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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

33rd meeting
Strasbourg, 3-6 December 2013

Complaint in stand-by

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

REPORT BY THE GOVERNMENT

*Document prepared by
The Ministry of Environment and Nature Protection, Croatia*

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

SUBJECT: Response to the Council of Europe, Bern Convention, Complaint No. 2012/13

Dear Ms d'Alessandro,

The response to your letter of 16 January 2013 related to the Environmental Impact Assessment for the project Waterway arrangement and regulation works on the Danube River from 1380 to 1433 rkm is as follows:

The project for waterway arrangement and regulation works on the Danube River was initiated before the JOINT STATEMENT and EU-PLATINA manual were developed, however the said documents were used when preparing the Environmental Impact Study. The Environmental Impact Assessment (EIA) procedure is carried out 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), that is, regulations which are fully harmonised with the European Union acquis. The project is on the list of future projects under ICPDR River Basin Management and can be viewed at their web site: <http://www.icpdr.org/main/activities-projects/river-basin-management>.

The development of project documentation until the initiation of the EIA procedure was harmonised with all relevant legislature. The expert background document for the project developer Agency for Inland Waterways from Vukovar was prepared by the authorised person Hidroing d.o.o. from Osijek.

The EIA for Waterway arrangement and regulation works on the Danube River from 1380 to 1433 rkm has been carried out since the committee was appointed on 21 September 2011. The said project is listed in Annex I of the Regulation on EIA (which is consistent with projects listed under Annex I to the EIA Directive) for which the obligation of carrying out EIA is prescribed. The EIA procedure for the project Waterway arrangement and regulation works on the Danube River (rkm 1380 – 1433) is underway. The Ministry of Environmental and Nature Protection is the competent body for the implementation of the procedure.

The following bodies are involved in the EIA procedure through the work of the advisory expert committee: physical planning under the Ministry of Construction and Physical Planning, inland navigation under the Ministry of Maritime Affairs, Transport and Infrastructure, nature protection under the Ministry of Environmental and Nature Protection, water management under the competent Ministry, Osijek-Baranja County Administrative Department for Physical Planning, Construction and Environmental Protection, State Institute for Nature Protection, independent experts from the field of hydrotechnical construction, hydrogeology and hydrology, Public Institution Nature Park Kopački rit, and representatives of municipalities in the territory of which the planned project is located Draž Municipality, Bilje Municipality and Kneževi Vinogradi Municipality. The public and public concerned have been informed of the request for the initiation of the EIA procedure for the project in question through the publication of the information at the official web site of the Ministry of Environmental and Nature Protection and their participation was ensured in line with the Act through a public debate carried out during January and February 2012. The questions and comments received in the course of the public debate were delivered to the study developer.

On 3 and 4 October 2011 the first meeting of the advisory expert committee was held in Vukovar at which it was concluded that the study needed to be elaborated and amended in accordance with the

comments made by committee members. The second meeting of the committee was held on 29 December 2011 in Zagreb and at this meeting it was established that the study was properly elaborated and amended however that amendments needed to be done in line with the minutes from the held meeting after which the study could be submitted for public debate.

Public debate with regard to the study was carried out in the duration of 30 days, that is, from 30 January to 28 February 2012 in the territory of the City of Osijek and Draž, Bilje and Kneževi Vinogradi Municipality. Public presentation was held on 17 February 2012 in the City of Osijek. In the course of public debate comments were received from the public and public concerned which were forwarded to the project developer so that it could prepare responses to these comments and so that the competent body (MENP) could consider them prior to adopting a decision on the acceptability or non-acceptability of the project for the environment.

In accordance with the requests from the public (NGO) for a review of the project, and due to potential negative impacts on the environment and nature, the Ministry of Environmental and Nature Protection proposed to the Government of the Republic of Croatia a revision of the Environmental Impact Study. After a temporary halting of the procedure, during April and May 2012 a revision of the Study was carried out. According to the received expert assessment of the study in question it was concluded that the environmental impact study contained all necessary elements and relevant data for implementation of the environmental impact assessment procedure in the part concerning the assessment and conservation of the area of the ecological network under the condition of carrying out continuous monitoring before and during project implementation as well as during the use of the facilities. Pursuant to the above indicated the Ministry of Environmental and Nature Protection deems it necessary that the environmental impact assessment of the project in question be completed on the basis of the existing expert background document, along with the requested amendments, which was assessed as acceptable in the carried out review.

Pursuant to the provisions of the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo, 1991) also the procedure of transboundary assessment is carried out with the Republic of Serbia. The public presentation was held on 28 November 2012 in Apatin and on this occasion it was concluded that the project developer and the authorised person have answered all the questions posed by the present public and public concerned and that the comments were still awaited on the Study by the body of the Republic of Serbia competent for the implementation of the Espoo Convention.

The Ministry of Rural Development of the Republic of Hungary requested, in line with Article 2, paragraph 5 and Article 3, paragraph 7 of the Espoo Convention, the information on the planned project and MENP delivered the said information on 5 October 2012 and requested a response within 30 days. After this the Republic of Hungary requested an extension of the deadline for the delivery of a response and delivered the response on 7 January 2013 in which it declared its interest in participating in the transboundary assessment procedure and delivered comments on the documentation it received. On 21 January 2013 MENP forwarded the reply by the Republic of Hungary to the project developer and requested its statement of position however no statement was as yet received.

Without prejudice to the outcome of the EIA procedure, respecting international commitments of transboundary communication and other commitments, and on the basis of all of the above indicated the position of the Ministry of Environmental and Nature Protection is that the EIA procedure for the project in question should be completed either on the basis of the elaborated expert background document – study (which was in its initial form assessed as acceptable by the members of the advisory expert committee, and in the carried out revision) after carried out public debate and all transboundary consultations or through withdrawal of the study by the investor. In the further course of the procedure it will be determined by the opinion of the committee and after that through the decision of the Ministry of Environmental and Nature Protection whether the project is environmentally acceptable or not.

MINISTER

Mihael Zmajlović