referred to in Article 6. These zones must comply with the following: In an urban environment, do not exceed the levels *L<sub>d</sub>* and *L<sub>e</sub>* of 55 dB(A) and *L<sub>n</sub>* of 45 dB(A). In open field, do not exceed the levels *L<sub>d</sub>* and *L<sub>e</sub>* of 50 dB(A) and *L<sub>n</sub>* of 40 dB(A). 2. In these areas, the emission limit value is considered the background noise value plus 6 dB(A).’”

<sup>38</sup> See *Ley 37/2003, de 17 de noviembre, del Ruido*, available in Spanish [here](#) and in English [here](#) (amended).

<sup>39</sup> See *Ley 38/2015 of de 29 de septiembre, del sector ferroviario*, available [here](#) in Spanish and [here](#) in English (amended).

<sup>40</sup> See *Real Decreto 412/2001 de 20 de abril*, (BOE nº 110 de 8 de mayo de 2001), available [here](#). Other related legislation is provided [here](#).

<sup>41</sup> Council Directive [85/337/EEC](#) of 27 June 1985, repealed subsequently by Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment, as amended by Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014, available [here](#).

<sup>42</sup> See Commission infringement procedure INFR(2015)2041 closed in 2023; more information is available [here](#).

<sup>43</sup> See Directive 2002/49/EC on the assessment and management of environmental noise (as amended), available [here](#).

<sup>44</sup> See Commission infringement procedure INFR(2016)2118; more information is available in English [here](#) and in Spanish [here](#).

2022, the Commission reiterated these priority actions aimed at noise mitigation, namely the completion of noise mapping and action plans for noise management.<sup>45</sup>

- 2.2.7 **Railway Safety Directive** (recast, amended)<sup>46</sup> and the **Directive on the Inland Transport of Dangerous Goods**.<sup>47</sup>

***The EIB Statement of Environmental and Social Principles and Standards***<sup>48</sup>

- 2.2.8 *The EIB Statement of Environmental and Social Principles and Standards* (2009) applies to all EIB operations. It also informs borrowers, the public, affected communities, financial and business partners, and representatives of civil society of the requirements of the Bank.

***EIB Environmental and Social Handbook (2013)***<sup>49</sup>

***Standard 1: Assessment and management of environmental and social impacts and risks***

- 2.2.9 The overall objective of Standard 1 is to outline the borrower's responsibilities during the assessment, management and monitoring of environmental and social impacts and risks associated with the operations, specifically those involving stakeholder engagement. Environmental and social considerations and studies should take into account **cumulative impacts** and **in-combination impacts/effects associated with the operation**.
- 2.2.10 The borrower shall establish and maintain **throughout the lifecycle of the project a process for identifying the environmental and social impacts and risks of the project**. The process will consider all relevant environmental and social impacts and the stakeholders who are likely to be affected by the project. The borrower will provide to the Bank, along with information on the environmental and social impacts of the project, information on any expropriation; land acquisition and expropriation; land acquisition and easements and/or involuntary resettlement of people; and likely restrictions on access to land, shelter and/or livelihood and on subsistence strategies.<sup>50</sup>
- 2.2.11 As a minimum requirement, for all operations, the environmental and social management systems shall set out the promoter's major accident prevention policy. It should represent the overall aims and principles of action, the role and responsibility of management, and the commitment towards continuously improving the control of major accident hazards and ensuring a high level of protection.<sup>51</sup>
- 2.2.12 During its appraisal, the Bank must verify the project's alignment with the EIB's standards.<sup>52</sup> The results of the monitoring should be used to correct and improve operational performance and, when relevant, **disseminated to the stakeholders**. If during project implementation, and taking into account the borrower's self-monitoring, governmental inspection reports and/or third-party audits/reports, the need for corrective and preventive actions is identified, the borrower shall amend the environmental management plan accordingly and submit it to the EIB for approval. The **borrower shall implement the agreed corrective and preventive actions** and follow up on these actions to ensure their effectiveness.<sup>53</sup>

***Standard 2: Pollution Prevention and Abatement***

- 2.2.13 By tackling **noise emission at the source**, the borrower shall ensure that the project is designed, constructed **and operated** so as to avoid, prevent or reduce the harmful effects, including nuisance, from exposure to environmental noise produced by humans. The borrower

<sup>45</sup> See Commission Staff Working Document, Environmental Implementation Review 2022, Country Report — SPAIN, available [here](#).

<sup>46</sup> See Directive 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety (recast), as amended, available [here](#) and Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods, available [here](#).

<sup>47</sup> See Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC. The text is available [here](#).

<sup>48</sup> The EIB Statement is a part of the *EIB Statement of Environmental and Social Principles and Standards* (2009).

<sup>49</sup> The *EIB Environmental and Social Handbook* (2013), Volume II, is available [here](#).

<sup>50</sup> See paragraph 30, Standard 1, of the *EIB Environmental and Social Standards* (2013).

<sup>51</sup> See paragraph 55, Standard 1, of the *EIB Environmental and Social Handbook* (2013), Volume II.

<sup>52</sup> See paragraph 90 of the *EIB Environmental and Social Handbook* (2013), Volume II.

<sup>53</sup> See paragraphs 61 and 62, Standard 1, of the *EIB Environmental and Social Handbook* (2013).



shall reduce noise emissions using one or more techniques identified and recommended by the available reference documents on the best available techniques.<sup>54</sup>

- 2.2.14 The promoter should be prepared to respond to accidental and emergency situations to prevent **major accident hazards**. Control measures should be put in place to limit the consequences of such accidents not only for humans but also for the environment, ensuring a high level of protection in a consistent and effective manner. The promoter will consider the relevant EU legislation and provisions of international treaties in setting basic principles for management systems. This includes the establishment of a major accident prevention policy; the preparation of safety reports; the development of safety management systems; and the drawing-up of internal and external emergency plans, and the creation of systems to ensure that those plans are tested, revised and implemented.<sup>55</sup>

*Standard 5: Cultural Heritage*

- 2.2.15 This standard aims to safeguard unique cultural heritage. It guides promoters to integrate cultural heritage management into their operations so as to avoid or mitigate the adverse impacts of their projects/activities on cultural heritage. The standard applies to operations located in or near a cultural heritage site, as recognised by the country of operation. As part of their inclusive engagement, the promoter will ensure that community members and stakeholders are consulted on impacts and opportunities; establish the knowledge base needed to safeguard the cultural heritage exposed; identify and understand the project's potential impacts upon cultural heritage values by drawing on the knowledge base in consultation with community members, heritage experts and other stakeholders; and ensure consultation with the relevant national or local regulatory authorities.<sup>56</sup>

*Standard 10: Stakeholder engagement<sup>57</sup>*

- 2.2.16 The promoter should be aware of and responsive to stakeholders' concerns related to the project in a timely manner. A **grievance mechanism**, process, or procedure at project level is critical for the early identification and remedy of undesirable or unforeseen impacts and other concerns arising from the execution of the project. Its establishment promotes the affected people's access to remedy and may facilitate the resolution of such concerns and grievances linked to the promoter's environmental and social performance. The promoter will ensure that a grievance mechanism is introduced at project level, irrespective of other complementary links or access to existing public grievance channels in the country concerned.

**Responsibilities of the EIB**

- 2.2.17 In line with the EIB Statement of Environmental and Social Principles and Standards, the responsibility for compliance with the project-applicable standards lies with the borrower and local authorities. However, the EIB will not finance projects that do not meet the project-applicable standards. Whether or not the projects meet the project-applicable standards is established as part of the EIB's project appraisal and monitoring.<sup>58</sup>
- 2.2.18 A possible breach of contract requires corrective action by the borrower, in agreement with the Bank. A failure by the borrower to agree with the Bank on such action and to take appropriate steps may have financial and legal consequences for the borrower in accordance with the finance contract. For example, this may trigger a halt to disbursements and/or the recovery of the outstanding finance if the borrower does not fulfil the requirements of the Bank.<sup>59</sup>
- 2.2.19 The EIB Statement of Environmental and Social Principles and Standards requires the EIB to appraise the projects it finances.<sup>60</sup> The appraisal takes place before signature of the finance contract.<sup>61</sup> Among other objectives, the appraisal aims to assess the project's impact and whether or not the project complies with the project-applicable standards. Sometimes, the appraisal results in conditions for disbursement. The borrower must fulfil these conditions to the

<sup>54</sup> See paragraphs 16 and 17, Standard 2, of the *EIB Environmental and Social Handbook* (2013).

<sup>55</sup> See paragraphs 31–33, Standard 2, of the *EIB Environmental and Social Handbook* (2013).

<sup>56</sup> See paragraph 6 and 20, Standard 5, of the *EIB Environmental and Social Handbook* (2013).

<sup>57</sup> See Standard 10 of the *EIB Environmental and Social Handbook* (2013).

<sup>58</sup> The *EIB Statement of Environmental and Social Principles and Standards* (2009) is available [here](#).

<sup>59</sup> See paragraph 9 of *The EIB Statement of Environmental and Social Principles and Standards* (2009).

<sup>60</sup> See paragraph 17 of *The EIB Statement of Environmental and Social Principles and Standards* (2009).

<sup>61</sup> <https://www.eib.org/en/projects/cycle/index.htm>.

satisfaction of the EIB prior to the disbursement of the EIB financing.<sup>62</sup> Once the borrower and the EIB sign the finance contract, the EIB is required to monitor the project. The monitoring aims to ensure that the project complies with the EIB's approval conditions.<sup>63</sup>

- 2.2.20 The EIB services responsible for monitoring carry out periodic monitoring of the project/operation's performance **against the EIB's Environmental and Social Standards and the defined contractual requirements**.<sup>64,65</sup> Once all monitoring and reporting requirements are clarified, they should be clearly identified in the appraisal report and then itemised in the finance contract.<sup>66</sup> The EIB is required to disclose project-related environmental and social information to members of the public, in accordance with its Transparency Policy.<sup>67</sup>
- 2.2.21 The EIB's Environmental and Social Standards stipulate that the borrower shall provide (i) during project implementation, evidence to the EIB that any specific environmental and social conditions/undertakings have been fulfilled, (ii) regular borrower progress reports that include general and **specific information** requested, such as the results of environmental and social monitoring (for example, results from noise, dust, health or traffic monitoring) and **details of the implementation of impact management measures** and stakeholder engagement activities, (iii) information to the EIB in case of any complaint or litigation about environmental and/or social issues, and (iv) at completion, a report on the project's environmental and social legal compliance and the implementation of impact management measures.<sup>68</sup>

### 3 ANALYSIS AND FINDINGS

#### 3.1 Unmitigated significant negative noise and vibration impacts

- 3.1.1 Allegation 1 concerns the project's significant unmitigated negative noise and vibration impacts. The EIB-CM would like to note that between 2007 and 2012, the reported number of people in Spain exposed to railway noise ( $\geq 55$  dB) increased tenfold while decreased significantly between 2012 and 2017 (see §2.2.6).<sup>69</sup>

##### *Operation -related environmental decision-making at national level*

- 3.1.2 The borrower applied separately for EIA decisions for three sections of railway included in the operation that the EIB co-financed. In 2002, an EIA approval was issued for the Vandellòs branch.<sup>70</sup> Consequently, the Ministry of Environment issued decisions (no need for a full EIA) for the Almussafes–Silla-Valencia section (2009)<sup>71</sup> and Castellbisbal–Martorell (2013) section.<sup>72</sup> With the exception of the above-mentioned sections, the operation concerning the transformation of existing gauge into interoperable European gauge along the Spanish section of the Mediterranean Corridor of the TEN-T Core Network was not considered to be within the scope of the EIA. The authority responsible for nature protection issued statements regarding the lack of likelihood of significant negative impacts on the Natura 2000 network or any of its

<sup>62</sup> See paragraph 256, indent 2, of the *EIB Environmental and Social Handbook* (2013).

<sup>63</sup> See paragraph 270 of the *EIB Environmental and Social Handbook* (2013).

<sup>64</sup> See paragraph 10 of the *EIB Environmental and Social Handbook* (2013).

<sup>65</sup> See paragraph 90 of the *EIB Environmental and Social Handbook* (2013).

<sup>66</sup> See paragraph 252 of the *EIB Environmental and Social Handbook* (2013).

<sup>67</sup> See paragraph 331 of the *EIB Environmental and Social Handbook* (2013).

<sup>68</sup> See paragraph 273 of the *EIB Environmental and Social Handbook* (2013).

<sup>69</sup> Information on noise exposure in Spain is available [here](#). For noise limit values for Spain see footnote 37.

<sup>70</sup> The Vandellòs branch, which connects the project to the high-speed Madrid–Barcelona line, was subject to a full EIA. An Environmental Impact Statement for this component was obtained in December 2002, incorporating the modifications to the original project, which received an Environmental Impact Statement in 1998 (text from the environmental and social data sheet). The final Environmental Impact Statement was issued on 4 December 2002 and slightly amended in 2003. The EIA decision was issued by the Secretariat of State for Environment of the Ministry of Environment and published in the State Public Bulletin No 310 on 27 December 2002. The amendment took into account numerous requests for a “direct connection” instead of an “antenna connection” to the high-speed Madrid–Barcelona line.

<sup>71</sup> A negative EIA screening decision No 12 978 of 26 June 2009 of the Secretariat of State for Climate Change of the Ministry of Environment, adopted the decision not to subject the project linking the Ford de Almussafes factory with the third rail of the new Silla-Valencia railway platform, intended for freight traffic, Valencia to EIA. The decision was published on 4 August 2009 in the Official State Bulletin.

<sup>72</sup> The screening decision was made available to the public on 1 March 2013 in the Official Public Bulletin No 52. See also Decision No 12 517 of the Ministry of Environment of 15 November 2013, published in the Official State Bulletin on 29 November 2013, screening out the section of the Mediterranean Railway Corridor from the EIA.

sites for all sections of the operation. In 2013, the Ministry of Environment sent an explanatory letter to the borrower explaining the applicability of the EIA to projects such as the one in question, enabling the borrower to better judge the need to apply for an EIA decision. **The borrower deemed the project's environmental impacts not significant** and, for most of the railway sections involved in the operation, also being implemented within the existing railway protection zone, and did not apply for an EIA decision.<sup>73</sup>

- 3.1.3 At the operation's approval time, the environmental decision-making authority, did not require EIA procedures for other parts of the operation, such as the one in question, and as a result, information to the public concerning the project was limited. The EIB-CM notes that the railway line between Tarragona and Sant Vicenç de Calders was built prior to the EIA Directive while the operation was approved before the 2023 modification of EIA law (see §2.2.2).

***The EIB's appraisal and setting the conditions for the finance contract***

- 3.1.4 At the time of the EIB's operation's appraisal in 2014, the EIB had no indication regarding potential issues with environmental Law in Spain. However, the European Commission opened two relevant infringement procedures afterwards (see §§2.2.5 and 2.2.6). The EIB, nevertheless, guided by the precautionary principle, included an environmental condition in the operation's finance contract and requested that the borrower prepares a **preliminary environmental analysis** (PEA) study.
- 3.1.5 In 2014, the EIB-CM forwarded the first operation-related complaint to the responsible EIB services, as operation's appraisal was still ongoing (see §1.1.4). In addition, at national level, non-governmental organisations and public authorities launched appeals and complaints against the project.<sup>74</sup> The EIB services considered the complainant's concerns, and information on appeals at national level and to the European Parliament. Consequently, they concluded that environmental and compliance risks necessitated two contractual conditions (see §3.1.6). The environmental and social data sheet (ESDS) mentions consultations during statutory procedures<sup>75</sup>.
- 3.1.6 For the parts of the operation requiring the changing of the Iberian gauge to the European gauge, the Bank requested that the borrower assess the compliance with environmental requirements. The EIB services consented with the borrower that the operation between Martorell and Almassafes does not fall within the scope of the EIA Directive. The appraisal observed that the operation might, nevertheless, have noise impacts due to changes in traffic patterns. Therefore, in its appraisal, the Bank services proposed that the finance contract includes two conditions for the operation: (i) the analysis or measurement of noise levels related to the railway's area of influence, including noise mapping, for sections of the operation that have not been subject to an EIA or a screening process,<sup>76</sup> and (ii) the implementation of all relevant mitigation measures, if any, identified in the PEA study.
- 3.1.7 The Bank's 2014 appraisal suggested that noise impact of this railway section in urban and residential areas is expected to be mitigated by the implementation of **noise barriers**, as recommended by the competent authority. It should be noted that the PEA study was based on Phase I noise maps prepared by the borrower at the request of authorities to ensure compliance with the Environmental Noise Directive (see § 3.1.17 and Annex 2). In addition to noise, the PEA also covered other environmental impacts, as stated in the terms of reference endorsed by the EIB. The EIB monitors the implementation of the conditions and undertakings on the basis of reports provided by the borrower (see § 2.2.21).<sup>77</sup>

<sup>73</sup> In accordance with paragraph 4.3.2 of the EIB Group Complaints Mechanism Policy, complaints against national, regional or local authorities (for example government departments, state agencies and local councils) are not handled by the EIB-CM. Paragraph 1.4.5 of the EIB Group Complaints Mechanism Procedures states that an EIB-CM review will not pass judgment on activities under the sole responsibility of third parties, notably those of the borrower; authorities at a local, regional or national level; or European institutions. Unless an infringement of EU law is established by the Court of Justice of the European Union, an EIB-CM review will not call into question the correctness of the transposition of EU law into national law by EU Member States in the context of its inquiries.

<sup>74</sup> During the appraisal, the EIB was informed about the appeals raised since May 2013.

<sup>75</sup> The ESDS is a document prepared at the time of the EIB's approval for the project's financing and is made available on the EIB website (see paragraph 349 of the *EIB Environmental and Social Handbook* (2013), Volume II). The ESDS was issued on 18 November 2014 and is available [here](#).

<sup>76</sup> In line with the EIB Environmental and Social Standard 1, paragraphs 9–12, the PEA report, as an equivalent to an ESIA, must be consistent with the principles contained in the EIA Directive and best international practice.

<sup>77</sup> See paragraph 8 of *The EIB Statement of Environmental and Social Principles and Standards* (2009).



- 3.1.8 In 2015, the EIB received a new complaint (see § 1.1.4), pointing out that there was no EIA procedure for the project in question. After case investigation, the EIB-CM informed the complainant about the conditions set in the finance contract by the EIB. The Bank **required the borrower to prepare the PEA study and to implement any mitigation measures, if needed** (see §§ 3.1.4, 3.1.7). In 2015, the EIB-CM also suggested that the EIB request that the promoter publish the PEA study on its website and monitor the developments in the national court proceedings. The borrower prepared the PEA study, but did not make it available on its website. While the EIB-CM was informed that the borrower did not consider it possible to publish the final PEA study on its web page (see § 3.3.3), the EIB published it on its own web page under a document type “Environmental and Social Impact Assessment”. Regarding the judicial developments, the borrower reported to the Bank on the ongoing and closed national court proceedings in 2017.
- 3.1.9 The current complaint (see § 1.2) stated that no mitigation measures against noise had been implemented at the time of the complaint, when the operation should have already been completed. The EIB-CM however established that, the project’s railway section is not yet completed. In 2021, the works have been suspended owing to modifications, and based on the latest information from the EIB services, the operation’s completion is set for the first quarter of 2026.

***Analysis of negative impacts (noise and vibration) on human health, the tourism sector and heritage (the preliminary environmental analysis study)***

- 3.1.10 During the operation’s approval in 2014, it’s economic case was supported by the traffic increase for the railway line in question. The EIB estimated that there is a significant potential to increase freight and passenger traffic once the operation is completed. The line is expected to see an increase in passenger traffic volume of 1.7–2% per year. In terms of freight volume, the new third rail (the European gauge) should attract up to 12% of the current road traffic (see §1.1.2). However, it should be noted that railway noise is an issue that required mitigation even before the operation was launched (see §2.2.6).
- 3.1.11 The scope of the PEA study concerns the work on sections of railway line not covered by any EIA decision-making and without any public engagement. These sections received exemption notes for the requirement to carry out the appropriate assessments. The analysis was presented in a study entitled “Environmental Analysis Report of the Mediterranean Corridor. Stretch between Castellbisbal and Almusafes.” (PEA study)<sup>78</sup>
- 3.1.12 In 2015, the borrower submitted to the EIB the terms of reference for the PEA study. These included the requirements for the information in the study on the construction and **operational phases**.<sup>79</sup> Impacts to be analysed included noise, vibrations, and impacts on biodiversity and the Natura 2000 network. The situation prior to the commissioning of the third rail was to be determined using 2013 traffic data, and the future scenario would correspond to the increases predicted by the demand projections for 2040. An intermediate analysis scenario was

<sup>78</sup> *Informe de análisis ambiental del Corredor Mediterráneo. tramo Castellbisbal – Almusafes [Análisis de la integración ambiental del Corredor Ferroviario Mediterráneo ante su adaptación al ancho de vía estándar de la Unión Europea]*. The document consists of the main document and several supporting documents, such as factsheets and maps of the railway sections. The set of documents in Spanish includes [Documento 1: Mapa de zona de afección comparativa. Escenarios 2020](#) (Map of comparatively affected areas). [Mapa de zona de afección. Escenario 2013](#) / Map of affected areas. Scenario 2013; [Documento 2: Informe de Análisis Ambiental del Corredor mediterráneo – Tramo Castellbisbal Almusafes – Informes Individualizados por Proyecto](#) (Castellbisbal Almusafes Section: Individualised Reports by Project); [Documento 3: ESTUDIO ACÚSTICO; Mapa de zona de afección comparativa. Escenarios 2020](#) (Map of comparatively affected areas); [Escenario 2020; Mapa de máxima superación de objetivos de calidad acústica. Escenario 2020. Sin proyecto](#) (Map of maximum exceed of acoustic quality targets. Scenario 2020. Without project); [Mapa de máxima superación de objetivos de calidad acústica. Escenario 2020. Con proyecto con medidas correctoras](#) (Map of maximum exceed of acoustic quality targets. Scenario 2020. With project with mitigation measures).

<sup>79</sup> The PEA was requested based on the EIB’s Environmental and Social Standards. Standard 1, paragraph 30, describes the impacts and risks to be identified for the purpose of analysis. The project should be described, including the physical characteristics of the whole project during the construction and operational phases. Paragraph 34 states that the ESIA will take into account all relevant stages of the project cycle, including preconstruction, construction, **operations**, decommissioning and reinstatement, ensuring that mitigation measures and actions are identified so that all relevant stages of the project operate in compliance with applicable laws and regulations and EIB Standards.

established for 2020. A 500-metre zone was studied for the purpose of the noise analysis in the PEA study.

- 3.1.13 In December 2016, the borrower submitted a draft PEA study to the EIB. In February 2017, the EIB provided its comments to ADIF, with the borrower's feedback provided in March 2017. The PEA study argued that the **third rail would not increase the capacity of the line** and that additional measures were also not necessary because the operating speed of the line remained unchanged, but traffic growth was expected.<sup>80</sup> The study noted that railway line **was already exceeding noise limits** in some places and it referred to ongoing works to ensure compliance with the Environmental Noise Directive for the line in question without an EIA procedure. The measures planned to comply with the Directive, but to be carried out outside the operation in question, were presented in annexes of the study (see Annex 2). The PEA study emphasised the mitigation measures **linked to the construction phase**.<sup>81</sup> The operation's impact was presented and considered as an additional impact to the existing noise level shown by acoustic maps. The study did not consider the potential for additional noise from the additional traffic as a result of the third rail to be significant to be added to the analysis (treated as if already mitigated).
- 3.1.14 The PEA study stated that at the time of its preparation there were 760 metres of noise screens in Catalonia in the railway line subject to the study.<sup>82</sup> On the section referenced in the complaint, there are no noise barriers. The study stated that in the future, 23 604 m of noise barriers must be constructed on the section of interest (Sant Vicenç de Calders–Tarragona–Vila-seca).<sup>83</sup> The PEA study established that because of the operation, 0,11 km<sup>2</sup> area will require protection from noise.<sup>84</sup> (see Annex 2)
- 3.1.15 The PEA study (May 2017) isolated the existing operational noise and concluded that the additional noise from the construction necessitates mitigation measures, which were proposed. However, according to the PEA study, the existing operational noise had been accounted for by merely making a reference to an ongoing process of preparation of **strategic noise maps (MER) and noise actions plans (PAR)** (see §§ 3.1.17-3.1.18). The EIA Directive and the EIB's standard 1 require to account for and to tackle both construction and operational noise (see §§ 2.2.9 - 2.2.10). The borrower clarified that the operational noise is being mitigated by the above-mentioned PAR, information on the actions under MER and PAR were not specified.
- 3.1.16 **The PEA study analysed operation's vibrational impacts** for the third rail (the European gauge). The study concluded that vibration impacts were already accounted for by the operation's design (with mitigation measures comprising rail junction solutions and the elimination of joints through welding, the use of elastic fixtures and sleepers).<sup>85</sup> At the same time, the PEA study indicated the necessity of monitoring vibration impacts from other projects in the form of environmental management plans and eventually preventing the manifestation of vibration problems.
- 3.1.17 **At national level, the borrower was tasked with preparing MER and PAR, in accordance with the Environmental Noise Directive** (see Annex 2). The PEA study stated that any noise protection measures were expected to be implemented gradually (section "Phase I strategic noise maps (MER) and noise actions plans (PAR): Lot 3: Barcelona and Valencia areas"). At the time of the PEA study, Phase I MER and PAR were already prepared. The maps provided with the PEA study indicated that the railway section between Tarragona and Sant Vicenç de Calders was to receive noise protection screens, stating that they are not expected to be financed by the EIB-supported operation. The PEA study refers to the environmental monitoring plan, which is linked to the phasing of MER and PAR (see Annex 2). It emphasises that,

<sup>80</sup> The project description for the section in question did not indicate any plans to increase the speed. The appraisal stated that on the section of interest the maximum speed 160 km/h. The maximum speed on the section of interest is at some points 160 km/h and at others 140 km/h, as shown in Annex 1.

<sup>81</sup> See Section 7.2.3 of the PEA report, Document 1.

<sup>82</sup> See Section 7.1 of the PEA report, Document 1, p. 257.

<sup>83</sup> See Section 7.1 of the PEA report, Document 1, p. 257.

<sup>84</sup> See Section 6.2.3 of the PEA report, Document 1, p. 220, Table 64: Sant Vicenç de Calders–Tarragona–Nudo Vila-seca, 2013 baseline required 3 850 km<sup>2</sup>, 2020 scenario without the project 3 680 km<sup>2</sup> and 2020 scenario without the project 3 790 km<sup>2</sup>.

Section 7.1 of the PEA report, Table 81, p. 258, states that the screens planned according to the estimated circulations for the year 2020 will be installed **gradually** as the expected levels of traffic are reached. The table indicates that the section in question is not expected to receive any mitigation measures as part of the project.

<sup>85</sup> The PEA, document 1, Section 6.2.4, p. 223.

although environmental monitoring and integration measures are expected to tackle significant levels of traffic, there is ultimately no need for new measures as the existing environmental instruments are sufficient.

- 3.1.18 Based on data collected to ensure compliance with the Environmental Noise Directive at the time, the PEA study concluded that during the implementation period, minimal additional measures were required. Based on the project descriptions in the relevant sections, noise and vibration impacts for the railway section between Tarragona and Sant Vicenç de Calders did not require mitigation.<sup>86</sup> The PEA study concluded that considering the “2020 scenario with project”, all necessary noise barriers have already anticipated, at least for the section in question.
- 3.1.19 **The PEA study analysed the impact on the tourism sector** in terms of its importance to the economy. It does not point out that tourism will be affected by the noise impacts (i.e. no details are given) but points out that the areas surrounding the railway axes and urban agglomerations are in need of corrective actions where the legally established acoustic levels are exceeded.<sup>87</sup> The study reiterated that the operation does not imply an increase in the railway infrastructure capacity, but the foreseeable impact is mainly due to changes in the number and type of traffic which is identical to the information available to the EIB during the operation’s appraisal.<sup>88</sup>
- 3.1.20 **Regarding works close to or in areas of archaeological or cultural interest**, the PEA study recognises that operation’s works may potentially affect elements of archaeological sites. A stretch of 100 metres was studied for the purpose of the PEA study. The possible impacts considered included those from auxiliary construction facilities (temporary construction sites) and excavations and earth movements related to the access road works, which could affect or even destroy archaeological sites or other elements of cultural interest.<sup>89</sup> The study considers **several** cultural heritage sites, of which four will be directly affected and more than 20 indirectly affected. Their conditions were noted, but not elaborated on. The sites were not studied individually, including the site the complainants referred to (the Roman amphitheatre in the Archaeological Ensemble of Tarraco).
- 3.1.21 The PEA study stated that, in the event of archaeological discoveries as a result of any type of land removal, such discoveries would be incorporated into the protection programme for the archaeological sites, and new actions adapted to each specific need would be designed. The study noted that in any case, the Law on Spanish Historical Heritage would be complied with, alongside other applicable laws.<sup>90</sup> In any event, all works would be carried out under archaeological surveillance. However, it is not clear from the study how this could be implemented in practice without further authorisations (for instance, without a development consent).<sup>91</sup> The EIB services clarified that ADIF has internal procedures aimed at implementing national requirements for archaeological heritage.

#### ***Operation’s reporting and progress (the EIB’s monitoring phase)***

- 3.1.22 After the signing of the finance contract, the appropriate EIB services carry out operation monitoring. The finance contract establishes the borrower’s reporting requirements. The reporting is required on any environmental and social conditions or undertakings and other aspects of the operation’s implementation (see §2.2.12). Therefore, in 2017, the borrower submitted the PEA study to the EIB, which was reviewed, commented upon and accepted as a satisfactory delivery. The EIB made the analysis available to the public on the Bank’s web page. The 2015 complaint conclusions report (see § 1.1.4) recommended that the study also be uploaded to the borrower’s website. The borrower could not upload the study onto its website, citing “legal implications”, but the EIB instead published the report on its project page.
- 3.1.23 As part of reporting requirements, the borrower provides the EIB with annual progress reports, showing the progress of the works and any issues related to them. The Bank’s monitoring

<sup>86</sup> See the Summary Table of Possible Environmental Conditions of the Project (Works’ Phase) from the document “The Individualised Reports by Project” (paragraph 8 of the PEA report, Document 3).

<sup>87</sup> See paragraph 2.2.1 of the PEA report, Document 1.

<sup>88</sup> See paragraph 8, Conclusions, of the PEA report, Document 1.

<sup>89</sup> See the PEA report, Document 2, Subsection: Sant Vicenç de Calders–Tarragona–Vila-seca.

<sup>90</sup> See Law 16/1985 of 25 June on Spanish Historical Heritage, Royal Decree 111/1986, Law 9/1993 of 30 September on Catalan Cultural Heritage and Decree 78/2002 of 5 March on the Regulations on the protection of archaeological and palaeontological heritage.

<sup>91</sup> See the PEA report, Document 2, Subsection: Sant Vicenç de Calders–Tarragona–Vila-seca.

confirmed that the section in question was not to be subject to noise measures at the time of the issue of the PEA study. At the time of drafting this conclusions report, the operation implementation works have been delayed owing to modifications (see § 3.1.9).

- 3.1.24 During the case investigation, after the EIB-CM's inquiry, a clarification was received that provided a better understanding of the timetable for implementing noise mitigation measures. **The Bank was provided with more information about the noise mitigation measures** for the project in question. Noise mitigation measures confirmed in the 2017 PAR were aimed at construction phase in order to comply with the Environmental Noise Directive (see § 3.1.15). Operational noise and the plan for the noise screens outside the project was noted as separate. During the compliance review, the EIB services informed the EIB-CM that in the last operation's cost break down, the promoter explicitly stated that €40 million are dedicated to address noise mitigation of the section Castellbisbal-Nudo de Vila-seca. Information on the noise mitigation measures planned in the project section concerned with the complaint is provided in Annex 2.<sup>92</sup>

## 3.2 Risk of contamination from accidents on the line

- 3.2.1 Allegation 2 of the complaint concerns the risk of contamination from accidents on the railway line. The complaint concerns the transporting of hazardous cargo, such as cargo from the petroleum and other chemical industries, on the modified railway line on the section between Tarragona and Sant Vicenç de Calders. The concern is that the European gauge will attract more carriers of hazardous cargo in the absence of alternative routes with the same gauge.
- 3.2.2 After reviewing gathered information (i.e. the 2017 PEA study), the EIB-CM established that the project may be at risk of major accident hazards involving dangerous substances. The map provided in Annex 1 shows that the direct line from Tarragona Refinery to the former railway line from Reus to Roda de Bera is no longer in use. In its place, the high-speed Madrid–Zaragoza–Barcelona line (050) is used. To reach Barcelona from Reus without using the high-speed line, the best path appears to be via the Valencia–Sant Vicenç de Calders line.<sup>93</sup> Thus, it appears that the section in question is likely to be used by hazardous cargo. In such cases, in accordance with the **EIB's Environmental and Social Standard 1**, project must comply with national regulations transposing the Directive on the Inland Transport of Dangerous Goods (see § 2.2.11).
- 3.2.3 By signing the operation's finance contract, the borrower commits to ensure that the project is implemented and operated in line with the project-applicable national and EU law. Non-compliance with the above is a breach of the financial contract conditions. The relevant national and EU law on railway safety accidents is provided in §§ 2.2.4 and 2.2.7. Emergency prevention, preparedness and response are also included in the EIB's Environmental and Social Standards (see §§ 2.2.14 and 2.2.15).
- 3.2.4 The Ministry of Transport, Mobility and Urban Agenda (MoTMU) is responsible for proposing and implementing the government's policy on national railway infrastructure, including matters associated with services and safety. The State Railway Safety Agency of the MoTMU is tasked with detecting, analysing and assessing safety risks in rail transport. The borrower, ADIF AV, is a state-owned company under the MoTMU that maintains and develops the MoTMU's network of railways, ensuring the fulfilment social needs, safety of users and overall efficiency of the railway system.
- 3.2.5 The EIB-CM established that the safety issues are being supervised by the Commission for the Coordination of the Transport of Dangerous Goods.<sup>94</sup> It is an inter-ministerial collegial body responsible for the coordination of matters related to transport of dangerous goods.<sup>95</sup>
- 3.2.6 The EIB requires that borrowers have environmental management systems in place. The borrower is an ISO1 4001-certified company<sup>96</sup>. The borrower prepares and publishes annually

<sup>92</sup> More information is available [here](#).

<sup>93</sup> The existing railway connection from the refinery goes to Reus, where it loops round to the north (line 230) and then goes south towards Tarragona or westwards (line 210).

<sup>94</sup> *Comisión para la coordinación del transporte de mercancías peligrosas* (in Spanish), information [here](#).

<sup>95</sup> See Royal Decree 1256/2003 of 3 October on determining the competent administrative authorities for the transport of dangerous goods and regulating the commission for the coordination of such transport.

<sup>96</sup> ISO is an internal standard, while EMAS was established by the European Commission through the dedicated [EMAS Regulation](#). ADIF does not have EMAS certification.



railway network statements.<sup>97</sup> These statements present the existing railway management structure and the transport safety system in place for the transport of hazardous materials. The EIB established that the borrower has supervision, safety (i.e. a safety management system) and monitoring procedures in place, and a reporting mechanism to inform the public about the system. Also, the EIB services provided information that the borrower has a public information platform on the subject<sup>98</sup>.

- 3.2.7 During the appraisal process, the borrower informed the Bank that it has in place a safety management system (SMS), which is overseen by the national safety authority.<sup>99</sup> The operation includes the implementation of the European Railway Traffic Management System (ERTMS), which is an element of the safety systems to be provided by the infrastructure manager. ERTMS N2<sup>100</sup> is to be equipped to all track gauges. This requirement stems from the Railway Safety Directive, which aims to ensure the safe management of railway operators, and other relevant laws (see § 2.2.7).<sup>101</sup>
- 3.2.8 The transport of dangerous goods via the network owned by the borrower must be carried out in accordance with the requirements of the Regulation on the Transport of Dangerous Goods by Rail and of Royal Decree 412/2001, which sets out the general traffic rules. Trains carrying dangerous goods are to be allowed, except when carrying out loading and unloading or parking in those areas (see §2.2.4).
- 3.2.9 The borrower issues annual Railway Network Statements,<sup>102</sup> which provide information on how it approaches the safety issues. The State Railway Safety Agency plays an important role in the safety of railways. The borrower and the State Railway Safety Agency report to the MoTMU.
- 3.2.10 The borrower has separate departments responsible for environmental monitoring and quality control and for health and safety. The movement of dangerous goods in some sections will require specific assessments by the infrastructure manager (the borrower). The network statement does not permanently exclude any railway lines from the transport of dangerous goods (such a practice exists in some countries). The exceptional movement of dangerous goods through an urbanised area must be authorised either by the borrower or by the Commission for the Coordination of the Transport of Dangerous Goods. The technical regulations of the railway network are publicly available.<sup>103</sup>
- 3.2.11 The Bank received satisfactory information from the borrower regarding the risks associated with hazardous cargo on the project section in question and established that questions and concerns regarding safety and risks can be raised to the borrower through the grievance mechanism, the existence of which has been verified. The EIB services explained that detailed information on hazardous cargo can also pose national safety risks therefore other means should be used in case of safety concerns. That said, **the EIB-CM did not review the effectiveness of the borrower's grievance mechanism as it isn't a project related one.**

### 3.3 Review of the due diligence and monitoring work of the EIB during the project cycle

- 3.3.1 In all its financial operations, the EIB is committed to its own project-applicable standards throughout the project cycle (see § 2.2.8). The EIB-CM established that the EIB relevant services appraised the operation,<sup>104</sup> identified a solution to mitigate environmental risks of the operation, set conditions to mitigate those risks, and followed up on the conditions. The EIB

<sup>97</sup> *Declaracion sobre la red ADIF/ADIF AV 2023 y 2024* available in Spanish [here](#).

<sup>98</sup> <https://www.adif.es/contacto> and <https://sede.adif.gob.es/opencms/system/modules/sede/index>.

<sup>99</sup> The European Union Agency for Railways oversees the requirement of a safety management system. More information is available [here](#).

<sup>100</sup> The ERTMS N2 system permits the continuous control of railway traffic, enabling faster travel speed and improving the traffic capacity of the railway infrastructure by minimising the safety distance between trains. More information is available [here](#).

<sup>101</sup> See Article 9 of Directive (EU) 2016/798 on railway safety (recast) (Text with EEA relevance), available [here](#).

<sup>102</sup> *Declaracion sobre la RED* (in Spanish).

<sup>103</sup> See the [Normativa Tecnica de ADIF](#) (in Spanish).

<sup>104</sup> As required by the EIB's Environmental and Social Standards, the EIB should appraise the project, establish relevant conditions to achieve compliance with EU environmental law and the EIB's Environmental and Social Standards, and monitor the project to ensure compliance (see § 2.2).

services included in the finance contract environmental conditions, approved the output required and continue to monitor the operation.

- 3.3.2 The Bank provided feedback to the borrower on the submitted draft PEA study by engaging own environmental specialists. EIB services pointed out that the draft PEA study did not take into account the **operational environmental impacts**, which links to the requirement to account for cumulative impacts. Despite the comments, the modified PEA study did not result in the operational impacts being justified and explained (see §3.1.18). At the time of the endorsement of the PEA study, the Bank did not insist on clarifying how and when the necessary noise protection measures will be implemented. It accepted that the operational impacts will be treated separately — that is, outside the operation financed by the EIB.
- 3.3.3 The conclusions report for the case SG/E/2015/03 recommended that the EIB ask the promoter to publish the PEA study on the operation's web page. The EIB services have provided evidence of communicating this recommendation to the borrower. The borrower explained that it could not publish the study on its website for legal reasons, but the bank published it on its own website instead (see § 3.1.22).
- 3.3.4 The PEA study was not part of the decision-making by environmental authorities. It was produced at the EIB's request to deal with the project's environmental risks. However, it **was made available on the EIB web page**. The documents pertaining to the PEA study are categorised as an environmental and social impact assessment (ESIA), which according to the EIB's Environmental and Social Standards is not a decision-making end but a means to a decision-making end, which was not the case in this operation (see § 3.1.8).<sup>105, 106</sup> The EIB CM finds this presentation confusing to the public.
- 3.3.5 The Bank is monitoring the implementation of the operation as a whole, but also **pays special attention to the project** as a separate reporting item. During the monitoring phase, the Bank does not provide operation's progress information on its website. Communication on the operation to the public, in line with the EIB's Environmental and Social Standards, is the borrower's task (Standard 10, see § 2.2.16). The EIB did not formally request the borrower to enhance its communication regarding the operation to the public and did not issue any specific conditions on this matter, beyond the standard contractual clauses.
- 3.3.6 It should be noted that operation-related information on the EIB web page reflects the status and understanding of the operation at the time of the EIB's approval of financing (see footnote 4). The initial completion of the operation was 2016. The borrower's final report<sup>107</sup> on the operation is planned for the end of the first quarter of 2026, after which the EIB is expected to prepare an environmental and social completion sheet. This is to be made available to the public on the EIB website and will cover the environmental and social aspects of the implemented operation. During implementation, the EIB releases operation-related environmental and social information to members of the public in accordance with its Transparency Policy (see § 2.2.21).

## 4 CONCLUSIONS

### 4.1 Project-related conclusions

#### ***The project's unmitigated significant negative noise and vibration impact***

- 4.1.1 The EIB's appraisal proposed mitigation measures to tackle the operation's negative environmental impacts to be included as environmental conditions in the finance contract (see §§ 3.1.4, 3.1.7). The EIB tackled the operation's negative environmental impacts by requesting that the borrower carry out an environmental analysis (the PEA study) for those sections of the railway without a screening determination or an EIA. The PEA study was prepared by the borrower, but the study separated cumulative effects of the operational phase, contrary to the Bank's Environmental and Social Standard 1, and concluded only on the scope of the operation. The environmental condition of the EIB finance contract aimed at the preparation of the PEA

<sup>105</sup> See the glossary entry for Environmental Impact Study in the *EIB Environmental and Social Practices and Procedures* (2013).

<sup>106</sup> See [the project web page](#).

<sup>107</sup> See paragraph 245 of the *EIB Environmental and Social Practices and Procedures* (2013), Volume II.

study was implemented, however, the EIB-CM considers that the study did not fully meet Standard 1 (see § 3.1.18).

- 4.1.2 The PEA study did not provide information on relevant actions, initiated by the government, aiming to reduce noise impacts in compliance with the Environmental Noise Directive that were delegated to the borrower (see Annex 2). During the case investigation phase, the Bank's services informed the EIB-CM that the borrower plans to implement measures aimed at noise mitigation also within the operation supported by the EIB as well as by projects under the MER and PAR process (see § 3.1.18 and Annex 2).

***Risk of contamination from accidents on the line***

- 4.1.3 The EIB-CM established that once the European gauge is enabled on the railway line in question, it may attract international freight operators, including those carrying dangerous goods from the surrounding provinces. The Mediterranean Railway Corridor has limited options with or without the implementation of a third rail for freight transport on the section between Tarragona and Sant Vicenç de Calders (see § 3.2.2). As a lender, the EIB requires the borrower to comply with environmental law, but the EIB does not oversee the railway network development. The public should be able to raise safety issues to the borrower – ADIF - through the grievance mechanism, the existence of which has been verified.
- 4.1.4 In terms of the risks of hazardous cargo on the line in question, the EIB established that the borrower has supervision, safety (i.e. a safety management system) and monitoring procedures in place, and is implementing the ERTMS on the railway section in question (see §§ 3.2.6, 3.2.7). The borrower is following the European Union and national requirements for safe railway transport, overseen by other national and interinstitutional bodies such as the Commission for the Coordination of the Transport of Dangerous Goods. The EIB-CM considers the role of the EIB has been fulfilled in terms of information collection on the present issue (see § 3.2.11).

## 4.2 Conclusions related to the EIB's role

- 4.2.1 The EIB was aware of potential noise issues before the operation's approval (see § 1.1.4) and took measures to mitigate the environmental risks by placing certain conditions on the borrower in the financial contract (see § 3.3.2). The PEA study, requested by the financial contract, presented environmental aspects of the operation (construction phase). Environmental specialists of the Bank were consulted and reviewed the conditions and the PEA study observing the issue with cumulative impacts. The borrower amended the draft PEA study and the Bank was satisfied with information on how the operational noise impacts will be tackled by MER and PAR implemented by the borrower.
- 4.2.2 The PEA study states that the operation will marginally increase the existing exceeded noise levels. Therefore, mitigation measures are necessary for the construction phase only. The operational noise was recognized, but was to be dealt separately from the operation. The Bank accepted the borrower's explanation regarding the existing operational noise including cumulative impacts in the PEA study, which were only referred to as being taken care of by the ongoing process of MEA and PAR (see §3.3.2).
- 4.2.3 Finally, the EIB services published the PEA study on the Bank's webpage under the document type "Environmental and Social Impact Assessment" - ESIA. It is the EIB-CM's opinion that such document type implies that an EIA statutory process has been carried out and therefore can be misleading for the stakeholders in the EU where the EIA (ESIA) procedures are governed by law (see §§ 3.3.3, 4.1.3).
- 4.2.4 The EIB-CM received explanation from the EIB services that ESIA code is used for the EIA reports and any other assessments relating to environment in order to group such documents under one umbrella and to provide the full overview of available assessments to the public. Other document types would make the public register complex for the public and would increase the possibility to miss the relevant documents.

## 5 OUTCOMES

- 5.1.1 The EIB-CM has carried out an analysis of the complaint regarding a component of the operation. Both Allegation 1 and 2 were found to be ungrounded. However, the EIB-CM in its role to prevent possible future complaints has issued one suggestion for improvement for the EIB. The outcome and the suggestion are provided in Table 2.

**Table 2: Summary of outcomes and suggestion**

Allegation	Outcome	Suggestion for improvement
1. The project's unmitigated significant negative noise impact	No grounds	The EIB services are reminded that the operations within the EU must be compliant with all applicable environmental law, including where relevant the Environmental Noise Directive, as is applicable in this case. The Bank should encourage the borrower to inform the public on how the significant, including cumulative, impacts are taken into account in every phase of the operation's implementation, including the operational one.
2. Risk of contamination from accidents on the line	No grounds	n/a

- 5.1.2 The suggestion for improvement will be considered to be closed upon the issue of the Conclusions Report.

Complaints Mechanism

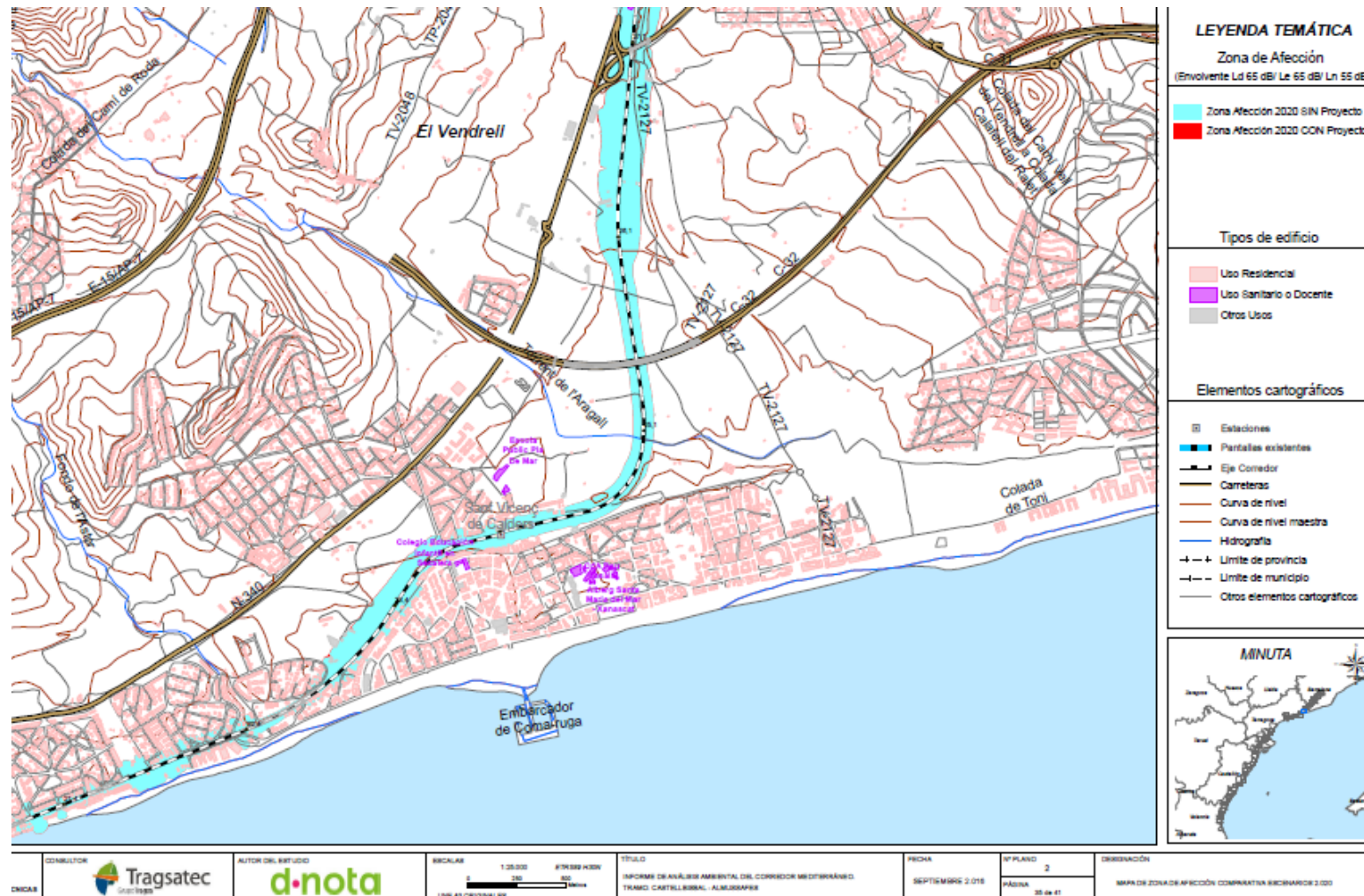


## ANNEX 1: MAPS OF THE RAILWAY LINE SECTION REFERENCED IN THE COMPLAINT



Note: The numbers on the coloured lines represent the maximum rail speed limit, the red circle (1) shows the position of the oil refinery near Tarragona, the blue square (2) shows the location of the Archaeological Ensemble of Tarraco and the area outlined in grey (3) shows the location of the Natura 2000 site.

Source: [www.openrailwaymap.org](http://www.openrailwaymap.org).



Note: The blue zone indicates the noise impact zone of the railway without the project and the red line (not visible on the map) should indicate the impact of the project (without cumulative impacts).

Source: the PEA study map, p. 33, scenario 2020 (with the project).

## ANNEX 2: THE NOISE DIRECTIVE AND THE OPERATION

### *Information regarding compliance with the Noise Directive relevant to the operation*

The Noise Directive, among other goals, aims to prevent and reduce environmental noise and preserve environmental noise quality in areas where it is of a high quality.<sup>108</sup> Although the Noise Directive deals with existing nuisances and operations, the EIA Directive is applicable to **new** operations, projects and developments.<sup>109</sup>

The railway lines have been identified by the Noise Directive as a target for the preparation of noise maps and noise management plans. The Noise Directive of 2002 requires the preparation of strategic noise maps (MER — *Mapas Estratégicos de Ruido* in Spanish), and noise action plans (PAR — *Planes de Acción Contra el Ruido* in Spanish) for the railway corridor.<sup>110</sup> The MER and PAR are reviewed, and if necessary amended, at least **every five years**.

The promoter, the Directorate General of Railways under the MoD, started railway noise planning during the first decade of this century. The creation of the noise maps was delegated to ADIF (the borrower). The section of the Mediterranean Railway Corridor referenced in the complaint falls under Lot 3 (Valencia and Catalonia). Phase I comprised the railway sections with annual circulations of more than 60 000 trains/year. The MER prepared during Phase I were made publicly available in 2008. Once the MER were developed, the next step was to prepare the PAR associated with them.<sup>111</sup>

Phase I of the noise action plans for railways on the Mediterranean Railway Corridor access was prepared in 2011. The objective of the 2011 PAR was to define the priority measures to reduce noise levels and determine the number of people identified through noise mapping that live in areas that exceed the quality objectives set out in Royal Decree 1367/2007. The 2011 PAR noted a prominent source of noise was from freight wagons. The current braking technology used (the friction of molten metal brake pads on the wheel surface) creates a roughness on the wheel surface, resulting in a high level of track and wheel vibration. As freight trains frequently run at night, their acoustic emissions have an even greater impact. In the case of the major railways, the typical mitigation measures used are noise screens. If they are accompanied by noise measurements at the source, the length and height of these screens could be reduced. The 2011 PAR noted a number of other measures associated with maintenance of railway rolling stock and works on tracks, such as the removal of joints,<sup>112</sup> and provided an estimated cost. The Director General of Railways approved the PAR on 31 May 2013 and **completed Phase I**.

The Phase II MER incorporated the rest of major railway axes. Phase II MER and PAR for the Mediterranean Railway Corridor were prepared in 2016 and presented to the public.<sup>113</sup> On 17 July 2017, the Secretary General of Infrastructure of the MoD approved the Phase II MER. The Phase II PAR corresponding to the MER for the major railway axes were also presented to the public.<sup>114</sup> On 24 September 2018, the Secretary General of Infrastructure of the MoD approved the “Action Plans against Noise corresponding to the Strategic Noise Maps of the Great Railway Axes. Phase II” and **completed Phase II**.<sup>115</sup>

The scheduled date for the preparation and approval of the MER of Phase III was June 2017. The Ministry of Transport, Mobility and Urban Agenda presented Phase III MER to the public in October

<sup>108</sup> See [here](#).

<sup>109</sup> See [here](#).

<sup>110</sup> Information on the Noise Strategic Maps is available in Spanish [here](#), on the web page of the Ministry for the Ecological Transition and the Demographic Challenge.

<sup>111</sup> See *Plan de Acción contra el ruido correspondiente al MER de los Grandes Ejes Ferroviarios. Fase I* available in Spanish [here](#).

<sup>112</sup> See *Documentación prevista en los art. 14 y 24 ley 9/2006 Plan de infraestructuras, transporte y vivienda (PITVI 2012–2024)*, available in Spanish [here](#).

<sup>113</sup> See the Announcement of the Directorate-General for Railway Planning (under the MoD), published in Official Gazette No 242 of October 6 2016. The maps are available [here](#).

<sup>114</sup> See the Announcement of the Directorate-General for Railway Planning (under the MoD) published in Official Gazette No 38 of 12 February 2018.

<sup>115</sup> See the Announcement published in Official Gazette No 235 of 28 September 2018.



2020 and formally approved them on 8 March 2022.<sup>116, 117</sup> The Phase III Noise Action Plans were provisionally approved on 4 May 2022 and submitted to the public, for a period of one month, by announcement in the Official Public Bulletin in May 2022 by the Sub-directorate-General for Railway Planning. Its final approval has yet to be published. The Noise Directive's Phase IV for the preparation of the strategic noise maps ended in June 2022. At the time of drafting this conclusions report, the borrower had shared Phase III documents and informed the Bank that it was tendering for MER and PAR for Phase IV.<sup>118</sup>

**Information regarding measures aimed at noise reduction relevant to the project: section Tarragona – Sant Vicenç de Calders**

The 2017 PEA study provided information on the noise barriers planned for Tarragona – Sant Vicenç de Calders section planned within the MER and PAR of Phase I and II in the Annex 1<sup>119</sup>. The noise screens relevant to the project in question are in the range from Pn272 to PN471. Information on noise screens is also provided in the PEA study document containing maps<sup>120</sup>. The section relevant to the project is located in the area 3B and includes the municipalities of Tarragona, Torredembarra, Roda de Bará, Creixell, El Vendrell and Calafell.

The borrower updated information in the document “*Proyecto de Construcción de Protecciones Acústicas resultantes de los Planes de Acción. Fases I y II, Áreas nº 3B. Zona Este, Tarragona.*” Phases I and II, Areas No. 3B. Eastern Zone, Tarragona” (Adif, 2019) with the timeline of implementation between 2020 and 2021. For the section in question, about 40 km of railway route were analysed and over twenty conflict zones were identified out of which six high priority zones were established:

UME	ZAP del PAR (High priority zones of PAR)	PROVINCE	MUNICIPALITY
03_03	03_03_02	TARRAGONA	Tarragona
	03_03_03		Tarragona
	03_03_11		Torredembarra
	03_03_14		Creixell
	03_03_16		Roda de Bará
	03_03_16		Roda de Bará
	03_03_20		El Vendrell
			Calafell

In accordance with article 7.3 of the Railway Sector Law, and as a consequence of the public information and notification process, affected municipalities proposed various other solutions and alternatives to the planned screens. This process triggered a change to the 2019 plan. The execution contracts have been suspended in November 2021 until the approach and scope of these measures are resolved.

The borrower plans to restart contacts with the aforementioned city councils on 5 December 2023, starting with the City Council of Tarragona. The borrower noted that many city councils opposed the placement of screens. The objective is to find a solution that will satisfy both parties, which led to the temporary suspension mentioned in previous paragraphs. Therefore, the schedule will depend on the outcome of the discussion with affected municipalities.

<sup>116</sup> The MoTMU made the Phase III MER available to the public in October 2020 (see the Official Public Bulletin No 262 of 3 October 2020) and on 8 March 2022 the MoTMU formally approved the Phase III MER (see the Official Public Bulletin No 64 of 16 March 2022).

<sup>117</sup> Phase III PAR were prepared for Lot 3, Section 03\_05 Tarragona–Barcelona Sants, in April 2022. More information is available in Spanish [here](#).

<sup>118</sup> More information is available in Spanish [here](#).

<sup>119</sup> Document called “*Informe de Análisis Ambiental del Corredor Mediterráneo. Tramo Castellbisbal – Almusafes [Análisis de la integración Ambiental del Corredor Ferroviario Mediterráneo ante su adaptación al ancho de vía estándar de la Unión Europea]*” Documento 3: Estudio Acústico (Annex 1), pp. 34-35 available [here](#).

<sup>120</sup> Plano 6. Mapa de superación de OCA escenario 2020 Con Proyecto con medidas correctoras, scale 1:5,000. The section Tarragona - Vicenç de Calders is shown on pp. 79 – 98 available [here](#). Due to the size of the document, there may be issues with its accessibility.