



6.8.2024

## NOTICE TO MEMBERS

**Subject: Petition No 0960/2023 by Esther Díez Valero (Spanish) on alleged misuse of European funds earmarked for bike lanes in Elche, Alicante**

### 1. Summary of petition

The petitioner objects to the change in the public policies of the Elche City Council (Comunidad Valenciana), in particular with regard to the removal of separate bike lanes that have been financed by different types of EU funds. She considers that European climate legislation made it a legal obligation for the EU and the Member States to reduce net greenhouse gas emissions by at least 55 % below 1990 levels by 2030 and to achieve climate neutrality by 2050. The petitioner argues that, in 2015, Elche City Council applied for European EDUSI funds in order to achieve a reduction in emissions of carbon dioxide, carbon monoxide, nitrogen dioxide and PM10 pollutants, and that, to that end, it received up to EUR 1 million from the European Union in 2017 to build a cycle path infrastructure. In her view, this has been a big success since pollution meters in the surrounding area went from recording as much as 40 micrograms per cubic metre of nitrogen dioxide in February 2019 and 2020 to just 28 micrograms in February 2021. In 2021 and 2022, the city once again submitted ambitious applications for Next Generation EU funds with the aim of complementing the funding of the city's cycle path rings, all of which within the framework of the new Sustainable Urban Mobility Plan (SUMP), which was approved in 2023. The petitioner denounces the fact that these positive steps are now at risk because the new municipal government has decided to remove cycle paths, which, in her eyes, demonstrates that said body is in denial with regard to the climate emergency we are facing. Since the Next Generation funds were requested in order to continue building the cycle paths that have already been financed by EDUSI funds and the new municipal government is dismantling some segments of those paths, she claims that European funds are being misappropriated. The petitioner therefore calls for an investigation by the EU authorities into the legal obligations involved, the objectives of the projects in question and EU legislation that may be infringed, and for the necessary preventive measures to be taken to prevent the misuse of public funds

and the loss of public money granted in the form of subsidies to Elche City Council.

## 2. Admissibility

Declared admissible on 8 January 2024. Information requested from Commission under Rule 233(5).

## 3. Commission reply, received on 6 August 2024

The Commission and Member States share the management of the European Regional Development Fund (ERDF). The managing authorities of each programme in Member States are ultimately responsible for the selection and monitoring of the projects, in line with the objectives of the programmes approved by the Commission.

The Commission contacted the Spanish Ministry of Finance that acts as managing authority responsible for the implementation of the support from the ERDF for urban development in Spain. The managing authority requested information to the Municipality of Elche that is responsible for the implementation of the project concerned.

According to the information received, the Municipality of Elche developed a sustainable and integrated urban development strategy, which was financed with the support from the ERDF and included construction of the following cycle paths:

- New cycle path to give continuity to the existing one on Avda. de la Libertad until it connects with the lane of the Nueva Rotonda Sur, modification of its geometry, paving and elimination of obstacles.
- Cycle path on 'Ronda Interior-1er. Anillo'. Section I, Pedro Juan Perpiñán, Mariano Soler Olmos and Teulada streets.
- Cycle path on Avda. de Alicante, section from Avda. Santa Pola to Avda. Universidad de Elche.

According to the information received, the Municipality of Elche does not envisage reversing or modifying these specific cycle paths.

In relation with the change planned to other cycle lanes that did not receive support from ERDF, the Commission contacted the Spanish Ministry of Finance that acts as coordinator responsible for the coordination of implementation of the Recovery and Resilience Plan (RRP). The coordination body requested information from the Ministry of Transport, Mobility and Urban Agenda. According to the information received by the Commission, the City Council of the Elche has not taken decisions to dismantle or stop any projects related to the construction of cycling lanes financed by the national RRP which are being implemented or planned to be carried out in the municipality.

Nonetheless, the Commission understands the concerns of the petitioner and shares her views about the contribution of cycling towards reducing greenhouse gas emissions in cities. However, the ultimate responsibility for

the planning and implementation of urban transport policies lays with the local authorities in Spain and not within the Commission, in line with the principle of subsidiarity, which aims at ensuring that decisions are taken as closely as possible to the citizen.

At EU level, the New EU Urban Mobility Framework<sup>1</sup> establishes European guidance on how cities can develop sustainable urban mobility, including via sustainable urban mobility plans. The main focus is on public transport, walking and cycling. Moreover, there are guidelines<sup>2</sup> providing advice to cities and urban planners for managing the process of preparing their sustainable urban mobility plan.

The Commission, the European Parliament and the Council also adopted on 3 April 2024<sup>3</sup> a joint European Declaration on Cycling. Among the main objectives of the Declaration, there is the creation of more and better cycling infrastructure together with clear commitments to increase safety for vulnerable road users, including cyclists, and to work towards creating a coherent cycling network in cities and improving connectivity between suburban and rural areas and city centres.

In the event of any possible infringement of EU law in relation to the implementation of Cohesion Policy, and in particular of the durability rules laid down in Article 71 of Regulation (EU) No 1303/2013, the petitioner is kindly requested to notify the Commission.

### Conclusion

Considering the above and based on the information received from the managing authority, the Commission cannot identify an infringement of the legislation on the ERDF. In the current EU legislative framework, the Commission has no legal basis for preparing and implementing urban mobility policies for European cities. These responsibilities lie with cities, regions or Member States, depending on the administrative set-up of the Member State concerned, in line with the subsidiarity principle.

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<sup>1</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions- COM/2021/811 final

- <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52021DC0811&qid=1644666550402>

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<sup>2</sup> [https://urban-mobility-observatory.transport.ec.europa.eu/sustainable-urban-mobility-plans/sump-guidelines-and-decision-makers-summary\\_en](https://urban-mobility-observatory.transport.ec.europa.eu/sustainable-urban-mobility-plans/sump-guidelines-and-decision-makers-summary_en)

<sup>3</sup> [https://transport.ec.europa.eu/news-events/news/eu-institutions-commit-boost-cycling-across-europe-2024-04-03\\_en](https://transport.ec.europa.eu/news-events/news/eu-institutions-commit-boost-cycling-across-europe-2024-04-03_en)