

## Environmental and Social Data Sheet

### Overview

Project Name:	POST DISASTER RECONSTRUCTION & PREVENTION SPAIN
Project Number:	2019-0699
Country:	Spain
Project Description:	Loan to public authorities to support reconstruction of public infrastructure and disaster risk prevention after catastrophic floods in the Mediterranean coastal regions of Spain

EIA required: no

The project is a Program Loan of multi-scheme Framework Loans, some individual investments may require an EIA.

Project included in Carbon Footprint Exercise<sup>1</sup>: no

### Environmental and Social Assessment

#### Environmental Assessment

This is a Programme Loan of multi-sector Framework Loans (sub-projects), therefore an environmental assessment of investments cannot be undertaken at this stage due to insufficient information. It is also not possible to carry out a detailed capacity assessment of each potential promoter. However, during appraisal of the individual operations, the Bank will focus on the Promoter's environmental management capacity in applying the EU Strategic Environmental Assessment (SEA) Directive 2001/42/EC, Directive 2014/52/EU amending the EIA Directive 2011/92/EU, Habitats (92/43/EEC) and Birds (2009/147/EC) Directives, as relevant.

All relevant key documents for the Project will be published in line with the EIB's Disclosure Policy. Some of the schemes may eventually fall under Annex I or Annex II of the EIA Directive. All schemes must be implemented in compliance with the EU environmental legislation.

The applicability of Directive 2014/52/EU, amending the EIA Directive 2011/92/EU, the Habitats Directive 92/43/EEC and the Birds Directive 2009/147/EC will be reviewed at appraisal.

<sup>1</sup> Only projects that meet the scope of the Carbon Footprint Exercise, as defined in the EIB Carbon Footprint Methodologies, are included, provided estimated emissions exceed the methodology thresholds: 20,000 tonnes CO<sub>2</sub>e/year absolute (gross) or 20,000 tonnes CO<sub>2</sub>e/year relative (net) – both increases and savings.

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Some schemes will concern the refurbishment of existing public buildings. The EIB will assess the Promoter's compliance with the Energy Performance of Buildings Directive (2010/31/EU) at appraisal.

Some schemes might include the rehabilitation or construction of water distribution, wastewater treatment infrastructure or of other water infrastructure. The Bank will assess the Promoter's compliance with the Water Framework Directive (WFD) 2000/60/EC at appraisal and will require from the Promoter to ensure that any investments in water or wastewater comply with, among others, the Water Framework Directive 2000/60/EC, the Urban Waste Water Treatment Directive 91/271/EEC and the Waste Framework Directive 2018/851/EC, and their contribution to resource efficiency from recycling.

Some schemes will concern the reconstruction or improvement of wastewater collection which is expected to improve the quality of the recipient water bodies, as required by the River Basin Management Plans (required by Water Framework Directive 2000/60/EC).

Certain repair and rehabilitation works requiring an environmental assessment might be exempt due to the emergency situation, which exceptionally allowed environmental assessment to be exempt from the usual substantiation process.

### **Compliance with applicable Environmental Legislation**

The Spanish legislation has fully transposed the relevant EU Directives including the SEA Directive 2001/42/EC, EIA Directive 2011/92/EU, Habitats Directive 92/43/EEC and Birds Directive 2009/147/EC. The latest amendment of the national act on EIA procedures (Law 21/2013) entered into force on 9<sup>th</sup> December 2013. Under this law, the Ministry of Agriculture and the Environment (Ministerio de Agricultura y Medio Ambiente, MAGRAMA) is the competent authority for EIA approvals. SEA Directive has been transposed into the Spanish Law 9/2006, dated 28<sup>th</sup> April 2006.

As autonomous communities of Spain - Murcia, Valencia, Andalusia, Baleares and Catalonia have to comply with the Directive 2014/52/EU, amending the Environmental Impact Assessment (EIA) Directive 2011/92/EU which was transposed into the national environmental legislation.

Some schemes might include flood prevention measures, both hard infrastructure and nature based solutions. Spain has transposed Flood Directive 2007/60/EC and all the regions have adopted and reported its first Flood Risk Management Plans in line with the framework established by the EU Floods Directive.

### **Environmental Impacts**

To the extent that the interventions will comprise the reconstruction of damaged basic infrastructure, negative impacts will be balanced by the benefits that the restoration of basic services will bring to the affected population. In particular, water and wastewater investments will contribute to the compliance with the Urban Wastewater Treatment Directive 91/271/EEC and improve the quality of the recipient water bodies, as required by the River Basin Management Plans (required by Water Framework Directive 2000/60/EC).

Environmental impacts of new flood protection and other disaster risk prevention measures will be assessed for individual schemes as required.

Compliance of the national EIA procedure with the Directive 2011/92/EU and further applicable updates of this Directive ensures that adequate measures are put in place to

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reduce, mitigate or manage negative impacts. The Bank's services will receive and review the relevant documentation submitted by the Promoter in the context of the appraisal for each specific sub-project.

### **Promoter's capability**

All the Spanish regions and most of the public entities, who will be promoters of the Framework Loans under this Programme Loan, are considered to have the required experience for the implementation of the schemes according to the environmental requirements and to be able to monitor the proper implementation of the environmental mitigation measures, approved by the environmental competent authority.

### **Social Assessment**

No land acquisition has been identified at this stage and it is not expected to be required for reconstruction of existing infrastructure damaged by the catastrophic events. If land acquisition is required for new flood prevention schemes under the sub-projects, it is to be done in accordance with the Spanish Act on Mandatory Expropriation, which provides for adequate mechanisms to ensure compliance with the Bank's standards.

No major social issues have been identified at this stage. All social aspects will be reviewed in depth during the appraisal of each sub-project.

Labour standards and Health and Safety matters will comply with the Spanish national law and are not expected to pose an issue for the sub-projects under this Programme Loan.

### **Public Consultation and Stakeholder Engagement**

Public consultation processes, according to the Spanish Law, will be carried out as part of the EIA process and also as part of the land acquisition procedure, if required for individual sub-projects.

## **Conclusions and Recommendations**

It is expected that the sub-projects included under this Programme Loan, as defined by the Promoters will be acceptable for EIB financing in environmental and social terms.

Final approval by the Bank will be given once the promoter of each of the sub-projects to be financed under this Programme Loan submits a proposal for their respective sub-project. The Promoters will be required to act according to the provisions of the relevant EU Directives, including SEA (2001/42/EC), EIA (2011/92/EU) and subsequent amendments (e.g. 2014/52/EU), Habitats (92/43/EEC) and Birds (2009/147/EC) Directives as transposed into the national law.

For each of the sub-projects under this Programme Loan, the Promoter will be required where relevant to provide evidence of compliance with the above-stated Directives.