

KARMENU VELLA

Member of the European Commission

Brussels, 05.04.2016
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Ms Ana Gomes MEP
European Parliament
60, rue Wiertz
1047 Brussels

Dear Ms Gomes,

Thank you for your letter of 25 February 2016 in which you express concerns related to the dumping of hazardous waste produced by the operation of the old steel mill of Oporto, in the disaffected mines of São Pedro da Cova, located in Gondomar, Portugal.

The Commission is fully aware of the elements described in your letter since it opened an infringement procedure in 2011 for non-compliant management of waste leading to pollution of ground-waters.

In the context of this still ongoing procedure, the Portuguese authorities have informed the Commission about the implementation of a programme aimed at removing the waste and cleaning-up the sites. The situation was urgent as hazardous waste had been deposited in the São Pedro da Cova mines, thereby posing health and environmental risks. The execution of the programme, designed in collaboration with the Portuguese National Laboratory of Civil Engineering (LNEC), started following a public tender procedure and the verification of the Portuguese Court of Auditors.

The Commission has currently no evidence that it might have been possible to apply the "polluter pays" principle since the polluter has not been identified so far. A criminal procedure to determine the polluter is pending before the national court.

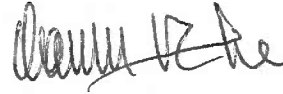
According to the most recent information in our possession, the execution of the project has been achieved: the waste identified initially was removed and treated. However, during the works, a further volume of waste has been identified and is being analysed by the LNEC in order to establish the additional necessary measures. Meanwhile the monitoring of the ground-waters of the area continues.

I can reassure you that the Commission's services are following with particular care the situation of São Pedro da Cova to ensure that the sites comply with the relevant EU legal provisions and to protect human health. The Commission will also follow up closely the result of the ongoing criminal procedure and its implications regarding the application of the "polluter pays" principle.

Lastly, as regards your questions on the co-financing of the project referred to above by EU funds and, more in particular, whether the Commission might have approved the financing of this project by relying on the information provided by the Portuguese Government and, thus, without checking whether the "polluter pays" principle could actually be applied, please note, in the first place, that the EU funds at stake (the Cohesion Fund) are implemented under shared management and, therefore, it is for the Member State (the managing authority) to select and approve the projects in compliance with EU law.

Secondly, in its role to supervise the implementation of the EU funds under shared management in accordance with Article 59(6) of the Financial Regulation¹, I can assure you that the Commission will closely follow up this file and, if the polluter is eventually identified and it transpires that the "polluter pays" principle may be applicable, the Commission will take the necessary steps to recover the EU funds.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Karmenu Vella', written in a cursive style.

Karmenu Vella

¹ REGULATION (EU, EURATOM) No 966/2012 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002