



WWF España

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Mr. Virginijus Sinkevičius
Commissioner for Environment, Oceans and Fisheries
EUROPEAN COMMISSION
Rue de la Loi, 200
1049 Brussels
Belgium

c.c.: Ms. Florika Fink-Hooijer (Director General DG ENV)
Ms. Ester Asin (Director. WWF European Policy Office)

Madrid, 19th January 2022

N. Ref.: Failure to comply with the Judgment of the EU Court of Justice (First Chamber) of 24th June, 2021, case C-559/19. European Commission against the Kingdom of Spain (Deterioration of the Doñana natural area).

Dear Commissioner Sinkevičius,

We wish to share with you our concern about a new, serious and imminent threat that puts the Doñana National Park in Spain at risk and affects the conservation of European biodiversity - and in particular the survival of hundreds of thousands of European birds that use Doñana to breed, winter or rest on their migratory path to Africa. We are calling on the European Commission to help ensure Doñana is fully protected in line with EU law.

On 24 June 2021, the Court of Justice of the European Union (CJEU) ruled that the ongoing "excessive extraction of groundwater" in the Doñana Natural Area violates EU law, and more specifically the Habitats Directive and Water Framework Directive. At the root of the excessive extraction are the thousands of hectares of strawberries and other red berries crops that are being illegally farmed, overexploiting the aquifer and destroying Doñana's biodiversity.

Following this CJEU ruling, WWF expected that the Spanish administrations responsible for the protection of Doñana would comply and finally assume their legal duty to prosecute the unsustainable and illegal use of land and water to guarantee Doñana's conservation. However, recent actions by the Regional Government of Andalusia indicate the opposite, and are a setback and clear breach of the judgment of the CJEU.

On 11 January 2022, the People's Party of Andalusia put forward a legislative proposal¹ to the Regional Parliament of Andalusia to unilaterally repeal the main measures of the Special Management Plan² that was approved in 2014 in consensus with all key stakeholders active in Doñana. This management plan was put forward by Spain to the European Commission in an effort to ensure compliance with the aforementioned Directives and to stop the deterioration of Doñana and its aquifer.

¹ The legislative proposal, titled "*Improvement of the management of irrigated areas in the county of Huelva, in the municipalities of Almonte, Bonares, Lucena del Puerto, Moguer and Rociana del Condado (Huelva)*" can be found here:

https://wwfes.awsassets.panda.org/downloads/2201_texto_propuesta_de_ley_modificacion_peocfd_y_ley_forestal.pdf

² Plan Especial de Ordenación de las Zonas de Regadío, ubicadas al Norte de la Corona Forestal de Doñana (the Special Management Plan for the Irrigation Zones Located to the North of the Forest Crown of Doñana) (Decree 178/2014. BOJA nº254 of 30/12/2014)





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The proposal to repeal the main measures of the management plan – made through an urgency procedure – is supported by Ciudadanos and Vox, with whom the People's Party forms the incumbent Regional Government of Andalusia. If passed, this proposed law will effectively provide amnesty and legalize an area of 1,460 hectares of illegal crops under plastic in the surroundings of Doñana. This amounts up to a staggering 85% of the area that currently illegally occupies Doñana and plunders its aquifer. The law would aggravate illegal water abstraction and illegal land use, and will damage the natural value and ecosystem services of this unique wetland in Europe.

WWF is deeply alarmed about these developments and we consider this attempt to legalize illegal agriculture in Doñana as a mockery of the ruling of the CJEU. We have already publicly denounced the proposal and are calling on the Regional Parliament and Government of Andalusia to comply with the ruling of the CJEU and not allow this substantial modification³. Instead the government must, once and for all, reinforce and promote the implementation of the CJEU ruling by immediately closing all illegal farms.

Over 50 years, WWF has been working to ensure the conservation of this unique wetland, considered to be one of the most important and strategic in Europe. Doñana is at the most critical moment in its history, increasingly weak and besieged by threats aggravated by climate change. We request your urgent support and that of the European Commission to ensure that EU laws are complied with and that the modification of this Plan is challenged.

We thank you in advance for the appropriate action that you may take and remain at your disposal for further information.

Yours Sincerely,

Juan Carlos del Olmo
General Secretary
WWF Spain

³ <https://www.wwf.es/informate/actualidad/759600/Denunciamos-ante-la-Unesco-el-intento-del-PP-andaluz-de-legalizar-a-los-agricultores-ilegales-de-Donana>

