



PARLAMENTO EUROPEO

David Hammerstein

Grupo Verde/ALE

Brussels, 10th of June of 2008

DEAR MR STAVROS DIMAS:

We are writing this letter to express our deep concern over the correct application of the Habitat Directive with respect to the massive expansion of open-pit coal mining exploitations in León, Spain. The legal reaction of the European Commission to date has been slow while the destruction of Natura 2000 areas goes on daily unabated and threatens to skyrocket in the near future. One should bear in mind that this is probably one of the most important cases in the EU of large-scale irreversible habitat destruction in a protected mountain area of great value in biodiversity.

These very destructive mining operations have been taking place for many years in blatant and widespread violation of many aspects of Habitat Directive in areas that are a part of the Nature 2000 network and that contain important habitats and species protected by EU law. A Letter of Formal Notice was sent to Spain in 2004, with no clear follow up, and then four years later another Letter of Formal Notice was sent, both concerning the mine of Feixolín in Villablino, León, Spain. Both this mining operation and another called Fonfría in the same municipality have a number of Spanish Court rulings against their legality and have deemed illegal the extraction of coal. Nevertheless, none of these rulings have ever been executed and the extraction of coal continues. It is a scandalous case of impunity.

Over the last few months the Feixolín mine is being expanded (dossier 9496/07 of Junta de Castilla-León), before receiving an official license, in order to extract coal and 5 new large open-pit operations have been requested from the Castilla-León Regional Government by the same company in the same area, all in Nature 2000 zones. We do appreciate and recognise that your services have initiated a serious investigation of the Feixolín mine that has already destroyed a very large area (eliminating rich

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oak forests, removing all topsoil and lowering the ground level by more than 300 meters). At the same time, with this letter I request that the EC takes urgent preventive action to prevent these 5 new mining operations in...

The argument that these exploitations are economically necessary is blatantly false and any attempt to apply an exemption to the application of the Habitat Directive on grounds of "overriding economic or social need" would be outrageous. The quality of coal taken from the open pit mines is very poor and of scant quantity and the economic benefit comes more from subsidies and accounting than the operation itself. . These operations are done in order to receive subsidies and justify other mining operations. There are many other economic activities that are viable in the region that enter into contradiction with wide-scale destruction of nature, such as rural tourism and quality food production such as meat and cheese. The economic and political power of one mining company has prevented any attempt at economic diversification. The questionable and non-productive use of EU funding over the past 20 years is widely denounced in this area that has received great sums of FEDER, Miner and other EU funds. Moreover, the EC should not give in to the blackmail of one mining operator, as locally powerful as he may be. This mining company has threatened to retaliate by closing legal operations if the EU decides to apply Community Law. We are before a key test of the seriousness of the application of the Habitat Directive.

Another issue that should be subject to intense review is the false and totally inefficient "restoration" of mining areas. This is considered a key element of compensatory measures in the application of EU environmental impact assessment This is another subsidized activity that totally fails to return the mining areas, evenly remotely, to their "previous state" of biodiversity and habitat, if this were possible (which we seriously doubt). In the case of Fonfría, near Feixolín, many areas of rich oak forests with thick undergrowth have become basically inert mounds of earth mixed with mineral that can barely support more than a few blades of grass and are often eroded by the first heavy rains. "Restoration" is clearly a euphemism and possibly a legal fraud.

We would like to request that you take this issue very seriously with regards to considering legal and mediation measures to stop the expansion of illegal mining, both with regards to the expansion of Feixolín and the opening of five new open-pit mines in Vilablino. Concretely, the following information explains the location of each that will be complemented by a digitalised map:

All these new open-pit operations are projected in the near future in the municipality of Villablino, León and they affect Natura 2000 areas:

- Enlargement of FEIXOLÍN (already in operation for over a year)
On the public land of the village of Orallo,
93, 79 Hectares

- RODEVIEJAS

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On the public land of public use of village of Caboalles de Abajo,
Villablino,
205,19 Hectares

- FELISA

Public land of Robles and Lumajo,
148, 22 Hectares

- CHABIADAS

Public land of common use of village of Robles,
81, 17 Hectares

- BUXONTE

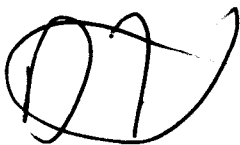
Public land of common usage of Villablino and Sosas de Laciána,
143,32 Hectares.

In the three open-pit mines already functioning (Feixolín, Fonfría and Ladrónes in Cabrillanes, in Piedracita de Babia), the real area occupied by the mines is always 2 or 3 times larger than the area requested and this is never verified by the authorities. This can even be seen on Google Earth.

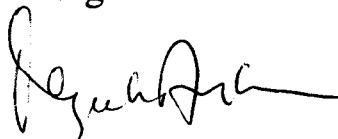
We thank you in advance for your understanding and hope that the defence of European legality and our natural heritage can be upheld.

Best regards,

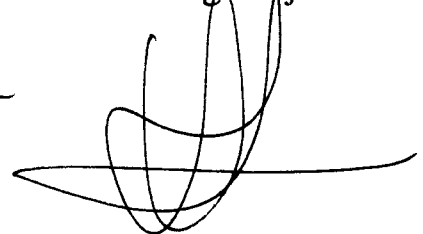
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