

Strasbourg, 12 June 2014
[files09e_2014.doc]

T-PVS/Files (2014) 9

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

34th meeting
Strasbourg, 2-5 December 2014

Complaint in stand-by

**IMPACT OF A PROJECT FOR THE REGULATION OF
THE DANUBE RIVER ON THE RIVER'S
BIODIVERSITY**

REPORT BY THE GOVERNMENT

*Document prepared by
The Ministry of Environmental and Nature Protection of Croatia*

CLASS: 018-05/13-15/1
REG.NO: 517-07-1-1-2-14-13
Zagreb, 5th June 2014

Council of Europe
Biodiversity Unit
Attn. Ms Ivana d'Alessandro
Secretary of the Bern Convention
F-67075 Strasbourg Cedex

SUBJECT: Complaint No. 2012/13 - Impact on biodiversity of a project for the regulation of the Danube River in Croatia

Dear Ms d'Alessandro,

Regarding your request since 24th January 2014 we informed you that we recognised three projects which are related to planning of regulation of the Drava and the Danube rivers in Croatia.

Regarding your request since 7th May 2014 we can inform you that since our last report on 3rd March 2014 there were changes regarding the project **Waterway Regulation regulatory works at the Danube River from rkm 1382 to rkm 1,433.**

The project developer, the Agency for Inland Waterways from Vukovar, withdrew its application for the EIA procedure by a request since 13th March 2014. Ministry issued a Decision on Suspension of the EIA procedure in line with the Regulation on Environmental Impact Assessment (Official Gazette no. 64/08 and 67/09) pursuant to the Environmental Protection Act (Official Gazette no. 110/07) and new Environmental Protection Act (Official Gazette no. 80/13).

Regarding the second project **Development of the Danube River waterway at Sotin from 1321 rkm to 1325 rkm** for which the EIA procedure (including Appropriate Assessment procedure) was finished by issuing of the Screening Decision on 7th September 2010, the project developer has obtained a building permit and finishes the feasibility study. Upon completion of the study all necessary documentation for submitting the application for EU funding will be ready.

This project envisaged regulatory structures to protect the right coast in order to prevent undermining and collapse of the high coast which would jeopardize the settlement Sotin and the local church as well as the archaeological site of the old Roman settlement.

As mentioned in previous report regarding the project **Regulation works on the Drava River from rkm 0+000 to rkm 56+000**, it is not implemented but instead the project developer, the Agency for Inland Waterways from Vukovar, established the Danube Forum through which new plan will be developed in cooperation with all relevant stakeholders including NGOs.

Deriving from all above mentioned about planned regulation projects of the Drava and the Danube rivers in Croatia concerning the complaint in question, we propose the conclusion that complaint is no longer relevant and should be dismissed.

Yours sincerely,

MINISTER
Mihael Zmajlović

Deliver to:

1. The title
2. The case file

CLASS: 081-05/13-15/1
Zagreb, 3rd March 2014

Council of Europe
Biodiversity Unit
Attn. Ms Ivana d'Alessandro
Secretary of the Bern Convention
F-67075 Strasbourg Cedex

SUBJECT: Complaint No. 2012/13 - Impact on biodiversity of a project for the regulation of the Danube River in Croatia

Dear Ms d'Alessandro,

Regarding your request since 24th January 2014 we inform you that we recognised three projects which can be related to planned regulation projects of the Drava and the Danube rivers in Croatia.

1. Waterway Regulation regulatory works at the Danube river from rkm 1382 to rkm 1433

1. The Environmental Impact Assessment for the said project has been implemented since an Advisory committee was appointed on 21 September 2011. The expert background document (environmental report – study) for the project developer, the Agency for Inland Waterways from Vukovar was prepared by the authorised person, company Hidroing d.o.o. from Osijek. The procedure is carried out in line with the Regulation on Environmental Impact Assessment (OG no. 64/08 and 67/09) pursuant to the Environmental Protection Act (OG no. 110/07).

Currently, the Ministry is awaiting a response from the project developer and authorised person to the comments received from Republic of Serbia as outcome of transboundary consultations. The environmental impact assessment is still in procedure.

2. With regard to the project for waterway regulation on the river Danube public presentation has been carried out in the procedure of determining transboundary environmental impacts as previously agreed with the body competent for Espoo Convention implementation in the Republic of Serbia along with participation of the public and NGO representatives. The documentation used in the public debate was identical to that which was subject to the public debate in the Republic of Croatia held in early 2012, and in accordance with the provisions of the Convention on Environmental Impact Assessment in a transboundary Context. On the basis of consultations with competent bodies in the Republic of Serbia the Ministry of Environmental and Nature Protection has obtained information on the engagement of European consultants by the body competent for inland waterway navigation of the Republic of Serbia and information on possible differing views on the resolution of the issue of maintaining Danube navigability, as well as mitigation of the identified processes of digging in of the Danube river basin as compared to the already agreed proposals for the resolution of this issue in the manner envisaged by the study. Due to the indicated a request was submitted to the competent body in the Republic of Serbia for a statement on the continuation of implementation of an earlier agreed project for which Environmental Impact Assessment is carried out in the Republic of Croatia or

abandoning the project in the proposed format. If the project in the proposed format is abandoned then it is pointless to continue with the Environmental Impact Assessment procedure which is underway, and if the project is not abandoned the study will have to be modified.

With regard to transboundary consultations and the fact that certain preliminary issues should be determined and considering the number and the severity of the comments received during the public debate but also the comments received from the EC expert Mr Peter Roth, the project developer has to decide whether to stop the procedure by withdrawing the study from the procedure at the Ministry of Environmental and Nature Protection or to significantly revise the study in order to proceed in front of the advisory expert committee.

With the Republic of Serbia majority of issues raised during transboundary consultations has been settled, but some issues are still open. These are, for example, border issues between two neighbouring countries, harmonisation of the conceptual design on both sides of Danube River and the analysis of sediment. Ministry considers that questions regarding definition of border and harmonisation of the conceptual design on both sides of Danube River must be solved as an interlocutory question while the analysis of sediment can be solved by conducting required analysis.

2. Development of the Danube River waterway at Sotin from 1321 rkm to 1325 rkm

1. For the project on development of the Danube River waterway at Sotin from 1321 rkm to 1325 rkm the Ministry of Environmental and Nature Protection implemented the procedure for evaluation of the need for EIA (Screening). During this procedure, the following bodies were consulted: Nature Protection Directorate of the Ministry of Culture, Administrative department for physical planning, construction and environmental protection of Vukovarko-srijemska County and the Administrative department for utility management and town planning of the town of Vukovar. All the consulted bodies expressed their belief that the potential environmental impacts of the project would be of minor extent and do not necessitate the implementation of the environmental impact assessment procedure. The public and public concerned was informed on the request for initiation of the procedure for evaluation of the need for EIA for the project in question by publication of relevant information on the official web site of the Ministry of Environmental and Nature Protection from 20 July to 20 August 2010. Within this 30-day period no comments or opinions were received. Since the procedure was duly implemented and no opinions were received, the Ministry came to the conclusion that an EIA procedure is not necessary for the planned project since it has been assessed that it will not have a significant impact on the environment. It was also concluded that here will be no significant transboundary effects so a joint procedure in cooperation with the Republic of Serbia was not implemented in line with the provisions of the Espoo Convention. The planned project is covered by Annex II of the Regulation on Environmental Impact Assessment (which corresponds to Annex II of the EIA Directive) which prescribes mandatory implementation of the procedure for evaluation of the need for EIA, while in the Republic of Croatia the Strategic Environmental Assessment procedure is implemented for plans and programmes (which corresponds to the provisions of the SEA Directive). The procedure has finished by the issuing of the Screening Decision for the project on 7 September 2010. The project is not implemented yet but has a building permit.

2. There were no transboundary consultations with neighbouring countries regarding this project. It was concluded that there will be no significant transboundary effects in line with the provisions of the Espoo Convention.
3. Pursuant to the Nature Protection Act (OG 70/05, 139/08), the Nature Protection Directorate implemented the screening procedure for assessment of the impact of the project on the ecological network and came to the conclusion that the project will not have a significant impact on the ecological network and the conservation objectives and that implementation of the main assessment procedure for the project is not necessary.

3. Regulation works on the Drava River from rkm 0+000 to rkm 56+000

1. The EIA procedure for the project "Regulation works on the River Drava from rkm 0+000 to rkm 56+000" was implemented by the Ministry of Environmental and Nature Protection (Ministry). The request for implementation of the EIA procedure was submitted by the Agency for Inland Waterways on 3 May 2007 and the procedure was initiated on 31 October 2007. The EIA procedure was finalised by the issuing of the Decision on environmental acceptability of the project on 21 November 2008.

The bodies involved in the EIA procedure through the work of the EIA Committee were as follows: physical planning of the Ministry of Construction and Physical Planning, inland navigation of the Ministry of Sea, Transport and Infrastructure, nature protection of the Ministry of Environmental and Nature Protection, water management from the line Ministry, Institute for Physical Planning of Osijek-Baranja County, independent expert from the field of hydrotechnical construction and the Public Institution Nature Park Kopački Rit. The public and the public concerned was informed of the request for initiation of the EIA procedure for the project concerned, by publication of the relevant information on the official web site of the Ministry of Environmental and Nature Protection, while their participation in the EIA procedure was organised in the form of the public debate stage held as part of the EIA process. The comments received from the public and the public concerned during the public debate, as well as the explanations and responses given to them by the project developer, were reviewed by the expert advisory committee before issuing its opinion on the project and by the competent authority before issuing the Decision on environmental acceptability of the project.

2. There were no transboundary consultations with neighbouring countries regarding this project. It was concluded that there will be no significant transboundary effects so a joint procedure in cooperation with the Republic of Serbia was not implemented in line with the provisions of the Espoo Convention.
3. The EIA procedure covered the issue of protected areas and possible impacts of the project on protected habitats and species. The EIA Study (Hidroing d.o.o., 2008) addressed biological and ecological characteristics of the area and according to possible impacts proposed specific measures and environmental monitoring program in order to remove or reduce impacts to acceptable levels.

The project is still not implemented. Instead the Agency for Inland Waterways established the Danube Forum in order to establish better communication between the administrations in charge of water projects on the Danube and stakeholders, in accordance with the guidelines of the Manual of Good Practices in Sustainable Waterway Planning and the Joint Statement on Guiding Principles for the Development of Inland Navigation and Environmental Protection in the Danube River Basin. All in order to achieve active engagement of stakeholders and their full

participation throughout the entire process of project planning, and thus their direct contribution to the final outcome and plans.

Yours sincerely,

MINISTER

Mihael Zmajlović

Deliver to:

3. The title
4. The case file