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on the fact-finding visit to Spain, 11-13 February 2013, concerning water pollution in the *rias* of Galicia

Committee on Petitions

Philippe Boulland (EPP) (Leader of the delegation)
Angelika Werthmann (ALDE)
Tatjana Ždanoka (Greens/EFA)

Francisco José Millán Mon (EPP) (ex-officio member)
Carlos José Iturgaiz Angulo (EPP) (ex-officio member)
Antolín Sánchez Presedo (S&D) (ex-officio member)
Ana Miranda (Greens/EFA) (ex-officio member)
Willy Meyer (GUE/NGL) (ex-officio member)

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Introductory remarks

The *Rías* of Galicia are vital to the existence and viability of the region as places of natural beauty, as population centres and as an essential source of income from industry, fishing, aquaculture, and tourism. Their ecological and environmental integrity has been placed under ~~enormous strain and strong~~ pressure in recent decades as urban development has accelerated and industry developed.

Historically their strategic location and their geological and geomorphologic character brought people to the area and also provided safe havens for boats and ships, favouring the social development of their hinterland. The place of Santiago de Compostela as the third ranking Christian religious centre in the world and as the political seat of the Galician Region, and the commercial and industrial city of Vigo, ~~both owe their foundation and their development~~ are linked to the existence of the *rías*.

There are some sixteen *rías* in upper and lower Galicia, and in the course of this fact-finding visit the members of the delegation investigated the concerns of local Galician people about the levels of pollution and contamination in ~~three of the major rías~~: Vigo (including the Ensenada de San Simón, a *Natura 2000* site), ~~and~~ O Burgo ~~and Ferrol~~, as they were expressed through their petitions to the European Parliament¹. Petitioners from some of the other *rías* (Ferrol) were met on a more informal basis in order to hear their concerns as well.

Spain, as is the case for all EU countries, has an obligation to respect and implement EU Directives; in the context of this visit, the Committee delegation was especially interested to verify the allegations of the petitioners that a number of significant Directives including the Waste Framework Directive, the Water Framework Directive, the Urban Waste Water Treatment Directive, the Shellfish Directive, the IPPC (Seveso) Directive, the Habitats Directive and the EIA Directive had not been implemented properly by the national and regional authorities. Members were therefore particularly keen to meet also with the responsible authorities at regional and municipal level to hear from them how they were dealing with such concerns, and what measures they were enacting in order to ensure compliance with EU law.

The European Commission has indeed launched several infringement procedures against Spain and as well as many other European countries for supposing that they don't respect not respecting a number of these Directives. As a result of the proceedings, the European Court of Justice found Spain to be in breach of the Shellfish Directive in 2005 (Case C-26/04), the Urban Waste Water Directive in 2011 (Case C-343/10), and the Water Framework Directive also in ~~2011~~2012 (Case C-403/11).

First of all, the definition of a *ría* is an important factor if one is to be able to understand why its ecology is both fragile and problematic. A *ría* is a narrow inlet running inland from the coastline, formed when a valley is permanently flooded as a result of a rise in sea level, an incised river valley where the estuarial zone can move according to climatic changes and the strength of water currents. In Galician *rías*, only the inner part can be considered as an estuary where the main estuarine processes - in other words the interaction between marine water and

¹ List of petitions investigated: see programme and annexes.

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incoming river water, are confined to the inner relatively small brackish zones¹. It has to be highlighted that the depths of the rias have a more fluvial than marine dynamic, with sediments and mud.

Their enclosed nature and variable water flow and tidal characteristics make them vulnerable to pollution and contamination. ~~It~~ For an expert from the petitioners, it can take between seven and thirty days for water to circulate and to flow out of a *ría* and into the sea.

Of major concern to the petitioners ~~and local people~~ is the existence of toxic waste including PCB and heavy metals, allegedly found in the sediments of the *ría* which originates from industrial discharges which were not treated or stored safely; and also of organic waste from untreated household sewage. Not only does this give rise to health fears, it also has impacted ~~dramatically~~ notably on the local fishing, seafood and aquaculture industry on which the livelihoods of many thousands of people depend. However, in the last years, they were many improvements in terms of industrial and residual waste-water treatment.

~~Much of the steep decline in employment in this sector can be linked to the increase in the pollution and contamination of the rias. Their restoration and protection which could result, according to the petitioners themselves, from a more holistic approach to waste management and much greater investments in cleaning, evacuating and treating the deep sludge flats, would create valuable and more sustainable opportunities for employment and investment in the fishing and tourism industries, thus contributing to the socioeconomic recovery of the region. It would also enhance the attraction of the natural environment and attract many species of plant and animal life that have now disappeared from the area, potentially leading to a gradual restoration of the eco-system.~~

~~Members~~ Some members would like to record their deep appreciation both to the petitioners and to the political authorities, and their technical staff, who greatly facilitated the work of the delegation and who demonstrated much goodwill and commitment towards addressing the issues raised by some members. This working document will indeed have great difficulty in doing justice to the extensive amount of additional documentary information which was made available to members of the delegation. References to such documentation will be seen throughout this working document should members of the Committee wish to look more deeply into the subjects concerned.

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Petitions and petitioners

All the petitions considered during the course of this mission express the concerns of different sections of the local population ~~from the upper and lower ría areas of Galicia~~ about the degradation of the environment they believe they have observed in recent years. They do this from different, yet complementary perspectives.

Petitioners representing the fishermen's guilds relate their concerns to the hugely negative impact that pollution and contamination of parts of the *rias* have had on their livelihood and

¹ Marine Geology, Volume 196, (2003) "Rías, estuaries and incised valleys: is a *ría* an estuary?" by Graham Evans and Ricardo Prego. For further details of the nature of the *ría* of Vigo see the following: "Organic matter in *ría* sediments..." by G. Evans, R. Prego and J.E. Marshall in Estuarine Coastal and Shelf Science 94 (2011).

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on the sustainability of their profession.

According to petitioners, much of the steep decline in employment in this sector can be linked to the pollution and contamination of the rías. Their restoration and protection which could result, according to the petitioners themselves, from a more holistic approach to waste management and much greater investments in cleaning, evacuating and treating the deep sludge flats, would create valuable and more sustainable opportunities for employment and investment in the fishing and tourism industries, thus contributing to the socioeconomic recovery of the region. It would also enhance the attraction of the natural environment and attract many species of plant and animal life that have now disappeared from the area, potentially leading to a gradual restoration of the eco-system.

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In Ferrol, ~~in addition~~, several groups are concerned about the existence, which they consider to be potentially extremely dangerous, of the *Reganosa* regasification plant about which they claim no impact assessment was effectively conducted and where the IPPC Directive may not have been properly applied¹. ~~It appears that retroactive assessments were conducted belatedly in 2012 following a 2008 ruling that the EIA Directive had not been applied. In its previous comments on this petition the Commission indicated that no infringements of EU law could be identified according to the documentary evidence they had received (Petition 1322-07, Communication to Members dated 3.3.2011).~~

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Two of the oldest petitions, dating from 1999 and 2006, which were the subject of deliberations in Committee and the Commission on several occasions before this visit as well as being the subject of infringement proceedings, took a much wider perspective and provided evidence of excessive untreated sewage discharge and industrial waste into the rías, which should have been in conformity with the EU Urban Waste Water Treatment Directive by 31.12.2000. It was however only in April 2011 that the European Court of Justice declared that Spain had failed to fulfil her legal obligations. ~~It has yet to reach conformity though particularly in Vigo members did observe the site of a new waste water treatment plant under construction adjacent to the existing plant. (see below) It has to be underlined that all waste water treatment plants are currently functioning except the one being built in Vigo, that Members were able to visit, adjacent to the existing plant.~~

~~In ría de Ferrol, and the three municipalities of Mugaros, Fene and Narón, the levels of residual sludge resulting from the untreated discharge of urban and industrial waste has severely degraded the area, notably alongside the coastal walkways but even more so in the many inlets which are suffocating under the metres thick sludge and where fishery activity has been increasingly restricted leading to massive job losses in recent years and growing concerns for the health and safety of local people². Petitioners drew attention to irregular or unregulated landfills, which, when added to the inadequate functioning of waste water treatment infrastructure cause considerable problems locally and plans for the construction of new waste treatment facilities have been postponed by the authorities and now are subject to~~

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¹ In its previous comments on this petition the Commission indicated that no infringements of EU law could be identified according to the documentary evidence they had received. Petition 1322-07, Communication to Members dated 3.3.2011.

² Petitions 1205 & 1209-11 from Barallobre and Ferrol guilds.

~~several years delay. Petitioners emphasises their fears about the existence of heavy metals and other toxic substances in the sediments of the ría de Ferrol.~~

Meetings with the petitioners allowed some members to supplement their knowledge of the various cases and hear directly about biological and chemical contamination of the waters of the ría de Vigo especially near the industrial and port areas where cadmium and lead residues, as well as PCB, were particularly for petitioners present and problematic. The meetings also evidenced severe concerns regarding the extension of the Port of Vigo and regarding the adverse impact of stirring heavily contaminated sea soil. What treatment plants did exist around the circumference of the ría de Vigo, about ten of them identified on a map for members, were nevertheless considered by the petitioners to be largely inadequate and unreliable. Petitioners noted that these treatment plants frequently stopped functioning after heavy rains and rainwater mixed with untreated sewage and industrial waste waters, pumping the resulting waste-water directly into the rías. Members were informed also about frequent pump breakdowns due to lack of maintenance in many of the treatment plants. The regional authorities pointed out that these breakdowns are unusual and that the occasional spills have to do with discharges of diluted water during heavy rain moments.

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Taking account of the fact that a new treatment plant was being built next to the existing one, for the ría de Vigo and the Lagares river area which allegedly has the highest and most constant levels of coli-form contamination, it was acknowledged that the new plant would positively impact on the problem even though it was several years behind schedule and sited in close proximity of houses and schools as well as to a conservation area of wetland, now heavily polluted. There seemed to be a consensus amongst petitioners in Vigo that the most suitable waste treatment infrastructure for the ría would consist of a comprehensive network of interconnected, well-functioning medium-sized water treatment plants, wisely spread around the ría. Petitioners explained that such a network would avoid the recurrent shutdowns of the main treatment plant in the cases of collapse of a single collector. ~~However, authorities subsequently stressed that such a network would also create a major problem because it would necessarily require the expropriation of a significant amount of private property. The authorities said that separating the treatment of wastewater from a single conurbation into several treatment plants did not make sense at this would reduce scale benefits buy building of the plants, apart from there being little land availability and going against the technical criteria set out in the environmental impact study.~~

Petitioners affirmed that the public had no access to reliable statistics regarding the water quality in the different sections of the rías and were not properly informed about the dangers to health resulting from excessive levels of contamination in certain areas, noting that levels of pollution varied with the nature of the rainfall and seasonal tidal activity. The regional authorities, nevertheless, contest the veracity of these statements and point to information and data which is permanently and publicly available on their websites.

Summary account of meetings

Meeting with petitioners and Mayor of Vigo, Ría de Vigo

The delegation welcomed the Chairman of the Association for the defence of the Ría de Vigo, Serxio Regueira Gómez, who expressed the concerns of his association regarding the

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deterioration of water quality in many sectors of the *ría*. Before 1980 there were no treatment plants in the area and even though since then several had been built they were inadequate and ill-suited to the requirements of the rapidly expanding population centres and industrial zones. This had impacted very negatively on the traditional activities of the *ría*, notably the cultivation of mussels, oysters and other shellfish and seafood products. Nowadays, the existing treatment plants generally fail to cope with the demands made upon them particularly as in many areas there is no prior separation between rainwater, which is abundant in Galicia, and waste water and sewage. Mr. Regueira Gómez made an appeal to the authorities to approach the situation with dialogue and participation, working together with the associations to restore the ecological value of the *ría* de Vigo and prioritise its restoration through a properly funded waste and water management plan⁺. [A documented annexe was presented to members showing photographs of various alleged “black spots” along the shores of the *ría* which were observed later during observation tour by boat with the authorities and petitioners. The authorities have explained that these pipes are no longer used except for heavy rain moments to evacuate streaming waters. Members didn't observe any evacuation during the time of the visit.](#)

[The members, accompanied by officials of the Galician government, experts and petitioners proceeded to undertake a voyage of more than two hours on the *Ría* de Vigo in order to inspect the sights, which were accessible in this way and of concern to the petitioners. The boat approached the discharge point of the sewage outlet pipe of the current Vigo treatment plant, but it not perceived an effect on the sea surface. Several of the "black spots" were also seen by petitioners from the boat, although no waste water discharges were detected. First hand knowledge of the issues addressed both with the Mayor of Vigo and subsequently with the Regional Government was able to be covered.](#)

Representing the association for the defence of the cove of San Simon, Franco Antonio Lores pointed out to members that the locality's status, as a Site of Community Importance (SCI) within the Natura2000 network, was not respected. Mr. Lores denounced, first of all, that the existing ~~Pesanova~~[AUCOSA](#) fish-meal plant pours waste-water directly into the sea, a practice which was implemented without any prior environmental impact assessment procedure. Particularly during the summer, complaints on the bad odours are very common. Secondly, the petitioner alerted that the protection of the SCI area at the water-level line is threatened by the extension of the Port of Vigo, which aims to enable more container traffic – neither of which had been the subject of a proper environmental impact assessment procedure which took account of the vulnerability of the protected area. [A Court decision of the Galician High Court confirmed the legality of the extension of the port of Vigo.](#) The petitioner warned of the damaging impact of moving containers with huge cranes, and further argued that, given the significant decline in activity as a result of the crisis, other uses should be given to the cleared area, for instance a car-park for people visiting the natural area. Finally, the petitioner questioned the validity of some of the documentation which had been produced by the industries concerned to justify their activities.

Ricardo Prego, a chemical oceanographic scientist at the Spanish National Research Council (*Consejo Superior de Investigaciones Científicas*, CSIC) and co-author of the previously cited studies, informed members about the nature of the *ría*'s circulatory water system, dependent

⁺ [A well documented annexe was presented to members showing photographs of various 'black spots' along the shores of the *ría* which were observed later during observation tour by boat with the authorities and petitioners.](#)

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on the northerly winds, the tides and the flows of water at different temperatures – warmer outgoing sweet water and colder incoming sea water, with more or less intensity in the water's exchange depending on the season. He had measured changes in the sedimentation of toxic metals which had been reduced nearer treatment plants but increased in other areas. He identified periods when pollution and contamination after heavy rainfall led to the pumping a vast quantities of untreated waste into the *ría*, which over time led to an accumulation of toxic substances in the sludge and sediment of the *ría* area.

The *ría* of Vigo ~~is the largest *ría*~~ in Galicia ~~and therefore~~ enjoys higher productivity and faster renovation rates than most other *rías*, with regeneration of species estimated at 10% above average. Nevertheless, the *ría* has been placed under increasing pressure as a result of the population growth and rise in economic activity.

Other petitioners emphasised these points, notably Angeles Pequeño Prado and Eliseo Baluja, who were critical of the extension of the water treatment plant by the Lagares river mouth, which itself was a protected wetland area, they said; ~~this is denied by the authorities~~. They had already been critical of the initial plant, arguing that it had not operated properly despite benefitting from 30 million euro of EU funding. Rather than expanding considerably an existing treatment centre, with all the negative impact on the surrounding natural area as well as residential areas and schools, the petitioners indicated their support for a larger number of smaller treatment plants, including some further away from the *ría* itself to divert waste water. The petitioners argued in favour of setting up a network of collectors designed to avoid the collapse of the entire treatment network, which currently results in the direct pouring of a mix of rain, sewage and industrial waste waters into the *ría*. Ms. Pequeño Prado, daughter of the original petitioner dating from 1999, said how they had not been able to give their views directly when the issues were first discussed with local and regional authorities even though they have seen, since then, how water sources have been ruined and trout, frogs and other amphibian animals have disappeared. Ms. Pequeño Prado referred particularly to the recent destruction, a few days before the fact-finding visit and as a result of the public works towards expanding the plant, of the entire forest of *Amial* or *Carrasqueira*, a protected habitat and once a candidate to becoming an Site of Community Important (a process which never succeeded). Moreover, to make way for the new plant, some households had been expropriated from their homes and peoples' opinions were being ignored she exclaimed. The petitioner also contested the scientific expert's data on the water renewal, claiming that, according to their association's technical expert, a full clean-up lasts between 5 and 8 years.

The members of the delegation then met separately with the Mayor of Vigo, Mr Abel Caballero Alvarez ~~in the presence of Mayors of Cangas, Moana, Soutomaio, Redondela and Vilaboa who were unable to take the floor due to time constraints~~.

The Mayor emphasised how vital the *ría* was for the livelihood of the region and how Vigo had developed considerably and rapidly around it in the recent period. With 300,000 inhabitants and 420,000 with the industrial zones – and a larger population during the tourist season, the Mayor recognised that the requirements of the area in terms of waste treatment and management had not been met within the time-scale that they should have been. He stressed however that since he had been mayor, and in conjunction with neighbouring municipalities great efforts had been concentrated to rectify the situation and improve the environment in his city and of the *ría* area. He drew attention to the new waste water

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treatment plant which was being developed [with the collaboration of national, regional and local authorities](#) (the site was later visited by the delegation) [and](#) with the financial assistance of the EU from the Cohesion Fund: €112 million – 48.69% of the total cost¹, [from the Xunta de Galicia: €104 million - 45,37% of the total cost and the city of Vigo with €14 million - 5,94% of the total cost.](#)²

The construction period for the new treatment plant is spread over more than three years and a provisional facility will begin functioning at the end of this year. The design of the new facility incorporates the latest technological and environmentally sustainable features for the biological treatment of waste and its disinfection. The mayor also informed members about the laying of some 150 kilometres of waste water pipes in the municipality which separate the sewage and waste water from the rainwater channels. With this and other measures the Mayor stressed his commitment to clean up the basin area.

However, [some](#) members questioned the ~~excessive~~ delay in having reached this stage – a matter on which the European Court of Justice had ruled against Spain in April 2011 at the end of an infringement proceeding that had lasted several years, and the lack of involvement of the local citizens' groups in the consultation process – one of the petitioners is an association which has been trying to obtain such measures for over twenty years and involves many experts and academics amongst its membership.

The mayor responded by indicating that the treatment plant and many other projects all required co-funding by the region and the Spanish authorities in Madrid and it had not been possible, even during the boom period, to obtain prioritisation for such measures – even the EU funding had to be requested by the Spanish central authorities and they, for many years had neglected this essential infrastructure, preferring more apparently economically advantageous options. The treatment plant itself had required more than two years of negotiations by the city council in order to reach a final decision. The mayor informed members that other environmental projects to clean up the beaches, including the urban beaches, and improve water quality had been carried out, along with the development of natural parks on the islands of the ~~ría de~~ Vigo and recovery of the dunes. He considered that the extension of the Port of Vigo did not require an environmental impact assessment (EIA), given the little environmental damage possible in an area already heavy-metal polluted during over a century [as in any port with intense maritime traffic](#).

The members visited [a well explained](#) exhibition of the new treatment plant and visited the area of the existing plant and the new area under construction, meeting with some local residents who complained even now of the malodorous smells in their neighbourhood from the existing facilities. ~~Others complained that aged oaks and other trees had been demolished and homes expropriated (in some cases under the pretext of the provisions of the 1988 Ley de Costas), with the intention of building the new plant afterwards, which for the members wasn't noticeable.~~ Petitioners were concerned about the fact that rainwater was still mixed with waste water and sewage, and the outlets were in a permanent state of filth, prejudicial to

¹ [Saneamento de Vigo: EDAR de Lagares - Informe de Situación de Actuación. This document contains important technical details of the treatment plant now under construction.](#)

² [Saneamento de Vigo: EDAR de Lagares - Informe de Situación de Actuación. This document contains important technical details of the treatment plant now under construction.](#)

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health. All the criticism was taken into account by the authorities who explained that the new waste water treatment plant answer to the more modern standards in terms of treatment and that it will have the capacity to treat all the waste water, taking also into account the increased levels while heavy rains. Finally, some members emphasised the need for dialogue between the authorities and petitioners, and urged the Mayor of Vigo to meet with them.

The members, accompanied by officials of the Galician government, experts and petitioners proceeded to undertake a voyage of more than two hours on the Ría de Vigo in order to inspect the sights which were accessible in this way and of concern to the petitioners. First hand knowledge of the issues addressed both with the Mayor of Vigo and subsequently with the Regional Government was able to be covered.

Meeting with the Galicia regional authorities, Santiago de Compostela

The delegation moved on to Santiago de Compostela for meetings with the Minister responsible for the Environment, Territorial development and Infrastructure, Mr Augustín Hernández Fernández de Rejo, Rojas and the Minister responsible for Rural Affairs and Sea, Rosa Quintana Carballo accompanied by senior officials and experts.

For more than two hours, members participated in a very open and informative series of presentations and exchanges through which the regional authorities gave answers to the concerns expressed by some members, who relayed the explanations made earlier on by petitioners.

The Minister began by informing members that the Galicia Coastal and River Management Plan – an essential requirement of the EU Water Framework Directive, had been finally approved in September 2012 – also under the pressure of a ruling from the EU Court of Justice which condemned Spain for not having implemented EU law when it should have done several years previously. Galicia is still only the second Autonomous Community in Spain to have done so.

The Minister demonstrated commitment of the Galicia authorities to rectify a situation which as regards waste-water management had led to serious breaches of EU law over the years. He described his government's plans up to the horizon of 20202015 involving the building of collecting and pumping stations and ensuring full compliance with the Waste Water Management Directive. He emphasised the significance of the programme to manage waste-water and improve the environment which was necessary to attract more tourism, develop the aquaculture sector and provide more jobs. Plans are being established to clean up the *rías* using the IT modelling and additional monitoring methods to target the most vulnerable areas. Many parts of the *rías* were in excellent condition – and shell fish production was of a high quality employing 8000 people, but others had suffered degradation and need to be cleaned up. In this context, continued funding from the EU is an essential component he emphasised, as is the effective implementation of the polluter pays principle.

Officials described the classification of the *rías* into zones of A, B, and C values¹, based upon

¹ This classification is in accordance with Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption

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the weekly monitoring data of water quality from 134 zones of control in order to ensure the quality of the shell-fish and aquaculture production, in addition to technical and sanitary controls covering the whole coastal zone and beaches. Results are available on the website of the Ministry's Technological Institute for Marine Control (*Instituto Tecnológico para o control do medio mariño*, INTECMAR¹) and are communicated to the Fishermans' guilds. Relevant EU Directives for shellfish water quality are therefore complied with fully she indicated². ~~It is noteworthy, however, that of~~ Of the current 134 monitored zones, on the basis of bio-toxins, microbiologic levels, chemical and hydrocarbon pollution levels, ~~only~~ 33 (~~under 25~~24,63%) have been classified under "Class A", allowing the direct sale of shellfish captured in those zones for human consumption - and thus ensuring higher revenue for producers and the local economy. On the other hand, 85 zones are classified under "Class B-" (63,43%), requiring shellfish to be treated in a purification centre before ~~sale~~being put on the market, in order to meet health standards, and finally 16 zones are classified under "C-" (11,94%), which requires producers to relay shellfish over a long period of time under thermal or microbiological treatments. From 2009 to 2013, 31 zones have improved (with 212,18km2 surface) and 9 got worse (with a total surface of 8,37km2). Moreover, the regional authorities, in the documentation submitted, point out that the effort that has being made in sanitation and treatment is having a positive impact on classification with 25,2% improvement over the last 4 years in areas of bivalve mollusc production Furthermore, the authorities highlighted INTECMAR's excellent functioning level, ratified by DG SANCO of the European Commission in its "Final report of an audit carried out in Spain from the 10 to 21 October 2011", concluding that "*The control system implemented in Galicia, which produces 96% of the national production of bivalve molluscs, is in compliance with EU legislation.*"

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The main concern expressed by some members in the exchanges which followed related to the gap in the information and data which was being communicated by the authorities, in comparison with the perception of the various petitioners. It should be further noted that petitioners complained recurrently of difficulties in accessing information and data. Authorities clarified that INTECMAR's webpage has more than 7000 unique users, receives 1 million enquiries per month notifying all the announced resolutions that have to do with changes in the production zones.

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The authorities recognised such concerns and emphasised again the considerable improvements which had taken place and which were on-going involving notably the diversion of waste water away from the *ría* and into treatment plants, the number of which had increased considerably in the last 15 years even if there were occasionally problems of maintenance. ~~Many difficulties had been overcome although in the *ría* Ferrol there are still delays. The authorities acknowledged the delays but expressed that 2013 would be a point of inflexion, explaining that the current planning until the year 2026 will gradually resolve these problems.~~ Nevertheless, authorities underlined the absence of major risks to fishing and shellfishing, arguing that over 99% of the water around the *ría* of O Burgo, which the delegation would visit on the following day, ~~would be~~ properly purifiedtreated.

¹ <http://www.intecmar.org/>

² Full documentation was provided by the Ministry to members of the delegation regarding the delimitation of the various zones and the monitoring results.

~~Members~~Some members responded further asking questions about the levels of industrial pollution and toxic materials in the sedimentation near the ports and industrial zones which are said to be between ten and fifteen times higher than ~~acceptable limits~~the levels in open sea according to the Spanish National Research Council (*Consejo Superior de Investigaciones Científicas*, CSIC). Others were keen to know what plans or projects existed for the extraction and clean up of the sludge and sediment infecting many parts of the *rías* - visited by the delegation subsequently.

The Minister responded by underlining how the EU had been instrumental in allowing the authorities to provide storm tanks and purification plants in the region to prevent pollution of the waterways, including in the Lagares basin.

The authorities pointed out that the different visions between the petitioners and the authorities regarding the relevant improvements and the current plans are due to the fact that the authorities are more rigorous and transparent in the control and data publication than in the past, the changing and more demanding regulation towards water uses and the society is more aware than before. In any case, the pollution has decreased, obviously, due to the progressive construction of water treatment systems and to the intensification on the control of industrial emissions.

Meeting with petitioners, ~~Ría~~Plant of REGANOSA (Ría de Ferrol)

The delegation proceeded to the site of an LNG terminal and re-gasification plant that had been constructed near Mugardos, Ferrol¹. The local people expressed their concern, not only because of the situation of the terminal itself which, they informed members, was illegally constructed there as a decision of the Supreme Court dating to 2008 had not been respected. The legality of the authorisation of the construction of the Reganosa plant has been confirmed by the sentence of the High Court of Justice of Madrid in November 12th 2012 and by the High Court of Justice of Madrid in April, 30th 2013. Indeed ~~the~~petitioners indicated that the plans were drawn up for the terminal to be situated in a more remote area, namely the external harbour designed for the purpose of hosting the more potentially dangerous and disturbing industrial activities, but the plans had changed without due process of consultation. This has implications as regards the correct implementation of the EIA Directive as well as the IPPC Directive. Some petitioners claimed, in addition, that the change of location was agreed as a result of undue influence from private urban speculators, ~~instead of on the basis of public interest,~~ and this without providing any evidence.

The plant, which hosts up to 150.000 Tn or 1.800 m³ of gas, namely 2 Gigatonnes equivalent, is placed now 100 metres away from nearest houses and only 1 km away from the city of Ferrol. Water from the *ría* is used on the site and pumped back without adequate treatment they alleged, an amount estimated at about 1000 Tn/day.

The Reganosa responsables, the authorities as well as the European Commission consider that all samples indicate that the temperature and quality norms are respected in the plant surroundings.

Petitioners denounced a lack of provisions for emergency evacuation in the event of an accident at the site, a statement which the regional authorities later contested. Nevertheless, the authorities highlighted that the Emergency Plan had been approved following the

¹ Petition 1322/2007

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regulation in force. Regarding the legal aspects of the location of the regasification plant, they pointed out that it had been judicially resolved, as the European Commission had understood. In particular, the sentence of the High Court of Justice of Madrid, 12 November 2012, confirmed that the environmental processing of the project and the location in Mugaros presented "shelter conditions", "swell" and "effectiveness" that made the installation suitable. Some Members were nevertheless alarmed at the sight of a number of houses very close to the terminal which are overshadowed by the concrete gas container tanks not far from the shoreline of the ría. Some houses were purchased and acquired by the Reganosa plant. Petitioners further denounced that no clear emergency contingency plan has been drawn up for the gas-carrying vessels, which in low tide get stuck on the inner part of the ría. Local people They say that they are also suffering from the odour of gas emanating from the site depending on the wind direction. Nevertheless, members didn't notice any smell in the area. Petitioners finally argued that the facility is not even necessary, given the existence of an under-used gas pipeline connecting the facility in Tui, in northern Portugal. Authorities underline that the Reganosa plant is needed, in addition to the pipe-line, for the energy supply for Galicia.

Con formato: Justificado

It was during the continuation of the visits around these two rías, and visiting the area near A Coruña, that the extent of the contamination and sludge accumulation, resulting from many years of neglect in terms of waste water management and years of the building and industrial development without regard for the environmental and economic impacts, was the most apparent to the members of the delegation. Petitioners highlighted that, only a decade ago, Ferrol had the most productive seafood bank in the whole region (despite being classified as a zone "B"), with production at over 10,000 kg per day. Nowadays, only 500 families live from seafood production in the area, whereas a decade ago this figure was at around 2,000. Petitioners claimed that EU funds which targeted the sanitation and recovery of the ría margins were misused towards the construction of seaside promenades.

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Primera línea: 1,27 cm

Meeting with petitioners, Ría do Burgo

Con formato: Fuente: Cursiva

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Primera línea: 1,27 cm

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Members walked along the promenade area alongside the ría at O Burgo and on to an embarkation bridge where the depth of the sludge was almost two metres thick, as measured on the spot. Clearly the construction of the promenade area and the surrounding buildings had entailed considerable financial investment, yet no consideration seems to have been given to the waterside or the environment of the ría in this area. At another spot, descending the steps clothed in protective clothing a man was very quickly up to his thighs in the sludge and was only able to get out of the sinking mud with difficulty and some considerable help. This area nevertheless is considerably far away from the shellfish and fisheries area. Members were told that previously a man had died near their having been drowned, unable to escape the incoming tide. Further evidences showed that the man was far away from the authorised zone for "marisqueiros".

The ría had once spread over 1.2 km² of fine, white sand. Nowadays, much of the area is On the visited area, it was filled with sludge, averaging a height of 1.10 metres. Petitioners claim that the recovery of the quality of the ría entails both an environmental and economical interest. According to the documents of the Confraría de Pescadores A Coruña, Employment in the fisheries sector here had declined in the last 45 years from 2600 persons to just 150. Despite the statement from the The authorities claiming claimed that the overall amount of

waste sludge has declined, ~~petitioners~~ and that many shellfish shoals have improved from C in 2010 to B in 2012, which means that the water quality is improving.

Petitioners point to a progressive invasion of larger areas within fishing zones for molluscs and mussels. In 2007 from one day to the next all fisheries activity in the sector ceased and 150 local 'mariscadores' lost their livelihood as the area was declassified into a C zoning by the authorities¹. The guild called for a specific regeneration plan to restore the environmental integrity of the area which historically has been a site of great beauty, also welcoming a rich flora and fauna as well as numerous species of migratory birdlife, much of which had now diminished. In response to the petitioners' claims, regional authorities observed that public subsidies had been disbursed in recent years in order to supplement the loss of income from decreased fisheries activities.

Con formato: Justificado

Members were able to embark on a fisherman's raft to observe the area from the water. Petitioners have however refused access to the boat to the authorities even though the space was limited. Petitioners seem indignant about this situation yet they also seem now to take this for granted after years of inaction by the authorities: ~~as though the people have given up hope of ever seeing this area cleaned up.~~

Some Members interrogated the authorities about these conditions and asked what specifically was to be done about this state of affairs which had been neglected for so long; they also inquired as to the composition of the mudflats and the sludge as petitioners feared that the whole area was grossly contaminated. The Chairman of the O Burgo Residents' Association told of his fears for their children's safety in the area because of the mud and the toxicity of the waterside. ~~Every day the~~ The pollution makes the *ría* less productive and more dirty for bathing he said. The situation requires urgent and substantial action if the area is to stand any chance of revival and of recovering "A" classifications for its seafood production zones. For all that, new fisheries areas are from now one accessible

~~The authorities, who accompanied the members, indicated that they were working on plans to restore the area and that new treatment plants were also envisaged but not currently in place.~~

Some Members emphasised their concern at what appeared to have been an excessively passive reaction by the authorities to the problem of the accumulation of such deep sedimentation. Waste water treatment plants were essential and should be adequate in number with regard to the population and industrial base, and in conformity with the Urban Waste Water Treatment Directive (Council Directive 91/271/EEC of 21 May 1991) which was far from being the case ~~at present~~ before.

Con formato: Justificado

Concluding remarks The authorities said that the work done in the area allows, at present, for proper management of 99.14% of all waste and rainwater generated in the area for treatment at the new plant in Bens, already in operation, which has improved the classification of shellfish beds. Furthermore, new investments had already been set out to further enhance the effectiveness of sanitation and a study of the estuary sludge was being undertaken to decide on the treatment it should be given. The authorities also expressed their strong disagreement with the attitude of the petitioners in questioning the validity of the analyses of shellfish, as they were performed by a body such as Intecmar that is a true international reference in this

Con formato: Justificado, Control de líneas viudas y huérfanas

¹ Archives of the Confraría de Pescadores A Coruña. February 13, 2013. Petition 922/2010.

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matter. Moreover, a study regarding the sludge is actually being carried out by the Ministry of Public works and Transport. The authorities also remind that there is a sanitation plan for the ria of Burgo,

Con formato: Fuente: Sin Negrita, Color de fuente: Negro

Conclusions and recommendations

Conclusions:

This mission focused upon the issues raised by petitioners which necessarily concerned the parts of the Galician *rías* which are particularly affected by pollution and contamination, following many years of complacency/laisser-aller by the responsible authorities - both national and regional and local. They had been impacted upon by rapidly expanding urbanisation and industrialisation which was not accompanied by adequate/enough measures to protect the environment and ensure correct waste management.

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• Other Members recognise that efforts in the area of sanitation have been made by the public authorities, and that these have led to improvements in a number of areas. They also acknowledge, more generally, the vast progress made since the 1980s, when Galicia counted only one waste-water treatment plants opposed to the current 151 plants with a capacity of minimum 2000 h-e;

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• Members would like to highlight that in other parts of the *rías* where *rías* there remains a thriving sea-food industry ~~remain in an~~. However, the excellent condition ~~although of these areas is~~ potentially threatened if nothing is done urgently to resolve some issues raised in this report.

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• The rulings of the Court of Justice of the European Union against Spain provided a first measure of the degrees of seriousness of the infringements and delays in the implementation of EU Directives. During their visit, Members were able to observe, ~~in addition,~~ that ~~despite some recent~~ improvements and ~~despite~~ efforts were made by the regional competent authorities; to improve water quality and fight against pollution ~~and lack of adequate waste-water treatment infrastructure remain important problems across the three *rías* visited. Action is thus required urgently in order to ensure that water pollution is sharply and promptly curtailed.~~ Les membres ont cependant constaté que les eaux de pluie n'étaient pas toujours correctement traitées à Vigo mais que la station de Vigo-Lagares, en cours de construction, devrait répondre aux dernières préoccupations sur le traitement de l'eau de pluie;

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- In O Burgo ~~and Ferrol~~, ~~Members~~, some members were shocked by the deep sludge which had built up and which impacted so negatively on people's every-day activities as well as on local employment. Action must be taken to ensure water quality in order to approach the best European standards.
- ~~Across the three rias visited, pollution continues to threaten the local seafood-based economy.~~ The members are satisfied that the regional authorities realise ~~this~~that pollution threatens the local seafood-based economy and that the authorities are committed to acting to prevent further deterioration; Members ~~worry that they might not have the means to do so in the current economic circumstances unless priorities are clearly defined~~encourage them for more active investment in order to ensure this direction goal.
- The ~~Ria in O'Burgo~~ needs to be urgently cleaned up by extensive and orderly dredging of the most affected bays and inlets. It is also in the interests of the local population and the future economic development and regeneration of the area to continuously conduct scientific analyses of the sludge and its evacuation.
- Regional and local authorities should actively seek to work more with local communities and associations from civil society who are themselves committed to the enhancement of the environment and ensure cooperation pragmatically and practically with them. Members are convinced that this is possible and necessary under the circumstances observed in the areas visited and that the good-will exists to actively promote the regeneration of some ~~of the more critical~~ sections of the rias.
- The European Union should be prepared, in its discussions with the Spanish authorities on future financial and technical cooperation through the Cohesion Funds (until the ~~EDP~~end of 2013) and Structural Funds (FEDER and ESF), to provide the necessary financial support which would enable the Galician Region to prioritise more effectively its programmes and projects for the benefit of cleaning up the rias and their hinterland, for substantially improving waste water management and effectively re-establishing the natural beauty of the coastal areas.

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Recommandations

à Vigo

Remercie les pétitionnaires d'avoir sollicité la Commission des Pétitions dès 1999 sur la question de la qualité des eaux en Galice;

Regrette le retard pris par les autorités espagnoles dans le respect des articles 3 et 4 de la directive 91/271/CEE et de l'article 5 de la directive 79/923/CEE, comblé par la conformité avec la législation européenne dans la baie de Vigo grâce aux efforts des autorités de Galice, toute échelle confondue;

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Souhaite que les financements de la part de l'Union européenne continue à être orientés vers la recherche et le maintien d'une qualité de l'eau propre que ce soit pour l'économie ou la consommation locale;

Souligne les efforts fournis par les différentes autorités compétentes en matière d'amélioration de la qualité des eaux conchylicoles et du traitement des eaux résiduelles des agglomérations de plus de 15 000 habitants;

Considère que la station actuelle de Vigo ne répond pas suffisamment aux besoins de la population; estime donc que la nouvelle station d'épuration de Vigo-Lagares en cours de construction représente la solution pour le traitement des eaux résiduelles par sa capacité de traitement de 800 000 équivalent-habitants pour une agglomération estimée en période estivale à 466 230 habitants; sans oublier les stations d'épuration de Vigo-Teis, Redondela, Arcade-Soutomaior, Vilaboa, Moana et Cangas, qui portent le capacité de traitement à 924 821 habitants soit près du double du nombre d'habitants de la baie de Vigo;

Considère que la nouvelle station d'épuration répondra aux flux des débits par temps de pluie et évitera les déversements d'eaux non-traitées en raison de la capacité réduite de l'actuelle station d'épuration de Vigo; ajoute que la station d'épuration de Vigo en cours de construction répondra aux normes les plus modernes en matière de traitement des eaux tout en prenant en compte les exigences des riverains que ce soit par le confinement des odeurs à l'intérieur de l'usine ou l'insertion des installations dans le paysage;

Souhaite que le délai d'achèvement des travaux de la station d'épuration fixé au 31 décembre 2015 soit respecté;

Regrette la remise en cause par certains pétitionnaires des chiffres et des données fournies par l'Institut Technologique pour le Contrôle du Milieu Marin de Galice (INTECMAR), le rapport de l'inspection de Food and Veterinary Office du Royaume d'Espagne d'octobre 2011 cité dans le rapport de la DG SANCO 2011-8881 rappelle que "le système de contrôle mis en place en Galice, qui produit 96% de la production nationale de mollusque bivalve, est en conformité avec la législation de l'Union européenne";

Rappelle, comme le souhaite certains pétitionnaires, qu'un plan d'aménagement du littoral approuvé par le Conseil du Gouvernement autonome de Galice le 10 février 2011, prévoit des politiques de développement territorial et urbain tenant en compte la durabilité des ressources naturelles et a fait l'objet d'un commentaire de la part de l'Organisation des Nations-Unis dans son programme ONU-Habitat, qualifiant le contenu du plan comme ayant de "bonnes pratiques environnementales";

à Ferrol

Note que l'usine REGANOSA a obtenu l'ensemble des autorisations administratives pour la construction et l'exploitation du Terminal en l'occurrence l'autorisation administrative préalable accompagné d'un avis favorable sur l'impact environnemental du Terminal émis le 11 juin 2001, l'autorisation du projet d'exécution du Terminal le 13 février 2004 et enfin l'acte de mise en service le 7 novembre 2007;

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Note le rejet par la justice espagnole de l'ensemble des procédures judiciaires intentées contre l'usine REGANOSA à l'exception du recours formé à l'encontre de la modification du plan d'urbanisme de la commune de Mugaros, modification par ailleurs acceptée le 13 juin 2012 à travers une nouvelle procédure administrative conformément aux exigences de l'arrêt de la Cour suprême du 12 mai 2012;

Constate que la Commission européenne a confirmé le respect de l'ensemble des obligations légales fournies par REGANOSA et tout particulièrement le respect de toutes les obligations environnementales;

Prend note des inquiétudes des pétitionnaires concernant l'accès de méthaniers au site de REGANOSA et rappelle à ce propos que les méthaniers Q-FLEX, plus gros méthaniers au monde jusqu'en 2010 sont autorisés à accéder au terminal conformément à la norme en vigueur ROM 3.1-99;

Reçoit les inquiétudes de certains riverains de l'usine REGANOSA quant à la possibilité d'un accident sur site; considère néanmoins que les procédures d'évacuation et la prise en compte d'une réaction en chaîne en cas d'incident industriel ont bien été effectuées comme le rappelle la Commission européenne;

Ajoute que la population, en plus des services de secours, a été associée aux procédures du Plan d'Urgence Extérieure tels que l'Association de Retraités "Pinabeta", l'Association de Riverains "Casas Baratas", Casino Mugaros, l'Association de Pêcheurs de Mugaros, ainsi que le club de football Galice et plusieurs établissements scolaires;

Regrette que certains riverains aient refusé par voie de presse dans le quotidien El Pais du 14 août 2008 de se rendre à la réunion d'information organisée par REGANOSA pour répondre aux questions des riverains;

Recommande aux riverains se disant tenus à l'écart des informations autour du site de s'inscrire pour une visite gratuite organisée par REGANOSA à l'adresse mail suivante comunicacion@reganosa.com. Rappelle qu'entre le deuxième semestre 2007 et l'année 2012, plus de 5000 personnes ont visité l'usine (dont de nombreux étudiants);

à Burgo

Sans ignorer que les membres n'ont visité qu'une petite partie de la baie de Burgo, recommande toutefois aux autorités de traiter au plus vite l'accumulation de la boue dans la baie de Burgo;

Souligne que les analyses des boues en cours ainsi que les projets d'enlèvement de la boue ont été rendus publics par le CEDEX (Centre d'Etude et d'Expérimentation des Travaux Publics) dépendant du Ministère des Travaux Publics et des Transports et que des mesures appropriées d'extraction seront prises selon la composition chimique de la boue afin de ne pas contaminer l'eau de surface;

Recommande aux autorités de ne pas relâcher leurs efforts dans l'amélioration de la qualité de l'eau;

Recommande que des fonds soient investis dans l'amélioration de la qualité de l'eau mais aussi et surtout dans l'extraction de la boue et du traitement de sa partie polluée;

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