

## Environmental and Social Data Sheet

### Overview

Project Name:	SPANISH STATE PORTS
Project Number:	20130543
Country:	SPAIN
Project Description:	Framework loan dedicated to financing small size investments undertaken by some Spanish Port Authorities. Investment schemes include several different types of port super and infrastructure and focus on interoperability between transport modes and enhancing port efficiency.
EIA required:	Multi-investment project, EIA requirements vary.
Project included in Carbon Footprint Exercise <sup>1</sup> :	No

### Summary of Environmental and Social Assessment, including key issues and overall conclusion and recommendation

The Borrower will be “Puertos del Estado” (PE), the public law entity dependent of the Spanish Ministry of Public Works (Promoter), which coordinates and monitors the Spanish State ports global system. The final Beneficiaries of the FL will be the local port authorities that form part of the referred Spanish State ports system.

PE monitors the environmental activities and indicators of each port authority by consolidating in a global “Sustainability Memoire” (“Memoria de Sostenibilidad del Sistema Portuario de interes general”) all the relevant information sent by local authorities. This document reflects the information and indicators included in each individual Sustainability Memoire drafted by the local port authorities. This is drafted according to the criteria defined at Decree Law (“Real Decreto Legislativo”) 2/2011, 5th September (“Ley de Puertos del Estado y de la Marina Mercante”). PE has a dedicated team to monitor these issues and support the local port authorities in their environmental matters.

Additionally, the Spanish port authorities (Beneficiaries) have a wide experience in managing environmental sensitive projects in accordance with the national and European environmental regulations, including the EIA Directive (2011/92/EU), Habitats Directive (92/43/EEC) and Birds Directive (2009/147/EC).

This Framework Loan is expected to cover several investment schemes, leading to different EIA requirements for each one of them. These requirements will be analysed on a case by case basis (together with any potential significant negative impacts on protected areas) by the local port authorities before allocation approval by the PE and the EIB.

For investment schemes falling under Annex I or II of the EIA Directive 2011/92/EU, either the non-technical summary of the EIA (and the corresponding “Declaración de Impacto Ambiental DIA” [Environmental Impact Statement] issued by the competent authority) or a decision screening out the scheme issued by the competent authority, as appropriate, shall be submitted to the Bank, before allocation.

Furthermore, the competent authority should also provide evidence if each one of the allocations schemes will, or will not, have significant negative impacts on nature conservation sites by issuing the relevant Form A or B certificate.

<sup>1</sup> Only projects that meet the scope of the Pilot Exercise, as defined in the EIB draft Carbon Footprint Methodologies, are included, provided estimated emissions exceed the methodology thresholds: above 100 000 tons CO<sub>2</sub>e/year absolute (gross) or 20 000 tons CO<sub>2</sub>e/year relative (net) – both increases and savings.

The following undertakings will be included in the Finance Contract.

- a) **Allocations:** The Bank's funds will be allocated to the eligible schemes modulated to the scheme size and in line with applicable framework loan allocation procedures.
- For each scheme to be allocated the Borrower (PE) will send a completed allocation request, in accordance with the format and instructions set out by the Bank Services (Project Fiche), and subject to the Bank's approval. The allocation request will be accompanied by the following information:
    - For schemes falling under Annex I or Annex II of the EIA Directive 2011/92/EC, either the non-technical summary of the EIA and the Environmental Impact Statement EIS (DIA Declaración de Impacto Ambiental) or a decision screening out the scheme issued by the competent authority, as appropriate.
    - Regarding EU Habitats and Birds Directives and potential effects on a nature conservation site, an individual Form A or B declaration (or its equivalent) issued by the competent authority will be required.
  - Large schemes ('major projects' - with an individual project cost exceeding EUR 50m), if any, will be subject to separate appraisal by the Bank requiring separate approval.
  - If the Borrower or the Promoter would like to substitute/reallocate any scheme already included in an allocation, they shall provide the Bank with appropriate information about the new schemes, in accordance with the format and instructions given above, subject to the Bank's due diligence and approval.
- b) **Other undertakings**
- The Borrower (PE) shall keep updated and available all relevant documents, such as documents supporting compliance with EU environmental Directives, and any other information to be promptly provided to the Bank upon request (with reference to the commitment in the EIB's public disclosure policy on responses to external enquiries).
  - The Borrower (PE) shall ensure that, for projects requiring an EIA, the Non-Technical Summaries of EIAs are made available to the public.

Under the above conditions and undertakings being met, the project is acceptable for EIB financing.

## Environmental and Social Assessment

### Environmental Assessment

The FL is framed within the Strategic Infrastructures and transport Plan ("Plan Estratégico de Infraestructuras y Transportes", PEIT) which was subjected to a SEA (Strategic Environmental Assessment) in 2005. Nevertheless, the current FL already incorporates some of the guidelines of the new Infrastructure, Transport and Housing Plan ("Plan de Infraestructuras, Transporte y Vivienda", PITVI) which was also subject to a SEA and Public Consultation in January 2014 according to the European regulations. The latter is expected to be approved by the national authorities in the coming months. Both documents have been drafted by the Ministry of Public Works in consultation with the relevant authorities.

According to the Decree Law ("Real Decreto Legislativo") 2/2011, 5<sup>th</sup> September (Ley de Puertos del Estado y de la Marina Mercante), the Master Plan ("Plan Director de Infraestructuras" PDI) of each port authority should include the relevant and necessary environmental studies. Additionally, according to the Law 9/2006, 28<sup>th</sup> April and the Law 21/2013, 9<sup>th</sup> December, which transpose the EIA Directive 2011/92/EU (13<sup>th</sup> December), the same PDI or its modification needs to be accompanied by an SEA, which should also include Public Consultation procedures.

The Borrower (PE) has not yet decided which investments schemes will be included in the FL. The bank will proceed with its E&S assessment once the Borrower (PE) will officially propose as allocations the relevant investments schemes, following the principles set out above.

### **Public Consultation and Stakeholder Engagement, where required**

Both the PEIT and PITVI have been submitted to Public Consultation procedures according to the Ley 9/2006, 28<sup>th</sup> April, which regulates the assessment of environmental impacts of certain plans and programmes. This law also regulates the SEA and corresponding public consultation procedures of each Port Authority PDI.

Public Consultation of the EIA will be done in accordance with the relevant legislation, whenever applicable, and will be reviewed in a case by case basis, during allocation phase, according to regular guidelines of FL.

### **Other Environmental and Social Aspects**

The most important annual planning tool for each port authority is the “Plan de Empresa”. This document needs to be aligned with the Strategic Framework (“Marco Estratégico del Sistema Portuario”) and has to be approved by the national ports authority PE. It must be accompanied with a Sustainability Memoire which defines, harmonizes between all the port authorities and presents criteria and performance indicators for different aspects, including environmental and social. These documents are made available to the public.

Currently and according to the last Sustainability Memoire, twenty-one out of twenty-eight port authorities had implemented environmental management systems certified according to ISO 14001.