

Brussels, 22.9.2008
A(08)2015 - D(08) 862

Dear Mr Hammerstein,

Thank you for your letter of 10 June 2008 concerning the open-cast coal mining exploitations in the municipality of Villablino (León, Spain).

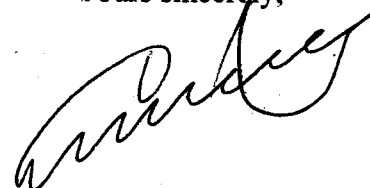
This is a high-priority case, where important new steps have been undertaken in the past few months. Through a supplementary Letter of Formal Notice sent in February 2008, the grievances in the case have been clarified. Moreover, an inspection visit that took place in May 2008 allowed us to make substantial progress in the investigation.

The evidence we have gathered indicates that the open-cast mining exploitations are likely to have a significant detrimental impact on the natural values of the Alto Sil site by affecting two critically endangered species – Brown bear and the Capercaillie (*Tetrao urogallus cantabricus*). The authorisation of the projects may therefore constitute a breach of Article 6 of the Habitats directive.

Under these circumstances, I intend to propose to the College to move ahead to the next step in the procedure, that is to say, to issue a complementary Reasoned Opinion, in view of eventually bringing the case before the European Court of Justice, if action to ensure full compliance with relevant requirements under EC environmental law is not taken by the Spanish authorities. At a meeting held on 17 July, the Spanish authorities were also warned that they should refrain from approving new open-cast mining projects within the Natura 2000 site.

I am copying this reply to Ms. Auken and Mr. Lagendijk, co-signatories of your letter.

Yours sincerely,



David Hammerstein
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