EU funds:
Protecting or damaging nature?

How to avoid harmful projects

CEE Bankwatch Network

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Introduction

EU funds are a major source of financing for nature restoration and conservation projects, especially in central and eastern Europe, where these funds represent a significant source of public investment and can lead to stronger public policies.

However, activities and investments, if not planned and implemented correctly, risk supporting projects that will harm Europe's rich biodiversity. Limited public resources must be spent as efficiently as possible and in accordance and compliance with legislation. Every euro spent on a poorly thought out project is a euro that could have been spent on a project that truly benefits nature and society.

The following recommendations are based on the case studies (included in the examples) and highlight some of the many ways EU funds may risk negatively impacting biodiversity. These harmful investments come in many different shapes and sizes, and while the harmful impact of some may be immediately obvious, others are more subtle. The negative impacts of some of these cases, those that are either pending or in the process of being implemented, can be prevented if certain environmental considerations and mitigating measures are applied.

These recommendations and corresponding case studies therefore serve as a tool to help prevent projects that damage nature from being financed in the future. Or, where possible, to help improve the implementation of existing projects through proper impact assessments and smart decision making.

EU funds financing these projects are either managed through direct management, namely the LIFE programme (managed by the European Commission), or indirect management (managed jointly by the European Commission and Member States). Yet these experiences show that a more oriented control mechanism and supervision by the European Commission is needed. This is especially important given the current context, whereby discussions around the future architecture of the EU budget indicate possible restructuring and new approaches for disbursing and managing funds.

These examples show the importance of ensuring sufficient environmental safeguards are complied with throughout project implementation. The Commission services have an important role to play, together with national authorities, to make sure this is done.

Recommendations

Recommendation 1: Establish clear spatial, temporal, and activity-specific boundaries

EU funded projects must be clearly defined in terms of timeline (including start and end dates), geographic boundaries, and scope of activities before approval. Project proposals should explicitly indicate the area of operation and provide precise descriptions of all planned activities, particularly within protected areas, to ensure that no potentially harmful actions are introduced without oversight. During the planning stage, activities to be conducted within protected sites must be thoroughly detailed to prevent the inclusion of unapproved activities that may bypass EU regulatory review. This applies as well for tenders or series of interventions which are adopted without having clearly defined where these would be carried out.

Example 1: For instance, the Drava River restoration project near the City of Osijek in Croatia (see 'Restoration of the old riverbed of the Drava River' on page 9), initially funded under the Recovery and Resilience Facility, has turned into a harmful intervention due to clearcutting in a Natura 2000 site. This example highlights the need for comprehensive impact assessments that consider all proposed activities on the site. A thorough review and approval process by EU authorities is essential to mitigate such risks.

Example 2: The example of the public tender for interventions in forest infrastructure development (forest roads, skid trails and erosion control) in Slovenia (see 'Public tender for intervention investments in forest infrastructure development' on page 43) delivers a good example of using the wrong scale to assess impacts. Indeed, the Environmental Impact Assessment (EIA) applies at the level of the forest management plan specifying priority areas for construction but doesn't name areas, therefore creating a lack of transparency and the impossibility to assess negative impacts.

Recommendation 2: Take into account cumulative negative impacts

Project descriptions can turn out to focus only on direct harmful impacts that are most evident and looked at singularly. However, these impacts can multiply, especially on large areas, leading to a chain of negative cumulative impacts. In order to avoid adverse risks, the entire chain of impacts should be assessed and form a key part of the planning and decision making process.

Although there are already some mechanisms in place to screen for cumulative and indirect impacts, namely Strategic Environmental Assessments (SEAs), these are often not properly conducted. Their main goal is often to justify the measures or investments planned as not having a significant impact on the environment, and do not seem to work as a separate, independent document that objectively assesses the reality, rather a formal document to support the planned investments.

Example 1: The Danube Waterway 2 development project in Hungary (see page 13), funded under the TEN-T network, may not directly affect bird and fish species in the riverbed. However, it is expected to have significant negative effects on four National Parks in Hungary and impact 58 areas known for providing exceptionally high-quality drinking water. The cumulative nature of these negative impacts must be integrated into decision-making processes to ensure proper prioritisation and risk management.

Example 2: The hydrological project in Poland was categorised as a 'strategic project', when it should be categorised as a 'programme'. The investment consists of 25 separate, yet interconnected, projects. This is an important distinction, as dividing the project into smaller sections allows the project promoter to bypass the requirement to conduct an SEA.

Recommendation 3: Reassess the relevance and current significance of previous public policy decisions and use these to inform more innovative projects development

In light of competing demands on land use and nature conservation, it is crucial to regularly reassess policy decisions and priorities to balance development goals with the need for a healthy environment for local communities.

Example 1: The Danube Waterway 2 project highlights the tension between outdated policies and emerging priorities. We recommend that the European Commission regularly updates public policy priorities through pragmatic assessments. For instance, while the EU's 2011 goal to shift 30 per cent of long-distance road transport to rail or water by 2030 remains relevant, the past decade's increasing droughts and water scarcity demand greater focus on water resilience and the security of drinking water.

Example 2: Similarly, the gravel removal works in the Drava River bed at the Slovenian-Croatian border (see 'Maintenance works in the Drava River riverbed' on page 39) exemplify the use of outdated techniques, such as the removal of 15,000 m^3 of gravel, which have been shown to be ineffective for flood risk reduction and have caused habitat loss. These examples underscore the need to prioritise current environmental and water management objectives over older, less relevant policy goals and management practices.

Recommendation 4: Ensure a clear and comprehensive timeline to guarantee inclusive and high quality public participation

A well-defined project timeline is essential for stakeholders and civil society to effectively understand and engage in the process. When timelines become unclear or are disrupted, public participation periods are often the first to be shortened, compromising the quality of input and the ability for concerns to be raised. Ensuring proper public scrutiny and oversight will also reduce chances of legal challenges, therefore resulting in a more streamlined process of implementation.

Similarly, timing and consideration of civil society organisations' concerns must be better integrated into decision making processes, particularly in regard to environmental assessment procedures. During the programming of Cohesion Policy Funds for example, civil society organisation's comments and concerns

were often not reflected in the final Strategic Environmental Assessments or led to the necessary changes in the programmes.

Example 1: For instance, the rollout of the Territorial and Settlement Development Operational Programme Plus (2021–2027) in Hungary (see page 19) highlights the consequences of such disruptions. In this case, site work commenced before it was determined whether safeguards such as the 'do no significant harm' principle should apply. Implementing these safeguards retroactively proved highly challenging, disrupted the timeline, and undermined the transparency of the entire process.

Example 2: The Elwind project shows an example of improvements that can be made with regard to procedural timelines and processes. The status of national importance will enter into force only after the EIA process has been completed and once the environmental impacts are properly assessed. The project has also undergone several rounds of public consultation, the last of which saw many of the previous comments reflected and integrated and adjustments made accordingly.

Recommendation 5: Incorporate larger-scale interdependencies of areas and sites during project planning

When planning projects, it is essential to consider the broader context of protected areas and their surroundings, especially as stress factors increase and disrupt natural interconnections. This is particularly crucial for freshwater ecosystems, which are highly sensitive to activities that occur far beyond the boundaries of protected areas.

Example 1: A compelling example is the flooding of former lignite mines in Poland's eastern Wielkopolska region (see 'Increasing the retention and restoration of water resources in post-mining areas in the eastern Wielkopolska region' on page 33). While the flooding activity itself does not create significant conflicts, the conditions leading up to it do. Changes to the Warta River, including channelling, damming, and high water extractions – occurring in an area already stressed by droughts and unstable water levels – were not fully considered during assessments. There is also a lack of information on the scheduling and impacts of these hydrological alterations. This narrow focus on the mine site neglects the broader risks to surrounding protected areas, highlighting the need for comprehensive, large-scale evaluations to prevent harmful projects from moving forward.

Recommendation 6: Ensure sufficient time and inclusiveness for public participation processes

Civil society and local communities must have easy access to information about upcoming projects, but despite frequent calls for transparency, the reality is often different. In some cases, Member States enact special laws allowing interventions without public notice or environmental impact assessments (EIAs), or shorten the period of time allowed for commenting.

Example 1: Under Slovenia's Intervention Act, no consultation period is provided, as projects aimed at addressing key risks like flooding are decided centrally. The large-scale gravel removal from the Drava River bed in Slovenia (see page 39) demonstrates the consequences of bypassing EIAs and public consultations. Stakeholders could have proposed more effective, less harmful flood prevention methods. Instead, the

intervention failed to reduce flood risks and destroyed habitats in protected areas. Guaranteeing adequate time and inclusiveness for public input is essential to avoid such negative outcomes and ensure better project planning.

Recommendation 7: Ensure more systematic integration and alignment of the EU's long term sectoral goals and objectives

Planning EU funded projects means ensuring the integration of the Union's various different goals and objectives and avoiding competing priorities. For example, transport and development must also be planned in alignment with climate and environment goals. A more comprehensive perspective must be taken when designing programmes and projects, factoring in a range of different sectoral priorities.

Example 1: Both the Danube waterway development and Territorial Development Programme both reveal a lack of comprehensive integration of different sectoral priorities, namely between water and transport with environmental and climate objectives. Better systematic integration is needed to ensure projects achieve, not conflict, with multiple EU objectives.

Example 2: The Elwind project shows positive progress for better identifying and integrating potential environmental risks into projects that have a different sectoral objective. In this case, the development of offshore wind energy made efforts to adjust the sites that were identified to have high natural value, thanks to closer cooperation and consultation with various stakeholders. The previously mapped wind development area has been adjusted to avoid conflicts with the maritime areas containing high biodiversity, and important research and information gathered is being openly shared and consulted.

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CROATIA

Restoration of the old riverbed of the Drava River

City of Osijek, Osijek-Baranja County

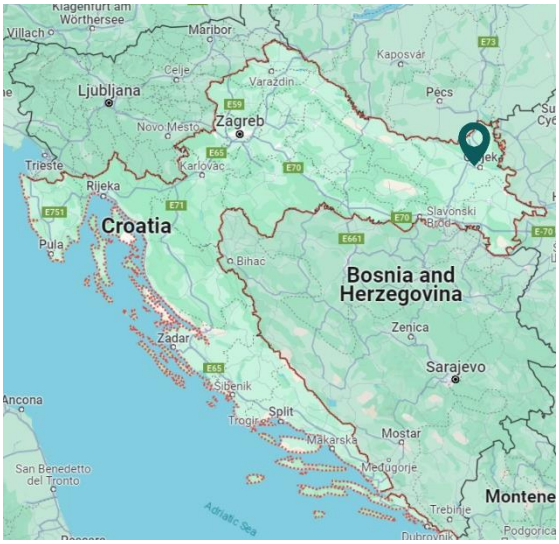
water management, forestry

Project implementer
Hrvatske vode (Croatian Waters)

Responsible public entity
Croatian Waters, Ministry of Environmental Protection and Green Transition (responsible for water management)

Duration
August 2023 – December 2026

Funding source
The project is partly financed through the National Recovery and Resilience Plan 2021–2026, which is providing EUR 3.6 million of the project's total cost of EUR 4.6 million.



Protected areas affected

The project is taking place in an area that is part of the Natura 2000 network (both SCI, Sites of Community Importance and SPA, Special Protection Areas):

- HR2001308 Donji tok Drave (SCI)
- HR1000016 Podunavlje i donje Podravlje (SPA)

The area is under national and international protection. It has regional park status at the national level (IUCN protection category V) and is located in the Mura-Drava-Danube UNESCO Transboundary Biosphere Reserve, which includes five countries.

More information

Project overview

The purpose of the project is to restore a side branch of the Drava River (its former bed) to mitigate flood risks deriving from high water waves in the Drava river bed and the basins of the Poganovačko-kravička Canal and the Crni fok Canal. The restoration aims to provide greater contact between the side branch and the main branch of the Drava River and thereby improve its ecological condition.

Key activities include the restoration[1] of the existing 4.6 kilometres of old Drava side branch (which is still connected to the river in the downstream direction) and the excavation of an additional 1.1 kilometre long canal to connect it with the upstream part of the river.[2]

Other planned work includes: the construction of crossings over the side branch to connect existing forest paths and allow for bicycle and pedestrian traffic, a new ferroconcrete sluice to regulate the water regime and fish migration (at the location of the current water barrier), the clearing of a 500 metre drainage canal in the endangered forest area and construction of a new sluice for the canal, and the creation of two new water surfaces (2,200 m^2 and 2,400 m^2) in the inundation area connected with the old Drava.

Negative and potentially negative impacts

Although the project was conceived as a restoration activity that would improve and enlarge river and wetland habitats, its implementation thus far has damaged surrounding forest habitats, including valuable alluvial forests protected under Natura 2000. The state company Croatian Forests has announced plans to cut a 15 metre wide corridor along both banks of the old Drava side branch, stretching along 5.5 kilometres.[3] This clearcutting is currently in progress and its devastating effects are already visible. By removing all of the coastal forest vegetation, the habitats of birds, mammals and invertebrates have been destroyed. Also, numerous puddles and depressions that are a suitable habitat for reptiles and amphibians were found

[1] Removal of sediment, deepening of the riverbed, mitigation of riverbank slopes larger than 1:2.

[2] This connection once existed, but over time the accumulation of sediment, tree branches, leaves and other vegetation cut the old branch off from the main course of the river. This led to the gradual transformation of wetlands into terrestrial habitats.

[3] SiB.hr, Uređuje se kanal na Pampasu, uklanja se 5,5 kilometara šumske vegetacije zbog poboljašnja ekološkog stanja, *SiB.hr*, 13 May 2024.

along the side branch. The logging machinery is devastating these habitats, which are also being buried in felled trees. All of this is being done despite claims made in the Screening study[4] (parts of which were cited in the regional authorities' decision to green light the project)[5] that there will only be minimal removal of vegetation, and only where necessary to ensure the free flow of water. Croatian Forests justify their actions by claiming the tree-free corridor is necessary to allow the passage of machines that will be used during the restoration and future maintenance work.[6]

However, previous experience with restoration projects in the same region shows that such a wide corridor is not necessary and that there is no reason to cut all the trees along the entire length of the branch. This project is a good example of how even projects that look great on paper and that were planned with the best of intentions can be environmentally destructive and cause tangible damage in the real world when not implemented properly. It also shows that in order to ascertain the full impact of a project, it is sometimes not enough for public authorities to simply look into permits and other documentation; on-the-ground monitoring might also be necessary.

Possibly threatened species and habitats

91E0* Alluvial forests with Alnus glutinosa and Fraxinus excelsior (*Alno-Padion, Alnion incanae, Salicion albae*) and species dependent on them.

Application of environment assessments

After a screening procedure, the Administrative Department for Spatial Planning, Construction and Environmental Protection of Osijek-Baranja County concluded [7] that a full Environmental Impact Assessment (EIA) and Appropriate Assessment were not required. The only environmental protection measure prescribed was that construction work should be done exclusively between 1 August and 31 March, in order to reduce negative impacts on birds during nesting season.

This conclusion by the responsible county body (as well as opinions from the Ministry of Environment (Directorate of Water Management and Sea Protection, Directorate for Climate Activities, and Institute for the Protection of the Environment and Nature), Croatian Forests and the City of Osijek) were based on the screening study,[8] which Croatian Waters attached to their request to start the screening process.

Like all other projects financed through the RRF, this project also went through a 'do no significant harm' (DNSH) assessment and was found to be in compliance with the DNSH principle.

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[4] Promo eko d.o.o., Elaborat zaštite okoliša, Uređenje starog korita rijeke Drave, Grad Osijek, Osječko-baranjska županija, *Promo eko d.o.o.*, 34, March 2023.

[5] Osječko-baranjska županija, Upravni odjel za prostorno uređenje, graditeljstvo i zaštitu okoliša, Rješenje za zahvat Uređenje starog korita rijeke Drave, *Osijek-Baranja County*, 3-4, 27 March 2023.

[6] SiB.hr, Uređuje se kanal na Pampasu, uklanja se 5,5 kilometara šumske vegetacije zbog poboljašnja ekološkog stanja, *SiB.hr*, 13 May 2024.

[7] Osječko-baranjska županija, Upravni odjel za prostorno uređenje, graditeljstvo i zaštitu okoliša, Rješenje za zahvat Uređenje starog korita rijeke Drave, *Osijek-Baranja County*, 27 March 2023.

[8] Promo eko d.o.o., Elaborat zaštite okoliša, Uređenje starog korita rijeke Drave, Grad Osijek, Osječko-baranjska županija, *Promo eko d.o.o.*, March 2023.

Public participation and access to information

Information[9] was published on the website of Osijek-Baranja County on 25 November 2022 noting that a request to start the screening procedure was submitted by Croatian Waters. This gave the public a period of 30 days to comment on the project and its accompanying screening study. A local environmental organisation, Zeleni Osijek, submitted comments, one of which was acknowledged, resulting in the dropping of one of the originally planned elements of the project (the further development of a picnic area on the right bank of the Drava River).

Part of the backwater still untouched by devastation and 'restoration' works

[9] Osječko-baranjska županija, Upravni odjel za prostorno uređenje, graditeljstvo i zaštitu okoliša, Informacija o zahtjevu za ocjenu o potrebi procjene utjecaja na okoliš za zahvat "Uređenje starog korita rijeke Drave, Grad Osijek, Osječko-baranjska županija", *Osijek-Baranja County*, 25 November 2022.

HUNGARY

The Danube waterway development programme 2

transport, water management, environmental protection, flood protection, nature conservation, landscape protection

Photo: Canva

Project website

- EU website for TEN-T
- Project fact sheet on the CINEA-CEF website

Location

The project's location is the entire Hungarian section of the Danube River, from the northern to the southern border of Hungary. The Danube is part of the Rhine-Danube inland waterway corridor.

Project implementer

- Országos Vízügyi Főigazgatóság (General Directorate of Water Management)
- Nemzeti Infrastruktura Fejlsztő Zrt. (National Infrastructure Development Corporation, closed down in 2022) legal successor: Ministry of Construction and Transport

Responsible public entity

- Ministry of National Development (NFM) (closed in 2018)
- National Infrastructure Development Corporation (NIF Zrt., closed down in 2022)
- Successor to NIF Zrt. and NFM: Ministry of Construction and Transport
- General Directorate of Water Management

Funding source

The European Union CEF Transport Program provided EUR 5.4 million, representing 85 per cent of the total cost of EUR 6.3 million.

Duration

In 2005, the Hungarian section of the Danube was added to the priority transport routes of the EU, which stipulates that the river must be made navigable for EU cargo ships. The total cost of this was estimated to be EUR 182 million. The EU made available EUR 80 million for the development of this inland waterway.

Two phases of planning resulted in the following studies:

- Initial study (Megalapozó tanulmány) 2005–2007
- Preparatory study for improving navigability, Environmental Impact Assessments and work plans for the authorisation process, 2009–2011

Following the studies, some permits were declined due to concerns about drinking water and the environment. As a result the EU funds made available for the project were withdrawn.

In 2015, the Connecting Europe Facility (CEF) granted Hungary EUR 5.4 million for the planning of the waterway development, which cost EUR 6.3 million in total. This phase of the project started in September 2015 and ended in September 2020.

The outputs of this project were the following documents:

- Danube navigation programme development 2 (CEF fact sheet doc. No.: 2014-HU-TMC-0606-S)
- Strategic Environmental Assessment for the above document, published for public consultation in February 2021
- Natura 2000 impact assessment, conducted in 2023

The plan and its corroborating documentation were submitted to the authorities for review as well as made available for public comment as part of the Strategic Environmental Assessment (SEA) procedure.

Since the SEA could not be approved and finalised during the public consultation due to conflicting standpoints, the SEA process is currently pending.

Protected areas affected

The entire project area is protected because the entire course of the Danube River in Hungary is a Natura 2000 site.

Natura 2000 area name: Danube and its floodplain

Area code: HUDI20034

Extent (ha): 16,573.52

In addition, nationally protected areas and protected landscapes (managed by four different national park directorates) and elements of the National Ecological Network are situated along the banks and in the floodplains of the Danube. These protected sites provide habitat for many endangered species.

Project overview

The project is part of the development of the Hungarian TEN-T inland waterway.

In 2011, the EU set a goal of moving 30 per cent of long-distance road transport to rail or water by 2030.[10] But in the past five years rail and water freight transport has decreased by more than 10 per cent. With changing water levels and water flow, it is increasingly difficult to plan river freight transport. Due to this unpredictability, freight transport volume on the Danube in Hungary has been showing high fluctuation[11] in the last 10 years.

Historically, the Danube has always been used for cargo shipping. With increasing demand for goods, there is an ever-present lobby to modify rivers to accommodate larger ships.

This project includes two elements meant to increase water freight transport along the Danube:

- Improving the navigability of the Danube for ships with a large draught (2,5 metre draught, 1,300–1,600 tonne carrying capacity) by dredging a navigable channel 100-400 metres wide and 2.7–2.8 metres deep.
- Developing intermodal facilities in ports.

Currently the number of navigable days per year for larger cargo ships is below 250, which does not meet some international navigation standards. A number of EU Parliamentary and Council Decisions call for the river development project to happen.[12]

Negative and potentially negative impacts

The project has many risks that significantly outweigh the benefits:

- Increased ship traffic will have a significant impact on wildlife. After construction, by 2050, ship traffic on the affected Danube section may increase by about 75 percent.
- Inland shipping creates almost one and a half times as much greenhouse gas emissions as railway shipping.[13]
- The project negatively affects 58 areas that provide exceptionally high-quality drinking water, of which 26 are prospective and 32 are currently in operation. Filtered groundwater extracted from these water bases along the Danube supplies almost 40 per cent of the country's population.

[10] European Commission, WHITE PAPER Roadmap to a Single European Transport Area – Towards a competitive and resource efficient transport system, *European Commission*, 2011.

[11] KSH, Central Statistical Office (Hungary), Association of Hungarian Logistic Service Centres, *Eurostat*.

[12] European Union, Council Decision (EU) 2017/1192 of 26 June 2017 on the position to be taken on behalf of the European Union within the European Committee for drawing up standards in the field of inland navigation (CESNI) and at the plenary session of the Central Commission for the Navigation of the Rhine (CCNR) on the adoption of standards concerning technical requirements for inland waterways vessels, *EUR-lex*, 2017.

[13] Fraunhofer-Institute for Systems and Innovation Research ISI, Methodology for GHG Efficiency of Transport Modes, *Fraunhofer-Institute for Systems and Innovation Research ISI*, 35, 49, 2020.

- Extraction of riverbed material and maintaining the shipping route affects the already compromised sediment flow of the river. Due to sediment retention upstream, the river cuts a deeper and deeper bed every year,[14] which has an overall effect of decreasing the groundwater level in the entire watershed, drying out the region and contributing to desertification.
- The intervention goes directly against the goals of climate change mitigation and adaptation, halting the loss of biodiversity and conserving Hungary's domestic natural capital.

Possibly threatened species and habitats

Maintaining a deep navigable section along the entire course of the river for most of the year has serious consequences on water quality, hydrology, sediment flow and ecosystems. Aquatic invertebrates, fish and bird species are most likely to be affected. Some protected species use pebble and sediment reefs for feeding, such as the Little Ringed Plover (*Charadrius dubius*) and Common Sandpiper (*Actitis hypoleucos*), which will be greatly affected.

The intervention will need access to the river, which will require logging on the floodplain and along the river banks.

Application of environment assessments

A Strategic Environmental Assessment (SEA) on the project was published and made available for comment in February 2021 on the website of the National Infrastructure Development Corporation. It has been reviewed by the authorities responsible for the environment as defined in the SEA legislation, as well as by the National Sustainable Development Council[15] and some civil society organisations.

Public participation and access to information

During the second planning phase (2015–2020) and during the SEA consultations, stakeholders (locals and municipalities) and civil society organisations were much more involved and this resulted in a better plan than the previous one (2005–2009). Still, the overall concept of the need to improve the navigability of the Danube is highly questionable. This is why organisations (like MTVSZ and the World Wildlife Fund) and the National Sustainable Development Council objected to the plan.

[14] László Goda, et al., Riverbed erosion on the Hungarian section of the Danube, *Journal of Environmental Science for Sustainable Society 1:47-54*, March 2007. This study calculated that riverbed deepening in the past 105 years was between 70–216 cm between Komárom and Mohács.

[15] National Sustainable Development Council, Assessment of the National Sustainable Development Council of the SEA of the Danube navigation development programme 2, *National Sustainable Development Council*, 2021.

Planned intervention points, dredging, sediment removal, deepening of the riverbed

Source: National Infrastructure Development Corporation

HUNGARY

Territorial and Settlement Development Operational Programme Plus (2021–2027)

municipalities, water management

Photo: Zsuzsanna Ujj

Project website

Project implementer
Cabinet Office of the Prime Minister

Responsible public entity
Cabinet Office of the Prime Minister, municipalities

Protected areas affected
The programme contains 251 water related projects. Of the 251 projects, 16 are taking place on Natura 2000 sites and 147 have a Natura 2000 site in close proximity.

Duration
The programme's implementation period is from 2021 to 2027. The managing authority has approved 251 water management projects as of 20 June 2024. So far 11 have been completed and 240 are ongoing.

Funding source
The programme is funded by the European Union Cohesion Policy Funds (83 per cent) and the national budget of Hungary (17 per cent).
The total budget of the 251 water management projects will be HUF 42.5 billion (EUR 151.7 million). HUF 40.1 million (EUR 105.5 million) has already been paid to the beneficiaries (municipalities) as advance payment from the national budget.
Cohesion Policy Funds are expected to cover 85 per cent of the budget if the projects are approved during the revision process in 2024.[16]

[16] The programme TOP Plus has an 83 per cent EU co financing rate overall, but these projects will have an 85 per cent EU co-financing rate.

Project overview

Within this programme we are monitoring 251 water management related projects approved until 20 June 2024.

The Territorial and Settlement Development Operational Programme Plus (TOP Plusz) covers the entire territory of the country, so it supports both the development of less developed regions (all counties) and Budapest, which is considered a developed region, though the programme pays special attention to the least developed regions.

Its aim is to improve territorial cohesion at the EU level and within the country, that is, to improve the development of regions and counties in relation to the EU average while also reducing inequality within the country. The programme has a particular focus on the four least developed regions of Hungary (Southern Great Plain, South Transdanubia, Northern Great Plain, Northern Hungary) and the development of 36 areas (boroughs). In the case of Budapest, the goal is to address city-specific challenges.

In the past financial period (2014–2020), the water management projects of this programme relied heavily on grey infrastructure and outdated water management practices which destroyed several wetlands and freshwater habitats. For the new financial period, new safeguards following the 'do not significant harm' (DNSH) principle were introduced.

Hungary signed the EU partnership agreement in December 2022, which made nearly EUR 22 billion of development resources available in the current budget period.

However, Hungary had started to implement the TOP Plus programme before the partnership agreement on the cohesion funds was concluded. Thus, it is unclear whether the new biodiversity safeguards were considered during the selection process of the projects. The managing authorities are currently reviewing the approved projects according to the new safeguards. Projects that do not comply with these safeguards cannot receive EU funds. However, advance payments have already been sent to the beneficiaries and construction work has started. NGO monitoring work is limited to the 251 water management related projects of the programme that were approved before 20 June 2024.

Negative and potentially negative impacts

The TOP Plus programme is the continuation of a 2014–2020 programme. During the first programme a number of harmful projects were approved and implemented. This current programme consists of more than ten thousand small-scale projects that help settlements' social, environmental and economic development.

Based on experience from the previous period, there is a great risk that water management related projects will destroy wetland habitats and green infrastructure in settlements and their surroundings. These projects relied heavily on grey infrastructure and an outdated approach to water management. They considerably altered the water cycle in the area in a way that risks exacerbating already existing problems and the effects of climate change.

Due to administrative and project management reasons detailed above, we can assume that the same problems will occur in this period, that is why monitoring and feedback is necessary.

Possibly threatened species and habitats

The projects will possibly have negative impacts on diverse freshwater aquatic ecosystems and their species, depending on their location.

Application of environment assessments

Strategic Environmental Assessments and the 'do no significant harm' assessments were conducted after the projects were approved, and the projects are now being revised retroactively. Whether they will be applied is the subject of this monitoring process.

Public participation and access to information

The participation of the public and NGOs in the programme's implementation is possible to some extent but it is difficult to introduce substantial changes for two reasons:

- Due to administrative management of the programme implementation meetings and the timeline for commenting on documents are rushed.
- The frameworks and practices of the cohesion fund disbursement process are rigid and cannot be changed at the national level.

The ability to access and search relevant programme information has improved thanks to the new website set up in 2024. However, there is still room for further improvement.

Previous assessments by CEE Bankwach Network:

- Assessments of Hungary's operational programmes, May 2022.
- Monitoring cohesion policy funds in central and eastern Europe, December 2023.

LATVIA

Prevention of erosion along the Laucesa River and reduction of flood risk in Daugavpils

water management, land use, nature conservation

Photo: Pēteris Evarts-Bunders

Project implementer
Municipality of Daugavpils

Responsible public entity
Municipality of Daugavpils

Duration
The project is one of 12 pre-selected flood risk reduction projects, which were approved by the Cabinet of Ministers.[17,18]
Complete project proposals to the Central Finance and Contracting Agency of the Republic of Latvia will be submitted together with full construction plans and complete Environmental Impact Assessment (EIA) procedures (if required) in no longer than two years' time.

[17] Cabinet of Ministers, Par projektu ideju priekšatlasi un to iesniedzējiem Eiropas Savienības kohēzijas politikas programmas 2021.–2027. gadam 2.1.3. specifiskā atbalsta mērķa "Veicināt pielāgošanos klimata pārmaiņām, risku novēršanu un noturību pret katastrofām" 2.1.3.2. pasākuma "Nacionālas nozīmes plūdu un krasta erozijas pasākumi" projektu iesniegumu atlases otrās kārtas ietvaros, *Latvijas Vēstnesis,* 31 January 2024.

[18] Cabinet of Ministers, Eiropas Savienības kohēzijas politikas programmas 2021.–2027. gadam 2.1.3.specifiskā atbalsta mērķa "Veicināt pielāgošanos klimata pārmaiņām, risku novēršanu un noturību pret katastrofām" 2.1.3.2. pasākuma "Nacionālas nozīmes plūdu un krasta erozijas pasākumi" projektu iesniegumu otrās atlases kārtas īstenošanas noteikumi, *likumi.lv,* 27 June 2023.

The whole investment has to be completed by 2029. After repeated announcements, the municipality of Daugavpils has concluded the procurement process and the development of construction plans.[19] It is expected that the authorities will try to have the project submitted and the funds fully approved as quickly as possible.

Funding source

The total budget for this particular project is not known yet, as the project has not yet been submitted for the second stage of the approval process.

A total of EUR 2 million was earmarked for this project out of the EUR 34.8 million available for the 12 pre-selected projects. EU funding can cover up to 85 per cent of total project costs. The funding is allocated from the European Regional Development Fund (ERDF) EU Cohesion Policy programme, measure 2.1.3.2 'Flood and coastal erosion measures of national importance', which is part of objective 2.1.3. 'Promote climate change adaptation, risk prevention and disaster resilience'.

According to the project's indicators, it is expected that this project will help mitigate flood risk for 3,457 people, improve or create new green infrastructure on 5 hectares which will be accessible to 5,800 people, and safeguard 2.54 kilometres of riverside against flooding.

Protected areas affected

The Laucesa River flows through EU protected grassland habitats such as Northern alluvial boreal meadows 6450 and Xeric sand calcareous grasslands 6210*. Parts of its watercourse are also recognised under the habitat type Fast-flowing streams and natural segments of rivers 3260.

Project overview

The project is a flood risk mitigation measure supported by the European Regional Development Fund (ERDF) in Daugavpils, Latvia's second biggest city. The project plans to carry out works along the Laucesa River close to its confluence with Latvia's biggest river, the Daugava. The project includes improvements to drainage systems, the re-digging of the riverbed, erosion prevention actions along the Laucesa riverbank, and the reinforcement of street embankments in adjoining neighbourhoods. The project is sensitive because considerable floodplain habitats are located close to the city (riverine habitats are also found along sections of the river) and the planned re-digging of the riverbed could disturb the hydrological regime of these habitats. However, more information is needed about the specifics of project actions and their locations, since the project is in the early stages of development. The municipality has verbally assured that the ecological conditions needed for the healthy functioning of the habitats will be maintained and that the habitats won't be destroyed.[20]

At this stage little is known about the details of the project, but a short overview[21] states that the project will prevent erosion along the Laucesa River and reduce the risk of flooding in Daugavpils through:

[19] Daugavpils State City Municipality, DVP 2024/18, DVP 2024/96, Laucesas upes krasta erozijas novēršana un plūdu riska mazināšana Daugavpils valstspilsētā" izpētes, modelēšanas un projektēšanas darbi, *daugavpils.lv*, 31 July 2024.

[20] Phone call between Green Liberty and municipality representatives on 2 October 2024.

[21] Cabinet of Ministers, Par projektu ideju priekšatlasi un to iesniedzējiem Eiropas Savienības kohēzijas politikas programmas 2021.–2027. gadam 2.1.3. specifiskā atbalsta mērķa "Veicināt pielāgošanos klimata pārmaiņām, risku novēršanu un noturību pret katastrofām" 2.1.3.2. pasākuma "Nacionālas nozīmes plūdu un krasta erozijas pasākumi" projektu iesniegumu atlases otrās kārtas ietvaros, *Latvijas Vēstnesis,* 31 January 2024.

1) Cleaning the city ditches and drainage systems adjacent to the lower Laucesa River of blockages, bushes, and weeds, thus restoring them to their basic functions;
2) Re-digging the Laucesa riverbed;
3) Erosion prevention actions along the Laucesa riverbank (including the dam) using gabions, grass, etc.;
4) Reinforcement of the Aiviekstes Street embankment in the Grīvas neighbourhood (including the creation of a storm water drainage outfall).

The project is also supposed to ensure the functioning of a pumping station that was planned for in the Flood Risk Management Plans as part of the ERDF funding application.

Potentially negative impacts

The Laucesa River passes through the urban area of Daugavpils, so there are significant flood risks that need mitigation. However, the project foresees also re-digging (deepening) and cleaning of the River Laucesa, which could disturb important natural habitats.

Close to the urban area there are significant floodplains and riverine habitats along the river and in the river itself (Northern boreal alluvial meadows 6450, Fast-flowing streams or natural river segments 3260, and others) that could be endangered depending on the actions the project takes. The hydrological regime of the floodplains may be negatively affected by the anticipated re-digging and deepening of the river. The vegetation and soil of the floodplains could also potentially be affected if the removed material is dispersed on them (see the mapping of the habitats (Image 1) and flood risks below (Image 2)).

Due to the scale of the map, the current version of the Daugava River Basin Management plan has an error showing part of the uninhabited floodplains within city limits as densely inhabited.[22] This error could lead to a misunderstanding of the role of floodplains and their required water regime.

Image 1. Habitat map from the Nature related data management system 'Ozols', managed by Nature Conservation Agency. EU protected habitats marked in green.

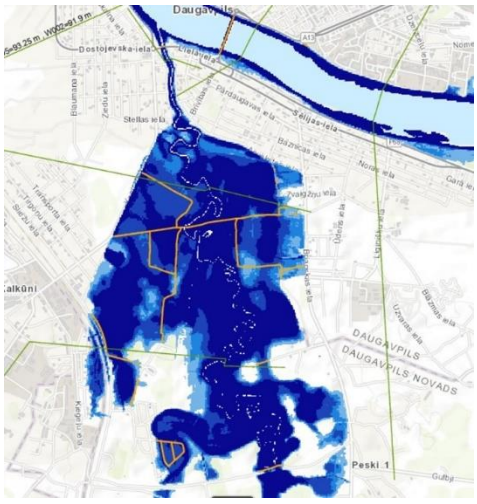


Image 2. Flood risk map from the SLLC Latvian Environment, Geology and Meteorology Centre flood risk maps.

[22] The Ministry of Smart Administration and Regional Development, Daugava river basin management plan, Annex 6.3.2.1.a, image 1, *lvģmc.lv*, 4 April 2024.

Possibly threatened species and habitats

The project might negatively impact the following habitats and species:

- Northern alluvial boreal meadows 6450,
- Fast-flowing streams and natural segments of rivers 3260,
- Xeric sand calcareous grasslands 6210*,
- Corncrake *Crex crex.*

Application of environment assessments

The project currently has not been subjected to any environmental assessment yet. An EIA might be required in a later stage but currently it is not known if this will be the case.

Though the funding rules do not call for individual 'do no significant harm' (DNSH) assessments, DNSH requirements are integrated in the evaluation criteria. One of these criteria (2.10) specifically states that 'as a result of the project, the state of EU protected habitats and species will not be negatively impacted'.[23]

Public participation and access to information

If an EIA will have to be performed, then a process for public participation will be available. If not, it's doubtful that the municipality will perform it voluntarily. The environmental NGO Green Liberty will approach the State Environmental Service with regards to their requirements of the technical rules when more information about the project is available.

Currently very little is known about the project, as the authorities are reluctant to share more information since the project is still in the early stages of development. The authorities have claimed that maintenance of the hydrological regimes and non-disturbance of habitats have been delegated as important tasks for the outsourced researchers and developers of the construction plans. Also, they have agreed to meet with civil society representatives and discuss the planned solutions to ensure that natural values are maintained.[24]

Green Liberty was involved in the monitoring committee when the rules governing this investment and criteria for selection were designed. Some suggestions were taken into account in the final version of the governing rules. However, no environmental NGOs were able to provide input for the selection process of the projects themselves.

[23] Central Finance and Contracting Agency of Latvia, 2.1.3.2. Nacionālas nozīmes plūdu un krasta erozijas pasākumi, 2. kārta, *cfla.gov.lv,* 13 June 2024.

[24] Phone call between Green Liberty and municipality representatives on 2 October 2024.

LATVIA

Estonian-Latvian state run cross-border offshore wind project ELWIND

renewable energy (offshore wind)

Project website
https://elwindoffshore.eu/
https://www.em.gov.lv/lv/elwind-projekts
https://www.liaa.gov.lv/lv/elwind-aktualitates

Project implementer
The Environmental Investment Centre of Estonia and the Investment and Development Agency of Latvia

Responsible public entity
The Environmental Investment Centre of Estonia and the Investment and Development Agency of Latvia

Duration
The project began in 2020 with a memorandum signed by Latvia and Estonia. Preparatory research started in 2021, followed by a decision on the research territory in 2022. In 2023, a request was made to the European Climate, Infrastructure and Environment Executive Agency's Cross-border renewable energy projects to fund research and an Environmental Impact Assessment (EIA), which is currently ongoing (2023-2026). An initial public discussion was held in August 2023. An auction for the wind park's development is expected in 2027, with construction starting in 2028 and operation starting around 2030.

Funding source
The total budget of the whole project is not known. The project would be built by private investor(s). However, the project is considered of high strategic state importance, and state institutions are responsible for most of the preparatory planning works, the EIA, and other procedures needed to ensure a safe and sustainable investment for the developer.

The project has received support from Connecting Europe Facility's Energy Fund, with a grant of EUR 18 755 000 for the pre-development activities, which include a number of studies necessary for the EIA procedure and to receive permits to use specific maritime areas (one in the Estonian and one in the Latvian maritime area).

The project is recognised as nationally important to accelerate the region's green energy transition. It is estimated that the ELWIND wind parks would provide enough electricity to cover a fully electrified transport sector in both countries[25] and to make renewable energy more available and reduce electricity prices.

Protected areas affected

The planned offshore wind farms are to be developed in an area currently reserved for offshore wind research in Latvia's Maritime Spatial Plan,[26] a planning document that defines what kind of permitting is allowed in maritime areas owned by the state of Latvia. It currently does not overlap with a Natura 2000 site, however, the Nature Conservation Agency's LIFE REEF project is researching a large part of the area and significant natural habitats have been discovered, such as valuable reefs that are important for many fish species in the Baltic Sea. Currently there is a goal to enlarge the Natura 2000 area. When Latvia's Maritime Spatial Plan was adopted in 2019, most of this information about biodiversity in the area was not available, leading to a clash of priorities. Up until recently both areas (area important to nature and wind park development area) overlapped considerably. However, recently considerable effort has been invested to reduce the conflict and the wind development area has been adjusted to avoid conflicts with the maritime areas containing high biodiversity.[27]

Project overview

The project foresees the building of two offshore wind parks, one in Estonian and one in Latvian waters, with a total capacity up to 1 GW. A new grid interconnector and transmission lines between the two countries are part of the project. For Latvia the project is crucial to ensuring energy autonomy and a green transition, but the development process has been difficult. Due to insufficient data in the Maritime Spatial Plan, the territory marked for research and development overlapped with EU-protected reef habitats and important areas for birds where a new protected site will also be created. Responsible institutions are currently looking for compromises and solutions. One proposed solution involves approving a separate law for this project, which has been a matter of dispute between ministries, environmental NGOs and other stakeholders.

The project is a crucial part of the Baltic states' goal of ensuring energy autonomy and a transition to green energy and Green Liberty therefore supports the sustainable development of this project. However, the

[25] European Climate, Infrastructure and Environment Executive Agency, CEF Energy: two studies selected for funding under cross-border renewables, *European Commission,* 10 July 2023.

[26] Cabinet of Ministers of Latvia, Par Jūras plānojumu Latvijas Republikas iekšējiem jūras ūdeņiem, teritoriālajai jūrai un ekskluzīvās ekonomiskās zonas ūdeņiem līdz 2030. gadam, *likumi.lv,* 21 May 2019.

[27] Ministry of Economics, Legislative act proposal "Par atkrastes vēja parku Latvijas jūras ūdeņos un Latvijas – Igaunijas ceturto starpsavienojumu", *tapportals.mk.gov.*lv, 12 June 2024.

development process so far has not been smooth. As described above, the first important step was the approval of the Maritime Spatial Plan (henceforth, the Plan), that took place from 2015 to 2019.[28]

Unfortunately, the Plan greatly underestimated the pace of advancement in offshore wind energy technology. As a result, it underestimated the area needed, the height of the wind turbines and the potential power outputs. Previously it was estimated that by 2028 only 143 MW of electricity could be generated from the offshore wind farms and that this would require an area of at least 61.4 square kilometres (km^2), instead of the 1 GW now expected from the wind farms and 200 km^2 planned for just the Latvian one.

The Plan foresaw research and potential deployment areas for offshore wind farms, including the area chosen for this particular project (E4).[29] The Plan also foresaw areas of potentially increased biological diversity that need to be further researched in and around the E4 area, recognising that the available information on the most valuable EU-protected maritime habitats near the shores of Latvia is fragmented and scarce.

In 2020 the Nature Conservation Agency received EU funding from the LIFE REEF project[30] that aimed to further investigate the areas which might contain important maritime habitats and introduce protection measures if needed by expanding the maritime Natura 2000 network accordingly.

In the recent years it was established that the LIFE REEF research area (partly overlapping with the territory of ELWIND's research and development (zone E4 in the Plan)) contains at least 78.75 km^2 of the habitat 1170 'Coastal reefs' that are covered with mussels highly important for a vast range of species, especially fish. There are also significant areas highly important for aquatic birds, especially the Little gull.[31] The research work will be ongoing at least until the end of 2025 and in early spring 2025 the LIFE REEF project will submit to the Ministry of Environment a research result map with the best locations for new Natura 2000 sites and specific locations where the strongest level of protection could be applied, however according to the LIFE REEF project, the end result would not deviate much from the information already available (see Image 1 below), which has been shared with the Ministry of Economics and the Investment and Development Agency of Latvia, the institution responsible for the development of ELWIND.[32]

Needless to say, the recently confirmed natural habitats have constrained the development of ELWIND, as the available space for the wind park within the pre-allocated E4 zone was significantly reduced, if the habitats are to be maintained. To make matters even more complex, currently the Investment and Development Agency of Latvia is not legally allowed to commission all of the research needed for an EIA,

[28] The Ministry of Smart Administration and Regional Development, *Jūras plānojums*, *varam.gov.lv*, 19 March 2020.

[29] The Ministry of Smart Administration and Regional Development, Annex to Maritime Spatial plan: map of permited use in maritime area, *The Ministry of Smart Administration and Regional Development*, 21 May 2019.

[30] LIFE REEF project, The Project "Research of marine protected habitats in EEZ and determination of the necessary conservation status in Latvia", *LIFE REEF project,* accessed 23 September 2024.

[31] The Ministry of Smart Administration and Regional Development, Objections to provision "Par atkrastes vēja parku Latvijas jūras ūdeņos un Latvijas – Igaunijas ceturto starpsavienojumu", *tapportals.mk.gov.lv,* 10 April 2024.

[32] The Ministry of Smart Administration and Regional Development, Environmental Consultancy Board meeting 12 June 2024 protocol, *varam.gov.lv,* 21 September 2024.

because they have not yet obtained a licence for physical research in the Baltic Sea, which is needed according to law but is only available for private bodies (not public ones).

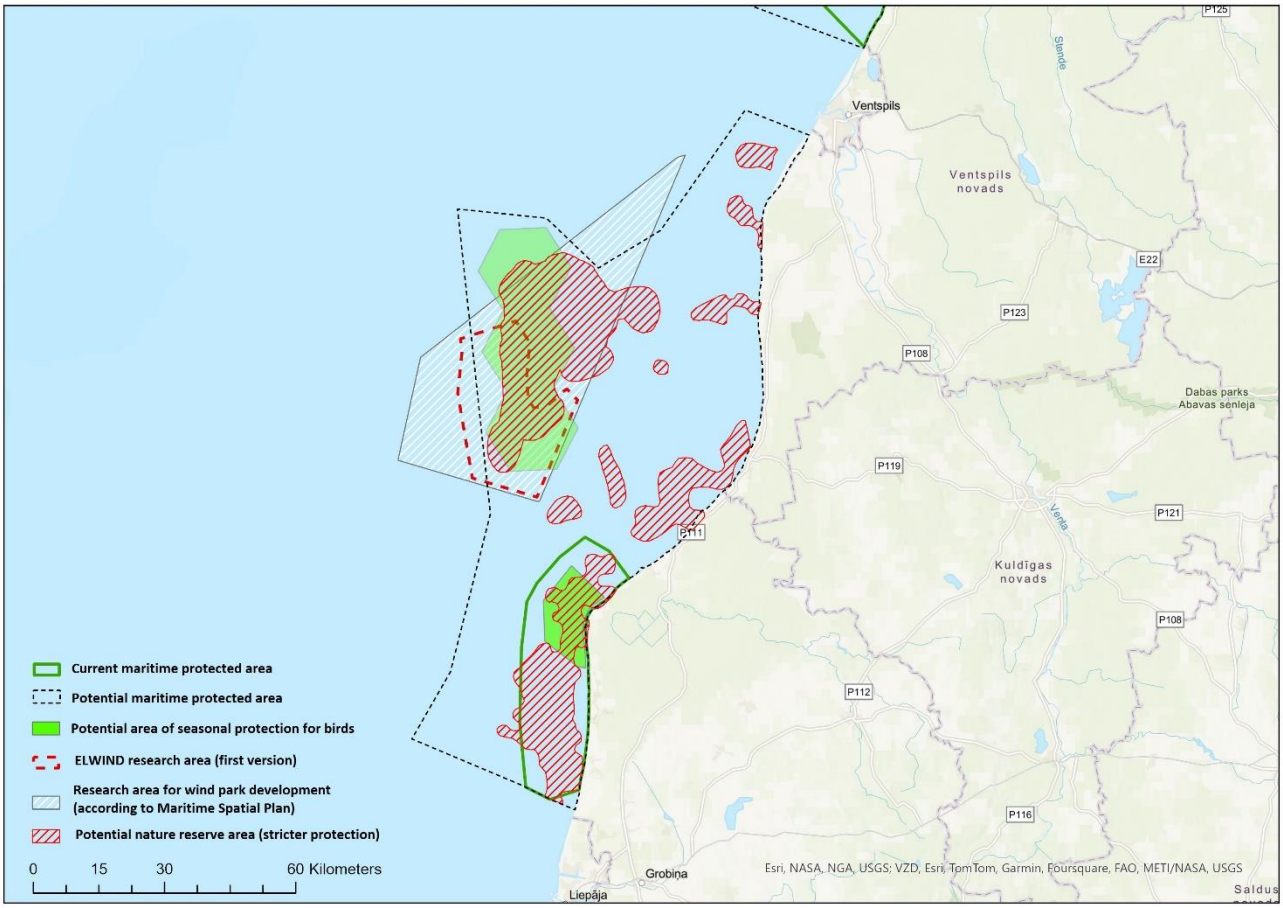


Image 1. Potential protected areas. Source: LIFE REEF

To solve most of the issues and secure the project, the Ministry of Economics proposed a new law,[33] which, in it's first two versions submitted for consultation, exempted the Investment and Development Agency from the need to obtain a licence, defined the E4 zone as the main research area for this project, and declared the project as one of national importance, even before the EIA and appropriate assessment under the Habitats Directive would have been finished. It was promised in the preamble that if the results of the EIA were negative, they would be respected. However, the proposed law's preamble also gave an unclear reference to the 'overriding public interests' clause, vaguely hinting that it might yet be possible to override any findings about significant impacts to the integrity of EU protected habitats and species present at the site. In addition, the first versions of the legislative proposal also declared that the EIA must be executed at an accelerated speed, which would have given less time to relevant institutions to comment on the extensive documents. As a result, the first two versions of the legislative act proposal were highly opposed by environmental NGOs and civil society organisations, as well as multiple ministries, including the Ministry

[33] Ministry of Economics, Legislative act proposal "Par atkrastes vēja parku Latvijas jūras ūdeņos un Latvijas – Igaunijas ceturto starpsavienojumu", *tapportals.mk.gov.*lv, 12 June 2024.

of Environmental Protection and Regional Development (now the Ministry of Smart Administration and Regional Development) and the Ministry of Climate and Energy. Their main arguments pointed out that:

1. The status of national importance can only be considered once the EIA has concluded, as per the current national legislation, therefore the law should not be approved now,
2. The permit for research should be acquired through changes in the multiple existing laws (instead of creating a new law specifically for this project),
3. That although recent changes in the EU's renewable energy legislation (Directive (EU) 2023/2413 and Council Regulation (EU) 2024/223) allow for a *presumption* that renewable energy projects are of overriding public interest, the public must still have an opportunity to rebut this presumption, and the existence of alternatives still needs to be analysed, as also required by the EU Habitats Directive, and other arguments against the law.

The Investment and Development Agency of Latvia tried multiple times to adjust the ELWIND research area within the pre-allocated E4 research zone to avoid areas of high natural value. The first attempt to find compromise posed apparent high risks to biodiversity (see Image 2) due to partial overlap with important areas for birds, as well as unresolved questions about the possible negative impact of installing energy cables, which might have to cross the most valuable area to interconnect the wind turbines and thus potentially damage the reefs. However, the recently published third version of the proposed wind development research area has significantly reduced the risks. The dangers of overlap as well as the possible negative effect by the wind turbines and the energy transmission cables on the reef habitat, and the areas important for birds have apparently been reduced significantly (see Image 3).

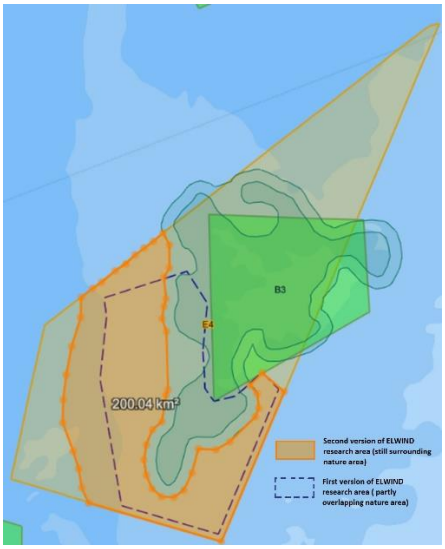


Image 2. Indicative area for ELWIND research development - second version. Source: Ministry of Economics[34]

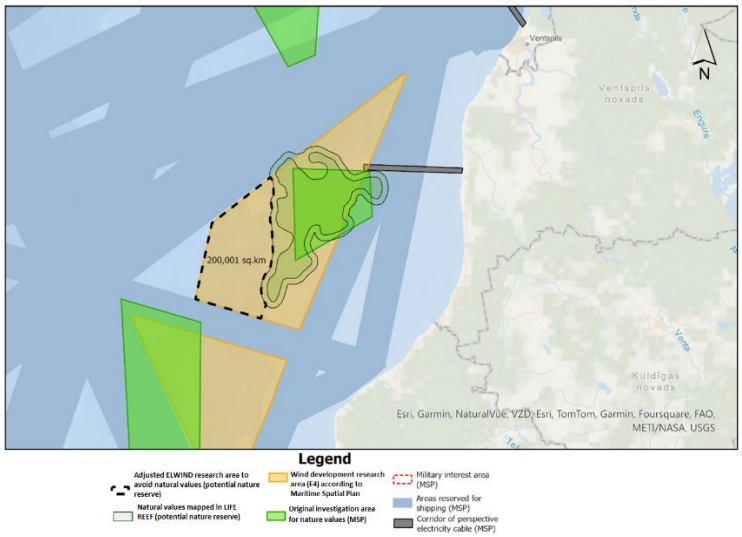


Image 3. Indicative area of ELWIND research development, adjusted to avoid nature values (third version).

[34] Ministry of Economics, Legislative act proposal "Par atkrastes vēja parku Latvijas jūras ūdeņos un Latvijas – Igaunijas ceturto starpsavienojumu" annex to the act. *tapportals.mk.gov.*lv, 12 June 2024.

The third version of the legislative proposal also foresaw other positive changes. Firstly, it's clearly formulated that the status of national importance will enter into force only after the construction permits have been approved (and by extension – the EIA process completed). Secondly, the clauses that previously reduced consultation time by relevant institutions have been removed.

The Investment and Development Agency argues that if a separate law is not adopted at all, a whole series of other laws and rules would need to be changed, since the current Latvian legislation does not allow for a public body to develop wind park projects in the Baltic Sea. There are also multiple other issues connected to permitting land leases, the reservation of capacity in the grid system and other problems. These concerns and issues provide some argumentation as to why a separate law for this project makes sense. On the other hand, it can be assumed that this will not be the only energy infrastructure project developed in part by a public institution. Therefore, it could make sense to make systematic changes to regulations to prevent similar issues from occurring in the future rather than creating separate laws for individual projects.

The proposed law would undoubtedly simplify the process for the Investment and Development Agency, which is responsible for the use of funding from the European Climate, Infrastructure and Environment Executive Agency's Cross-border renewable energy projects and which is pressed by a deadline. However, there have been legal arguments by the former Ministry of Environmental Protection and Regional Development that the proposed law would endanger the investment, since exemptions from legislation and fast-tracking do not send signals of 'fair play' to possible investors.

Potentially negative impacts

Although there have been significant improvements with regards to placement of the wind park research and development area in relation to maritime natural values, and improvements in the legislative proposal, the project is still in the very early stages and therefore needs to be carefully monitored. Given the relatively close proximity, the construction of the wind turbines and the installation of the connecting cables could still have a potentially negative effect on reef habitats and bird species. How these will be avoided will depend on EIA results and chosen solutions.

If the law is adopted and the status of national importance is approved, there is a risk that the clause of overriding public interest might be pursued at the expense of natural values. The results and quality of the EIA need to be taken into account and be sufficiently conclusive.

Among other arguments, the former Ministry of Environmental Protection and Regional Development as well as the Nature Conservation Agency also stresses that the precautionary principle is not being followed, since it's still too early to define E4 as the only development territory for the project (as the legislative proposal foresees), and, in the case of negative EIA conclusions, other areas must still be considered. There is also uncertainty about the windparks' connection to the mainland, as the indicated corridor for the energy cable connects to a Natura 2000 area on the shore (Nature reserve Užava).[35]

[35] The Ministry of Smart Administration and Regional Development, Objections to provision "Par atkrastes vēja parku Latvijas jūras ūdeņos un Latvijas – Igaunijas ceturto starpsavienojumu", *tapportals.mk.gov.lv,* 4 October 2024.

Possibly threatened species and habitats

This project might threaten the following species and habitats:

- Habitat 1170 'Coastal reefs' covered with mussels
- Various fish species (dependent on reef habitats)
- Little gull *Hydrocoloeus minutus* and other bird species
- Terrestrial habitats in Natura 2000 site 'Užavas dabas liegums'

Application of environment assessments

A thorough programme for the EIA has been issued by the Environment State Bureau, including an appropriate assessment.[36] It was amended on August, 2024 to reflect the changes in the planned area of research and development.[37]

The EIA process has begun, but the Investment and Development Agency cannot fully engage until permits are acquired and legislative barriers are removed.

Public participation and access to information

Two public events and a preliminary public consultation have taken place as part of the EIA procedure.[38] The project faces opposition from the inhabitants of Jūrkalne due to possible negative impacts on local tourism, which is highly dependent on the Jūrkalne seashore, a famously picturesque area with high bluffs that are part of the Suiti Cultural Space, which was included in the UNESCO World Heritage List in 2009.

However, opinion polls commissioned by the Investment and Development Agency of Latvia show that 71 per cent of Latvia's inhabitants support offshore wind park development and 65 per cent support the development of offshore wind parks in the sea near Kurzeme.[39]

The newly proposed law also had a public consultation and was undergoing a third round of debates within ministries (deadline 4 October, 2024). Most likely, the ministries are still debating on the final version of the law.

[36] Environment State Bureau of the Republic of Latvia, Programma Nr. 5-03/6/2023 ietekmes uz vidi novērtējumam atkrastes vēja parka "ELWIND" un tā saistītās infrastruktūras būvniecība, *liia.gov.lv*, 8 September 2023.

[37] Environment State Bureau of the Republic of Latvia, Atkrastes vēja parka "ELWIND" un tā saistītas infrastruktūras būvniecība Latvijas Republikas jurisdikcijā esošajos Baltijas jūras teritoriālajos ūdeņos Kurzemes piekrastē (Latvijas Investīciju attīstības aģentūra), *liia.gov.lv*, Accessed 11 October, 2024.

[38] Investment and Development Agency of Latvia, Elwind news, *liaa.gov.lv*, 21 June 2024.

[39] Investment and Development Agency of Latvia, Aptauja: Par piemērotāko vietu vēja parku izveidei 77% Latvijas iedzīvotāju uzskata jūru, *business.gov.lv*, 12 February 2024.

POLAND

Increasing the retention and restoration of water resources in post-mining areas in the eastern Wielkopolska region

mining, water management, tourism

Photo: CEE Bankwatch Network

Project website

Project implementer

The project is being implemented by the mining company ZE PAK and the state hydrological authority Polish Waters (PL Wody Polskie).

Responsible public entity

- The Ministry of Infrastructure, Polish Waters
- Ostoja Nadgoplańska PLB040004.

Duration

After the project was suspended due to the NGOs' activity in the EU funds monitoring committee, the project in its current form was not approved for reimbursement by the European Commission as a strategic project within the Just Transition Fund. The project raises too many possible procedural violations as well as inconsistencies with Polish and EU law in terms of nature protection and biodiversity conservation. Polish Waters and ZE PAK have not yet proposed a new version of the project. They have very little time to do so. Unofficially, there is an idea by Polish Waters to abandon many of the plans that were flagged as problematic by NGOs.

Official information is still pending. Unofficial information indicates that Polish Waters will abandon many of the plans that were flagged. The management of RZGW in Poznań (regional branch of Polish Waters, the main initiator of the project) has also changed. It is not yet known whether the new director is as keen a supporter of the project as the previous one.

Funding source

PLN 120 million (EUR 27 million) co-funded by the Just Transition Fund within the European Funds for Wielkopolska 2021-2027 programme (FEW 2021+, Cohesion Policy).[40]

Protected areas affected

The project calls for construction works in a number of protected areas, including Natura 2000 sites (special bird protection areas and special habitat protection areas), landscape parks and protected landscape areas. Due to water abstraction from the Warta River, the project will also impact areas downstream of the activities and water intake locations.

The documentation lacks an assessment of the impact of the project on any Natura 2000 sites, even though the water intake for the project (0.6 m^3/s) is from the Natura 2000 site Jeziorsko Reservoir. Another Natura 2000 site, the Middle Warta Valley, is in close proximity to the works and therefore risks being negatively impacted by the project. The valley includes the Warta Landscape Park, which has faced water scarcity due to the construction of the Jeziorsko Reservoir in the 1980s. This information is even included on official information boards in the Park. The implementation of the hydrological project would result in another reservoir retaining water, which would worsen the situation in the park.

The Natura 2000 sites associated with the Warta River that could be affected by the project are: Jeziorsko Reservoir PLB100002,

- Middle Warta Valley PLB300002,
- Ostoja Nadwarciańska PLH300009,
- Żerkowsko-Czeszewskie forests PLH300053,
- Rogalinska Valley of the Warta River PLH300012.

Other Natura 2000 sites that could be affected are:

- Gnieźnieńskie Lakeland PLH300026,
- Lake Gopło PLH040007,

[40] EUR 120 million is the overall cost. Part of this amount (it is not known exactly what) was to be subsidised by the Just Transition Fund under the European Funds for Wielkopolska 2021–2027 programme (FEW 2021+, Cohesion Policy).

Project overview

The project aims to flood former open pit lignite mines for recreational purposes, yet the environmental impacts have not been properly assessed. Many measures in the project are unclear or even outright threatening to nature and biodiversity. Though the general idea of flooding the open pit mines is a good one, the project needs fundamental changes.

The project 'Increasing retention and reconstruction of water resources in post-mining areas in eastern Wielkopolska' includes 25 individual measures, mainly technical. The implementers have stated that the project will contribute to a comprehensive 'renaturalisation' and reduce the harmful effects of water shortages in areas affected by lignite mining in eastern Wielkopolska, in particular, the Gniezno Lake District (opencast lignite mine Konin) and around the town of Turek (opencast lignite mine Adamów).

The projects' measures include the following activities:

- the use of water from the Warta River for flooding reclaimed lignite open pit mines (375 to over 400 million m3 from the river over a few years) using three existing intake points (two at the Jeziorsko Reservoir as well as the Morzyslaw Lock) and the construction of one new intake point (at Warcica, from the Warta River below Kolo);
- the construction of dozens of dams on rivers in the region, some to dam up lakes (almost all in the Natura 2000 area Pojezierze Gnieźnieńskie and in the headwaters section of the Noteć River) and others to ensure 'channel retention' in the watercourses. Some of the dams will certainly constitute new migration barriers;
- regulating rivers and carrying out maintenance work (straightening, widening channels, dredging, felling trees and bushes);
- preparing lakes for impoundment (felling trees and other vegetation);
- the construction of pipelines to feed the outcrops (Jóźwin) and several water diversions (canals).

Negative and potentially negative impacts

The project threatens Natura 2000 sites, other protected areas like the Warta Landscape Park, and is contrary to the Water Framework Directive, Habitat Directive, Birds Directive and recently adopted Nature Restoration Law. Furthermore, it requires a Strategic Environmental Assessment, as the single assessments carried out for its individual elements are far from sufficient. It also threatens the habitats of protected bird and fish species. The project's activities may cause the worryingly low water level in the Warta River to drop even further, which could exacerbate drought in many areas and even cause water shortages in cities. A detailed report has been written about the project, which will soon be published in Polish and in English.[41]

NGOs' reservations and concerns are:

[41] Ryszard Babiasz, Analiza zapisów programu "Zwiększenie retencji i odbudowa zasobów wodnych terenów pogórniczych na obszarze Wielkopolski Wschodniej" w kontekście zapisów dotyczących oddziaływań na środowisko, *just-transition.info*, June 2024.

1. There has been a lack of analysis about the environmental impacts of the project. In particular, there is a lack of analysis about how protected areas will be affected. Of particular concern is the water balance associated with the planned water transfers from the Warta River. There is also a lack of complete and coherent information about the schedule of planned intakes and other changes to the hydrological regime and balance of the Jeziorsko Reservoir and the river, particularly in the context of the needs of other water users. This lack of analysis extends to the fact that there has been no analysis of the cumulative environmental impacts of the 25 measures included in the project.

2. There are potential breaches of nature conservation, environmental protection and water protection laws and procedures:

    - The project might adversely affect Natura 2000 sites in a significant way and harm other forms of nature conservation in the Warta River valley and the area near the Jeziorsko Reservoir, whose water regime may be significantly altered as a result of the project, which may constitute a breach of the Habitats Directive, the Birds Directive and the Water Framework Directive;

    - The project may result in the environmental objectives for water bodies affected by the technical measures not being met;

    - There is also no satisfactory assessment of the project's compliance with the 'do no significant harm' (DNSH) principle, which makes assessment in this regard difficult.

Polish NGOs suggested recommendations[42] to change the project.

Possibly threatened species and habitats

The project area is an important habitat for many protected Natura 2000 species (especially birds) and connected habitats. Due to the diversity of freshwater habitats, many areas are important breeding and resting grounds.

For example, during the breeding season, the Middle Warta Valley (PLB300002) hosts more than 10 per cent of the national population of the Caspian Tern, more than 2 per cent of the national populations of the Little Tern and White-winged Tern, and at least 1 per cent of the national population of the Ruff, Bittern, Bluethroat, Great Curlew, Ringed Plover, Hen Harrier and Blind-winged Warbler. The very rare pintail probably also nests there.

The Ostoja Nadwarciańska (PLH300009) area hosts at least 25 habitat types of EU importance. These are exceptionally diverse (ranging from swamp and peatland to dry dune grassland) and some, such as the priority inland halophilous meadows, are in a very good state of conservation. These meadows, with their rich populations of vanishing saltmarsh species (like the *Triglochin maritimum*) and the critically endangered marsh orchid Orchis palustris, are unique even on a European scale.

[42] Ryszard Babiasz, Analiza zapisów programu "Zwiększenie retencji i odbudowa zasobów wodnych terenów pogórniczych na obszarze Wielkopolski Wschodniej" w kontekście zapisów dotyczących oddziaływań na środowisko.

The Żerkowsko-Czeszewskie forests (PLH300053) provide living conditions for rare species such as Stenocorus meridianus, Saperda punctata, and Anoplodera sexguttata, as well as the protected species Dorcus parallelipipedus.

The Rogalinska Valley of the Warta River (PLH300012) contains numerous well preserved and highly diverse oxbow lakes, meadows, riparian forests (which make up more than 40 per cent of the total area) and other vegetation types associated with the Warta River.

Lake Gopło (PLH040007) and Ostoja Nadgoplańska (PLB040004) are important for the White-tailed Eagle (Haliaeetus albicilla) and the Black Tern (*Chlidonias niger*). Lake Gopło is also home to rare fish species such as Umbra krameri (*European Mudminnow*) and Cobitis taenia (*Spined Loach*), which are protected under the EU Habitats Directive.

Application of environment assessments

The project in its current version does not include a strategic environmental assessment or an assessment of the impact on individual protected areas, such as Natura 2000 areas in which the projects would be implemented as well as those which would be affected by their implementation (the Warta Valley). The project also fails to include an environmental impact assessment for protected areas (areas designated for the protection of habitats or species, Annex IV, point 1 V of the Water Framework Directive).

According to Polish Waters, each measure will be individually assessed and only at the end will there be a cumulation of activities to be assessed. This does not meet the criteria of a strategic environmental impact assessment procedure.

Currently, many individual measures lack project information sheets or environmental impact reports, and there are no analyses of the cumulative impacts of all the planned tasks, or even of the tasks that are directly related to each other. The environmental recognition of the tasks included in the project is therefore very low and individual projects do not relate to other tasks in the project. This does not allow for an assessment of the entire project's effect on the environment or the ability to make conclusions about the lack of negative impacts either on Natura 2000 areas or on environmental objectives within the Water Framework Directive. In addition, the project's measures that have gone through the Environmental Impact Assessment (EIA) procedure have serious inaccuracies in their EIA reports, undermining the quality of the documents.

Admittedly, the available documents about the project refer to the DNSH principle, as its developers were hoping for refinancing from the Just Transition Fund, so the documents were meant to show compliance with the DNSH principle.

An analysis of the available sources on the project's provisions leads to the following conclusions:

- There is a lack of information on the details of the project and therefore its effectiveness in accomplishing its stated objectives;
- There is poor environmental identification;
- There is a lack of a Strategic Environmental Assessment;

- In many cases the selection of technical solutions would result in an increase in hydromorphological pressure rather than its mitigation;
- There is a potential for significant negative impacts on Natura 2000 sites, including those associated with the Warta River below the planned water intakes of the project;
- The project would conflict with environmental objectives under the Water Framework Directive and with conservation measures for the water bodies;
- There would be water abstraction from the Warta River, including during periods of low and medium flows, which could result in severe water deficits;
- There would be cumulative impacts with other planned and/or ongoing projects.

Given these concerns, one cannot conclude that the project meets the DNSH principle, especially in terms of meeting the following objectives:

- Sustainable use and protection of water and marine resources;
- Protection and restoration of biodiversity and ecosystems.

Public participation and access to information

The project was officially launched in April 2022, but to date no document has been made available in the public domain as the official final version. Bogumił Nowak, the director of the regional branch of Polish Waters (RZGW Poznań), mentioned at a parliamentary session on 13 May 2022 that such a document exists. This is how NGOs found out that the project has been in the works since 2020 and has evolved from a two-page fiche, which was supposed to be a submission to the National Reconstruction Programme, to a 'document' of 130 pages, including dozens of maps. The 130-page study referred to in parliament has not been made public. NGOs from the FEW (European Funds for Greater Poland) Monitoring Committee sent a request to RZGW in Poznań in August 2023 asking for the project documentation. In response, the office sent a fiche of a few pages. A renewed request in December 2023 succeeded in acquiring a fuller version of the document. According to Nowak, the study was produced in December 2022 (there is no date in the study). It is uncertain whether this is the final version. The project was eventually put on hold by the NGOs as part of the work of the Monitoring Committee. Subsequently, the European Commission did not approve it in its current form for reimbursement from the Just Transition Fund.

SLOVENIA

Maintenance works in the Drava River riverbed

water management, transport

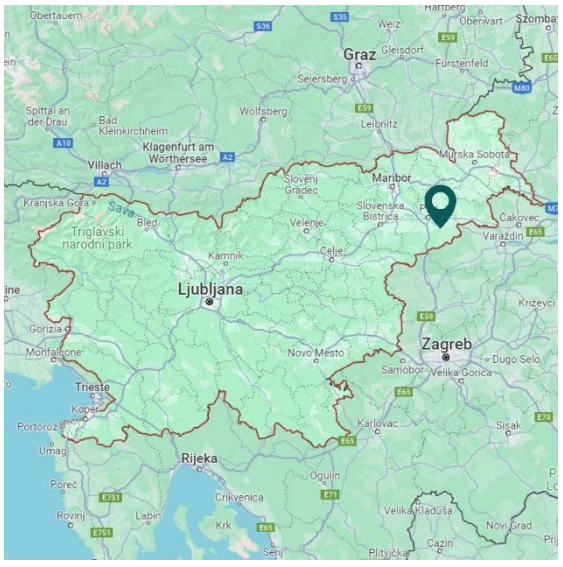
Photo: Damijan Denac

Location
The project's activities are being implemented on sites in the Pannonian region along the Drava River between the village of Nova vas pri Markovcih and the Croatian border.

Project implementer
Concessionaire for the Drava River

Responsible public entity
Slovenian Water Agency

Duration
The work began in October 2023 and main activities were finished by March 2024.
The project is finalised but a series of interventions are ongoing (see EIA chapter).



Funding source
Due to transparency issues the funding is not entirely clear, but it is most likely that a significant part of the activities were funded through Slovenia's recovery and resilience plan, which was part of the EU's REPowerEU Plan. In chapter C1K3 of the confirmed plan[43] there are projects addressing flood safety, especially nature-based solutions, but in practice we do not see any effective nature-based solutions or measures.
Additionally, Slovenia received EUR 428 million from the European Union Solidarity Fund (EUSF) between December 2023 and August 2024 and it is possible that part of these funds were used in the Drava project as well.
No financial returns are expected.

Protected areas affected

Activities are happening at the Drava sites SI5000011 (with 54 protected species) and SI3000220 (with 22 protected species and 8 habitats), which are Natura 2000 protected areas.

Project overview

This EU-funded biodiversity project on the Drava River in Slovenia comes after a series of projects of well-coordinated efforts to integrate flood protection with nature conservation in the region. Previous river maintenance practices had successfully benefitted local biodiversity, particularly bird populations in the Natura 2000 Drava area. However, despite recent flood events underscoring the importance of sustainable solutions that safeguard both nature and communities, outdated measures, such as large-scale gravel removal from the riverbed, are being reintroduced. This project highlights the need to address these challenges and promote more environmentally friendly flood management approaches.

Negative and potentially negative impacts

Recent water maintenance activities on the Drava River, involving the removal of approximately 15,000 m^3 of gravel from the riverbed, have disrupted critical natural processes essential for the formation of new gravel bars, which serve as habitats for species like the Little-ringed Plover and the Common Sandpiper. This raises concerns about the continuation of harmful gravel extraction practices and the ongoing disregard for Natura 2000 protections, further threatening biodiversity and the entire river ecosystem. Such actions are in stark contrast to the EU's river restoration goals, which aim to restore 25,000 km of rivers by 2030, as outlined in the EU Biodiversity Strategy.

Despite a previous ban on gravel extraction in the area, this damaging practice has resumed, marking a setback in water management policy. Additionally, numerous projects within the Natura 2000 Drava site were historically undertaken without Environmental Impact Assessments (EIA), resulting in significant habitat degradation and declining species populations. A recent study conducted by the NGO BirdLife Slovenia (DOPPS) assessed the cumulative impacts on the Drava Natura 2000 site[44] for the first time, revealing alarming results. Since Slovenia's accession to the EU in 2004, 3.6 per cent (approximately 120

[43] Urad Republike Slovenije za odpornost, Povzetek načrta za okrevanje in odpornost, *Urad Republike Slovenije za odpornost*, April 2024.

[44] L. Božič, P. Höfferle, Študija vpliva na ptice zaradi izgradnje povezovalne ceste med MMP Zavrč in hitro cesto Hajdina–Ormož, *DOPPS – BirdLife Slovenija, Ljubljana*, August 2022.

hectares) of alluvial floodplain forests – an important Natura 2000 habitat – have been lost, with further degradation ongoing.

The state's failure to uphold nature conservation laws and its avoidance of EIAs in Natura 2000 sites, especially regarding cumulative impacts, have placed the Drava River ecosystem at serious risk. The issue has been exacerbated by the summer 2023 floods, after which the state introduced the 'Act on Intervention Measures', which allows water maintenance works to proceed without an EIA. This has led to unnecessary and costly interventions with detrimental effects on nature, particularly in Natura 2000 areas.

The concerning pattern extends beyond the Drava River, as similar practices are being observed on other rivers. Media reports increasingly highlight that many water maintenance works conducted after the 2023 floods were carried out unprofessionally, with large amounts of funding, including EU funds, spent without improving flood safety or advancing nature restoration efforts.[45]

Possibly threatened species and habitats

Species:

- Common Sandpiper *Actitis hypoleucos*
- Little Ringed Plover *Charadrius dubius*
- Sand Martin *Riparia riparia*
- Kingfisher *Alcedo atthis*

Habitat types:

- 3260 Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation
- 3270 Rivers with muddy banks with Chenopodion rubri p.p. and Bidention p.p. vegetation
- 91E0* Alluvial forests with Alnus glutinosa and Fraxinus excelsior (AlnoPadion, Alnion incanae, Salicion albae)
- 91F0 Riparian mixed forests of Quercus robur, Ulmus laevis and Ulmus minor, Fraxinus excelsior or Fraxinus angustifolia, along the great rivers (Ulmenion minoris)

Application of environment assessments

Despite the site being part of the Natura 2000 network under the Birds and Habitats Directives, no assessment was carried out. In line with the national Act on Intervention Measures for Eliminating the Consequences of the August 2023 Floods and Landslides (ZIUOPZP), the works proceeded without any evaluation. The Slovenian Water Agency notified the Institute of the Republic of Slovenia for Nature Conservation about the project, which then issued a negative opinion. Nonetheless, the works went ahead.

[45] Delo, Prihaja prava sanacija vodotokov, tudi sonaravna, *Delo*, 20 June 2024.

However, after the Institute's objection and DOPPS's involvement, the Water Agency revised the project and reduced the quantity of gravel excavated (first planned at approximately 40,000 m^3, total excavated was approximately 15,000 m^3), ensuring that the do no significant harm (DNSH) principle was at least partially upheld.

There remains, however, significant concern that the DNSH principle will not be respected in the future. In May 2024, the government approved the Programme for Remedying the Consequences of Direct Damage to Property Due to Severe Storms with Multi-Day Heavy Rain, Floods, and Landslides on August 4, 2023. Annex 7 of this programme, titled Programme for the Restoration of Water Infrastructure After the August 4, 2023 Floods to a Functional State Resilient to Climate Change, outlines strategic investments of EUR 1.3 billion over the next five years in Slovenian watercourses, many of which are Natura 2000 sites.[46] This programme, however, was adopted without an EIA. Moreover, guidelines of the Institute of the Republic of Slovenia for Nature Conservation were not considered. If the Act on Intervention Measures itself was not subject to an EIA, we argue that at the very least, the programme should have been, but it was not.

Another significant concern is that the state has already violated EIA regulations on the site. For instance, a building permit for the national road (Gorišnica-Ormož section) was issued in the middle of the Natura 2000 Drava site without conducting an EIA. Slovenia joined the EU in 2004, yet this permit was issued in 2008.

Public participation and access to information

There was no public consultation held for the described project, nor for the Intervention Act or the Programme.

DOPPS managed to organise meetings where some measures to mitigate the negative impacts on nature were considered.

No information was made publicly available. We only learned about the planned activities through colleagues from public institutions.

Between October 2023 and March 2024, we engaged intensively with the Slovenian Water Agency, sending letters, requesting meetings and attending discussions. These efforts were partially successful. The agency agreed to reduce the amount of gravel removed from the riverbed, but the overall concept remains unchanged. The agency continues to commission expensive studies supporting the necessity of gravel extraction. We are continuing negotiations and lobbying to ensure the works are carried out in a way that adheres as closely as possible to the DNSH principle.

[46] Portal GOV.si, Vlada sprejela programa za sanacijo škode po poplavah do 2028, vzporedno v pripravi razvojni program, *Portal GOV.si,* 24 May 2024.

SLOVENIA

Public tender for intervention investments in forest infrastructure development (IRP06) for the year 2024

forest management

Photo: Tilen Basle

Project website

Location
The forest interventions targeted under this investment are located in forest habitats all across Slovenia.

Project implementer
Ministry of Agriculture, Forestry and Food

Responsible public entity
Ministry of Agriculture, Forestry and Food

Duration
The tender period for the interventions runs from 20 May 2024 until 23 September 2025.

Funding source
The investment in total is EUR 1 million with EUR 339 000 coming from the European agricultural fund for rural development and EUR 661 000 from the Slovenian state. So far there is no information shared on the expected financial or economic returns this investment is supposed to bring. Nevertheless, it is branded as essential for economic activities.

Protected areas affected

Based on the limited information available, the following protected areas under the Birds and Habitats Directive (Naturra 2000 sites) will be impacted. This list is not exhaustive: SI5000001 Jelovica, SI5000002 Snežnik – Pivka, SI5000006 Pohorje, SI5000019 Julijci, SI5000024 Grintovci, SI5000025 Trnovski gozd.

Project overview

The public tender for the Investment Interventions in Forest Infrastructure (IRP06) for the year 2024 supports investments in the construction and reconstruction of forest roads and skid trails, erosion control maintenance, and the preparation of forest skid trails. Through this tender, the state aims to helpt forest owners manage forests more easily and efficiently. However, it also poses a threat to protected and endangered animal species whose favourable conservation status depends on the preservation of forests.

Negative and potentially negative impacts

The impact of encroachment on undisturbed forest areas is reflected in the conservation status of species: there is a trend of short-term population decline of the Three-toed Woodpecker, White-backed Woodpecker, Black Stork and Capercaillie. In addition to officially protected areas, the favourable conservation status of species in Natura 2000 sites is also supported by remote forests without forest roads. To ensure the favorable conservation status of certain species in the future, it will be necessary to adequately compensate for the loss of forest habitats altered due to the construction and preparation of new skid trails, which has worsened the conservation status of these species. Similar projects were funded under the 2014-2020 Rural Development Programme.[47] A report analysing the impact of skid trail construction and preparation on the favourable conservation status of species in Natura 2000 areas during the 2005-2021 period was published in 2023.[48]

Though the stated intention of the project doesn't mention this explicitly, new roads and the enlargement of road networks in forests open up new areas for timber extraction and deforestation, which can be understood as an ultimate objective of the project.

Possibly threatened species and habitats

Three-toed Woodpecker, White-backed Woodpecker, Black Stork and Capercaillie, Red-breasted Flycatcher

Application of environment assessments

Environmental Impact Assessments (EIA) have been conducted only at the level of forest management plans, which specify only priority areas for construction of skid trails and forest roads. At this precise stage, the NGO BirdLife Slovenia (DOPPS) has raised awareness about this issue, but it has not been addressed in

[47] Portal GOV.si, Javni razpis za operacijo ureditev gozdne infrastrukture iz Programa razvoja podeželja 2014-2020 za leto 2021, *Portal GOV.si*, 29 October 2021.

[48] T. Mihelič, P. Höfferle, Analiza vpliva gradnje in priprave gozdnih vlak na ugodno ohranitveno stanje vrst na območjih Natura 2000 v obdobju 2005-2021, *DOPPS – BirdLife Slovenija*, November 2023.

the EIA. Given the funding programme chosen here, no 'do no significant harm' (DNSH) assessment was completed as this doesn't apply yet to this fund. In the process of obtaining permits, each intervention must receive a nature conservation approval from the National Environmental Protection Agency. The assessment focuses solely on the specific targeted intervention, taken one by one, without considering cumulative impact.

Public participation and access to information

The tender was prepared in the context of the Common Agricultural Policy (CAP). DOPPS is a member of the Slovenian CAP monitoring committee. The committee meets at least once a year and reviews all the issues affecting the progress of the CAP Strategic Plan in achieving its target values. Each member of the CAP monitoring committee has one vote. As a result, the voice of NGOs in the committee has little to no influence.