

10 July 2009

Ref: GBC/CAM

Thank you for your email of 29 June with regard to the oil refinery Cepsa has built in Puente Mayorga, Spain.

This case is not new to me, back in March 2006 I met with a group of environmentalists to try and formulate a plan of action. My former South West and Gibraltar Conservative colleague Neil Parish MEP has also been working very closely with the Bay Bucket Brigade who are local activists in Gibraltar who have been actively protesting against the refinery. Neil Parish also had a report commissioned from an American environmental specialist and delivered this to Commissioner Dimas who is charged with Environmental issues in the European Commission. Neil has also met with CEPESA representatives on many occasions to try and bring this dispute to resolution.

It looked likely at one point that the Commission would open infringement proceedings against the Spanish for breaching environmental regulations and a lot of pressure was put on Commissioner Dimas to ensure this happened. The refinery, unfortunately, has always been protected by a "grandfather clause" which allows the plant to breach environmental regulations, as it was built before the regulations came into force. It is allowed to breach the current rules as long as no major upgrades are made to the plant. This clause is what limits the Commission with regard to bringing action against Spain.

The Bay Bucket Brigade claim to have evidence that Cepsa has carried out major improvements and renovations to the plant which could in theory mean that it could no longer claim the exemption under the grandfather clause. The Commission has so far rejected this claim.

The other line of attack we have looked at is environmental legislation on clean air. The UK faces action for the state of the air in London and there is talk that Spain may soon face similar action for dirty air in this region. However, we do not know yet whether this will amount to anything.

Following Neil Parish's departure from the Parliament at the end of this term, I have contacted the Bay Bucket Brigade to extend my offer of assistance, and am expecting a summary of the current situation from them in due course to help plan the next appropriate steps to take.

Thank you for raising your concerns with me I hope this goes some way in reassuring you.

Giles Chichester MEP