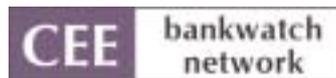




# CONFLICT AREAS

## BETWEEN THE TEN-T AND NATURE CONSERVATION



Case studies July 2003



# Conflict Areas between the TEN-T and Nature Conservation

## Case Studies

July 2003

Earlier in 2003, five international non-governmental organisations (Transport and Environment, WWF, BirdLife International, CEE Bankwatch Network and Friends of the Earth Europe) published a **position paper** titled “*Trans-European Transport Networks – Options for a sustainable future*”. The paper is our contribution to the current debate on the revision of Decision No 1692/96/EC and the Regulation 2236/95 on the Trans-European Transport Networks. In that paper, we outline our vision for transport development in Europe in the future and highlight some of our key concerns surrounding the development of a European transport infrastructure network. Among the key issues highlighted are current and future conflicts between the construction of new or up-graded roads, railways and waterways on the one hand, and sites of high conservation value to be protected under the EU nature Directives (Wild Birds and Habitats Directives) on the other.

The current publication is a collection of **case studies**, which highlight current conflicts between the development of parts of the TEN-T network and candidate Natura 2000 sites. There are six cases studies in this paper from Bulgaria, the Czech Republic, Hungary, Poland and Slovakia, and some of the infrastructure mentioned are likely to have an impact also in Austria and Germany. The list of case studies is by no means comprehensive, as there are probably several other areas threatened by transport projects in the current EU member states, yet unknown to us.

The **recommendations** listed under each of the case studies are supported by a very wide platform of national NGOs in the countries concerned. We are urging decision-makers both in the EU institutions and in the countries concerned to take note and act on these recommendations, to avoid irreparable damage to sites of European Union conservation importance.



Za Zemiata

Centre for Environmental Information and Education (CEIE)



## Conflict areas between the TENs and Nature Conservation

### Case Study: Kresna Gorge, Bulgaria

#### **Summary:**

The Kresna Gorge, a 17-km long rocky valley in southwest Bulgaria hosting a high number of plant and animal species of EU importance is threatened by motorway development. The main road and railway between Sofia in Bulgaria and Thessaloniki in Greece, part of the Helsinki transport corridor IV currently runs through the gorge. The plans for motorway construction in the gorge would threaten the unique biodiversity and landscape of the site, which is protected under Bulgarian law and is a candidate Natura 2000 site. The motorway would also cause air and noise pollution to the town of Kresna. There is an alternative route outside the gorge, which would reduce the negative impacts on the natural habitats and local people. Environmental NGOs demand the full environmental impact assessment of all alternatives to make sure the best choice for people and wildlife is chosen, before any funding decision is made.

#### **The site affected**

Kresna Gorge is an Important Bird Area hosting internationally high populations of 23 species listed in Annex I of the Birds Directive, mostly species characteristic of Mediterranean habitats in Europe. The site also holds 17 species of bats, 31 species of reptiles and amphibians and four habitat types included in Annex I of the Habitats Directive. The site is therefore a strong candidate for designation as a Special Protection Area under the Birds Directive, and a Special Area for Conservation under the Habitats Directive. The site includes the Tissata nature reserve and its buffer zone protected under Bulgarian law, hosting ancient Juniper forests. Under the CORINE biotopes program the site is designated as Kresna gorge CORINE site (ranked as the seventh most important site in Bulgaria).

#### **The problem**

The main road and railway line between Sofia and Thessaloniki, part of the Helsinki Corridor IV, runs through the gorge. The current road has two lanes, while the railway-line is single-track. As part of the development of the Trans-European Transport Network extension into the accession countries, there are plans to widen the existing road to a motorway. Current plans envisage this up-grade to happen in the Kresna Gorge, widening the current road to a width of 25 m, which would necessitate the cutting across of slopes, construction of bridges, tunnels and low viaducts within the gorge. If these plans are implemented, it will mean direct habitat destruction, habitat deterioration through increased noise, pollution, erosion, disturbance and erecting a barrier to migratory routes of animal species. In addition to the loss of priority habitats the motorway will also affect nearby settlements through demolition of property, loss of very fertile agriculture land, increased noise, pollution, accident risk and reduced amenity. The planned motorway will pass 30 m far from buildings in Kresna town.

Environmental NGOs in Bulgaria have contracted a civil engineering company to come up with an alternative route that would bypass the Kresna Gorge and would reduce or eliminate these threats. There are two variants developed for this alternative, both are technically feasible, would run east of the Kresna Gorge area and would bypass Kresna town.

### ***EU legislation and funding***

According to the Birds (79/409/EEC) and Habitats Directives (92/43/EEC) EU member states have to establish a network of protected sites called Natura 2000, based on scientific criteria. Economic considerations may not influence the process of site selection and designation. Designated (and even candidate) Natura sites should be protected from plans or projects with a potential negative impact, including those where the effect might be cumulative. To avoid large-scale impact of plans and programmes a Strategic Environment Assessment should be carried out according to the Directive 2001/42/EC, which comes into force in 2004. The Directive 97/11/EC amending Directive 85/337/EC sets out the conditions for project-level environmental impact assessments.

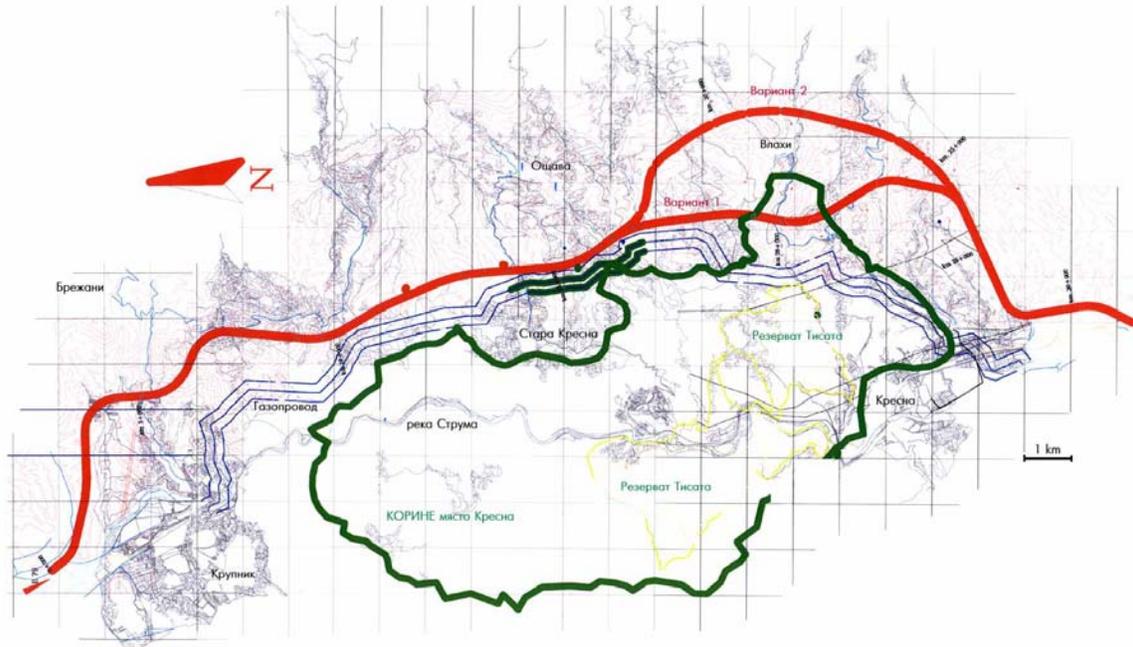
The European Council highlighted the need for candidate countries to comply with EU environmental legislation for any new projects and developments already before accession. In replying to Parliamentary Questions on the subject, various Commission officials repeatedly emphasized that no EU funding for infrastructure development will be provided to accession countries unless similar standards to EU environmental legislation are applied.

The feasibility study and the design of the motorway were financed by the EU PHARE – Cross Border Co-operation Programme Bulgaria – Greece. With financial memoranda '98 and '99 the Bulgarian government, represented by the Ministry of Regional Development and Public Works (MRDPW) received the total amount of 3,342,450 Euro for the project *E-79 Detailed Design Studies for Motorway Sofia-Kulata* (Struma motorway). The Italian company SPEA Ingeneria Europea was contracted in April 2000 for the design, feasibility study and planning.

The government intends to apply to the EU ISPA Programme and to the European Investment Bank (EIB) for funding for the road construction. The preliminary assessment of value is 500 - 700 m Euro.

### ***Recommendations***

- The alternative route bypassing the Kresna gorge and Kresna town should be further elaborated to the required technical standards;
- A full Article 8 process of the Habitats Directive should be carried out to assess the environmental impact of all alternatives of the planned Struma motorway on the Kresna Gorge as a candidate Natura 2000 site;
- No EU funding should be allocated before this process is finalised and the option with the least environmental impact is chosen;
- The assessment process should be openly consultative, including local communities and environmental NGOs.



**Map:** Kresna Gorge, showing the boundaries of Tissata nature reserve and the alternative road bypassing the reserve and Kresna town.

**Contacts:**

Boris Barov, Bulgarian Society for the Protection of Birds (BSPB), tel: +359 2870 7579, e-mail: [boris.barov@bspb.org](mailto:boris.barov@bspb.org)

Anelia Stefanova, EA Za Zemiata ("For the Earth"), tel +359 2 980 4109, e-mail: [anelias@bankwatch.org](mailto:anelias@bankwatch.org)

Petko Kovachev, Center for Environmental Information and Education, tel/fax +359 2 989 2785, e-mail: [petkok@bankwatch.org](mailto:petkok@bankwatch.org)

Andrei Kovachev, "Balkani" Wildlife Society, tel +359 2 963 1470, e-mail: [balkani@bluelink.net](mailto:balkani@bluelink.net)

Zoltán Waliczky, Royal Society for the Protection of Birds (BirdLife Partner in the UK), tel: +44 1767 680 551, e-mail: [zoltan.waliczky@rspb.org.uk](mailto:zoltan.waliczky@rspb.org.uk)

Ellen Townsend, WWF European Policy Office, tel: +32 2 740 0921, e-mail: [etownsend@wwfepo.org](mailto:etownsend@wwfepo.org)

Magda Stoczkiewicz, CEE Bankwatch Network/Friends of the Earth Europe, tel: +31 20 622 1369, e-mail: [magdas@foeeurope.org](mailto:magdas@foeeurope.org)



## Conflict areas between the TENs and nature conservation

Case study: D47 motorway, Czech Republic

### **Summary:**

There are plans to build a motorway leading from the city of Ostrava across the state border to Poland as part of the TEN-T network (corridor IV, branch B between Ostrava and Katowice). The previous arrangement when the Czech government granted the project without a tender to an Israeli construction company was dropped. Now the government's plans are to build the motorway by issuing government bonds and using funds from the European Investment Bank. If built according to the current plans, the construction would severely damage an Important Bird Area and proposed Special Protection Area in the region. It is understood that a motorway link with Poland in this area is a necessity, however the exact route and a preference of the part of the D47 motorway between Ostrava and the state border should be reconsidered, also taking into account the fact that an expressway (R48) is constructed nearby. The priority should be to avoid direct destruction of valuable habitats in the area (and also to make mitigation and compensation measures less expensive).

### **The sites affected:**

An Important Bird Area (IBA) and proposed Special Protection Areas Hermansky stav-Struzka. Within the site, the construction would affect important breeding sites of the Corncrake, Spotted Crake, Marsh Harrier, Honey Buzzard, Kingfisher, as well as wintering grounds of the Common Merganser (it is also the only regular breeding site of the species in the Czech Republic), White-tailed Sea Eagle, and many other species listed in the Annex I of the Birds Directive. The planned route also leads through important breeding grounds of the European Fire-bellied and Yellow-bellied Toads, an area important for the Hermit Beetle and for the European Beaver (priority species of Annex II and Annex IV of the Habitats Directive).

### **The problem:**

The proposed motorway, which is part of the TEN-T network corridor IV, branch B linking Ostrava with Katowice, has an environmental impact assessment for the site, which however fails to assess the impact on several important species and the fact that the area is an important wintering site of the Common Merganser and the White-tailed Sea Eagle. Moreover, the threats to the Kingfisher, another important Annex I species of the area, were not considered in the EIA.

There is an alternative route to the one planned, which was considered in previous negotiations but later it was turned down based on other, non-environmental considerations. This alternative route passes through industrial land and would have much less destructive impact on the important habitats and species in the area. The alternative route would also be technically less demanding and less expensive. As the construction of a highway attracts other investment (the use of adjacent land for services to motorists, planned industrial zone in the area) there is a considerable risk that subsequent development projects would lead to total destruction of the area as a habitat for the above-mentioned important species.

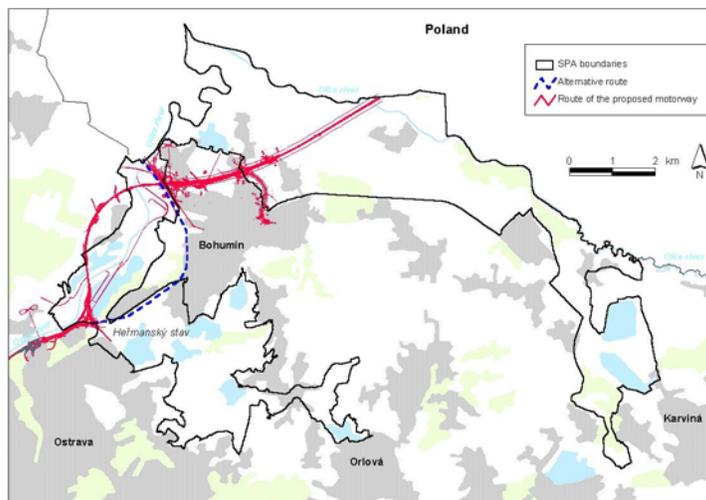
## **EU legislation and funding**

According to the Birds (79/409/EEC) and Habitats Directives (92/43/EEC) EU member states have to establish a network of protected sites called Natura 2000, based on scientific criteria. Economic considerations may not influence the process of site selection and designation. Designated (and even candidate) Natura sites should be protected from plans or projects with a potential negative impact, including those where the effect might be cumulative. To avoid large-scale impact of plans and programmes a Strategic Environment Assessment should be carried out according to the Directive 2001/42/EC, which comes into force in 2004. The Directive 97/11/EC amending Directive 85/337/EC sets out the conditions for project-level environmental impact assessments.

The European Council highlighted the need for candidate countries to comply with EU environmental legislation for any new projects and developments already before accession. The Commission also emphasised that for new developments and projects potentially affecting “environmentally sensitive areas”, which include IBAs and statutory protected areas, accession countries should comply with Article 6 of the Habitats Directive.

## **Recommendations:**

- No EU or national funds should be made available to constructing the highway that would lead to destruction of important habitats of species listed in the Annexes of the Birds and Habitats Directives
- The less damaging alternative route should be reconsidered, taking into account relevant areas both in the Czech Republic and across the border in Poland.
- A new EIA should be prepared to take into account all important species occurring in the area, including the wintering bird species.



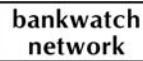
**Map:** the proposed motorway crossing IBA/candidate SPA Hermansky Strav – Struzka.

## **Contacts**

David Lacina and Jan Hora, Czech Society for Ornithology, tel +420 2 7866 700, e-mail: [csob@birdlife.cz](mailto:csob@birdlife.cz)

Zoltán Waliczky, Royal Society for the Protection of Birds, tel +44 1767 680 551, e-mail: [zoltan.waliczky@rspb.org.uk](mailto:zoltan.waliczky@rspb.org.uk)

Magda Stoczkiewicz, CEE Bankwatch Network/Friends of the Earth Europe, tel: +31 20 622 1369, e-mail: [magdas@foeeurope.org](mailto:magdas@foeeurope.org)



## Conflict areas between TEN and nature conservation

Case study: road R 35, Czech Republic

### **Summary:**

An expressway connecting the city of Olomouc with the German state border (around Hradec nad Nisou) cutting through Hradec Kralove and Pardubice regions is planned as part of the TEN-T network. The planned route of this road leads through an Important Bird Area and proposed Special Protection Area Komarov, which is the only site in the Czech Republic proposed for the protection of wintering populations of the Hen Harrier and the Short-eared Owl. The only proposed route would have a devastating effect on the site. Czech Society for Ornithology proposed at least two alternative routes that would avoid threatening the site. NGOs demand a proper environmental impact assessment taking into account alternative routes. In case the current proposed route is selected, no funds of the EU should be used for the construction.

### **The sites affected:**

The Important Bird Area and proposed Special Protection Area Komarov is the largest wintering site of the Hen Harrier and the Short-eared Owl in the Czech Republic. It is situated in an agricultural landscape in the lowland of the Loučna river. Since most of the water streams in the area do not allow for fast enough draining, part of the site developed wetland vegetation, representing an ideal roosting site for the two raptor species.

### **The problem:**

Komarov is the only IBA and proposed SPA to secure for the protection of wintering Hen Harriers and Short-eared Owls in the Czech Republic. The expressway R35, which is part of the TEN-T network is planned to cut through the central part of the area. Of several possible routes, the one with the worst impact on the area was chosen. The selected route leads through the most valuable parts of the area, destroying the key sites for the wintering raptor species. The route was selected long before the process of SPA identification and the relevant nature protection authorities had no information about the occurrence of the strictly protected species. At present an environmental impact assessment of the road is being carried out, however only one route is being assessed without considering any alternatives. The Czech Society for Ornithology proposed at least two alternative routes for the road that would not have any significant negative effect on the area. The proposed changes to the route would affect only eight km of the road. The area is also threatened by the possible construction of exits leading to the towns in the area.

### **EU legislation and funding**

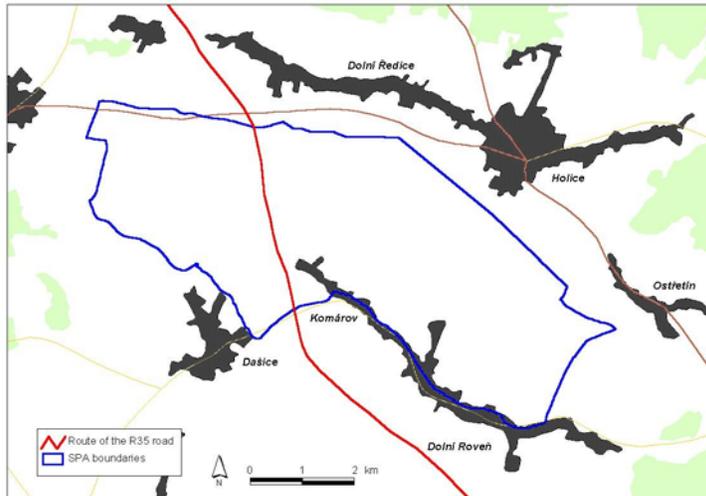
According to the Birds (79/409/EEC) and Habitats Directives (92/43/EEC) EU member states have to establish a network of protected sites called Natura 2000, based on scientific criteria. Economic considerations may not influence the process of site selection and designation. Designated (and even candidate) Natura sites should be protected from plans or projects with a potential negative impact, including those where the effect might be cumulative. To avoid large-scale impact of plans and programmes a Strategic Environment Assessment should be carried out according to the Directive 2001/42/EC, which comes into force in 2004. The Directive

97/11/EC amending Directive 85/337/EC sets out the conditions for project-level environmental impact assessments.

The European Council highlighted the need for candidate countries to comply with EU environmental legislation for any new projects and developments already before accession. The Commission also emphasised that for new developments and projects potentially affecting “environmentally sensitive areas”, which include IBAs and statutory protected areas, accession countries should comply with Article 6 of the Habitats Directive.

### **Recommendations:**

- All proposed alternatives (including the ones proposed by the CSO) should be considered within the environmental impact assessment;
- In case the currently favoured route with its negative impact on the integrity of the area and its protected species is selected for development, no funds of the European Union should be used for the construction of any part of the R35 road;
- Fully implement EU environmental legislation, especially the Birds Directive, including the full establishment and safeguarding of the Natura 2000 network of protected areas;



**Map:** The proposed highway crossing IBA/candidate SPA Komarov.

### **Contacts**

David Lacina and Jan Hora, Czech Society for Ornithology, tel +420 2 7866 700, e-mail: [csobirdlife.cz](mailto:csobirdlife.cz)

Zoltán Waliczky, Royal Society for the Protection of Birds, tel +44 1767 680 551, e-mail: [zoltan.waliczky@rspb.org.uk](mailto:zoltan.waliczky@rspb.org.uk)



## Conflict areas between the TEN-T and Nature Conservation

### Case Study: TINA road development, Hungary

#### **Summary:**

According to a recent study by the nature conservation NGO MME/BirdLife Hungary, the complete implementation of the present plan for the TINA/TEN-T road network in Hungary will pose a threat to four Important Bird Areas of EU importance. All these sites hold important populations of globally threatened species included in the Annex I of the Birds Directive, and are therefore candidates to become Special Protection Areas under this Directive. The construction of and secondary developments along variants of the highways No. 2, M 3 and No. 47 may destroy or severely reduce the quality of habitats for Annex I species in these four candidate SPAs. Environmental NGOs demand that a full strategic environmental assessment of these transport corridors should be carried out and least-impact alternatives found and promoted to avoid the negative impact of road developments on sensitive conservation sites of EU importance.

#### *The sites affected*

There are four sites identified as Important Bird Areas (IBAs) by BirdLife International, which are crossed by planned new highways in Hungary. These sites are:

- Börzsöny
- Ipoly-ártér
- Bihari-sík
- Szatmár-Bereg.

These sites are home to globally threatened bird species such as Great Bustard, Corncrake and Imperial Eagle, and other threatened Annex I species such as Black Stork and Red-footed Falcon. Based on their international importance for these species listed in the Annex I of the Birds Directive, and very likely also for other species of animals and plants as well as threatened habitats, the sites qualify as candidate for Natura 2000 status when Hungary joins the EU. All four sites are currently protected under Hungarian legislation as National Parks or Landscape Protection Areas.

#### *The problem*

Within the Hungarian TINA plans there are several sections that potentially threaten Important Bird Areas of European Union importance. The highway No. 2 from Budapest to Parassapuszta (Hungarian – Slovakian border crossing) is planned to be restructured and widened between two IBAs (Börzsöny and Ipoly-ártér). The road is expected to occupy valuable habitats in a transition zone between mountains and the floodplain of the Ipoly river, resulting in habitat deterioration on both sides in a zone of up to 1 km. The road can function as a barrier for reptiles and amphibians migrating between the two habitat types. Secondary developments along the highway (extended customs buildings, petrol station, shops, etc.) can have an even bigger impact on the protected habitats.

The final section of the M3 motorway (Helsinki corridor V.) still have several variants before reaching the border with Ukraine. One of the variants between Vásárosnamény and Barabás would cross the IBA Szatmár-Bereg, the most important site for globally threatened Corncrakes in Hungary. The motorway would be a completely new construction (there are no roads currently in its place), and together with planned secondary developments alongside it would result in habitat destruction and deterioration, which could lead to the disappearance of 30-40% of the local Corncrake population. There are two alternative options for the highway location which would have a much smaller impact on the habitats in the IBA.

One of the variants of highway No. 47 between Debrecen and the border with Romania would cross IBA Bihari-sík, one of the key sites in Hungary for the globally threatened Great Bustard and Red-footed Falcon, a new Annex I species. It is expected that especially land use changes and secondary developments along the highway can result in habitat destruction and deterioration for these two key species. There are various alternative options that could reduce the impact on the site.

### *EU legislation and funding*

According to the Birds (79/409/EEC) and Habitats Directives (92/43/EEC) EU member states have to establish a network of protected sites called Natura 2000, based on scientific criteria. Economic considerations may not influence the process of site selection and designation. Designated (and even candidate) Natura 2000 sites should be protected from plans or projects with a potential negative impact, including those where the effect might be cumulative. To avoid large-scale impact of plans and programmes a Strategic Environment Assessment should be carried out according to the Directive 2001/42/EC, which comes into force in 2004. The Directive 97/11/EC amending Directive 85/337/EC sets out the conditions for project-level environmental impact assessments. Furthermore, member states must implement the EU's Water Framework Directive (WFD, 2000/60/EC) provisions to prevent the further deterioration in water and work to achieve "good ecological and chemical status" for all waters across the continent by 2015 by applying integrated river basin management.

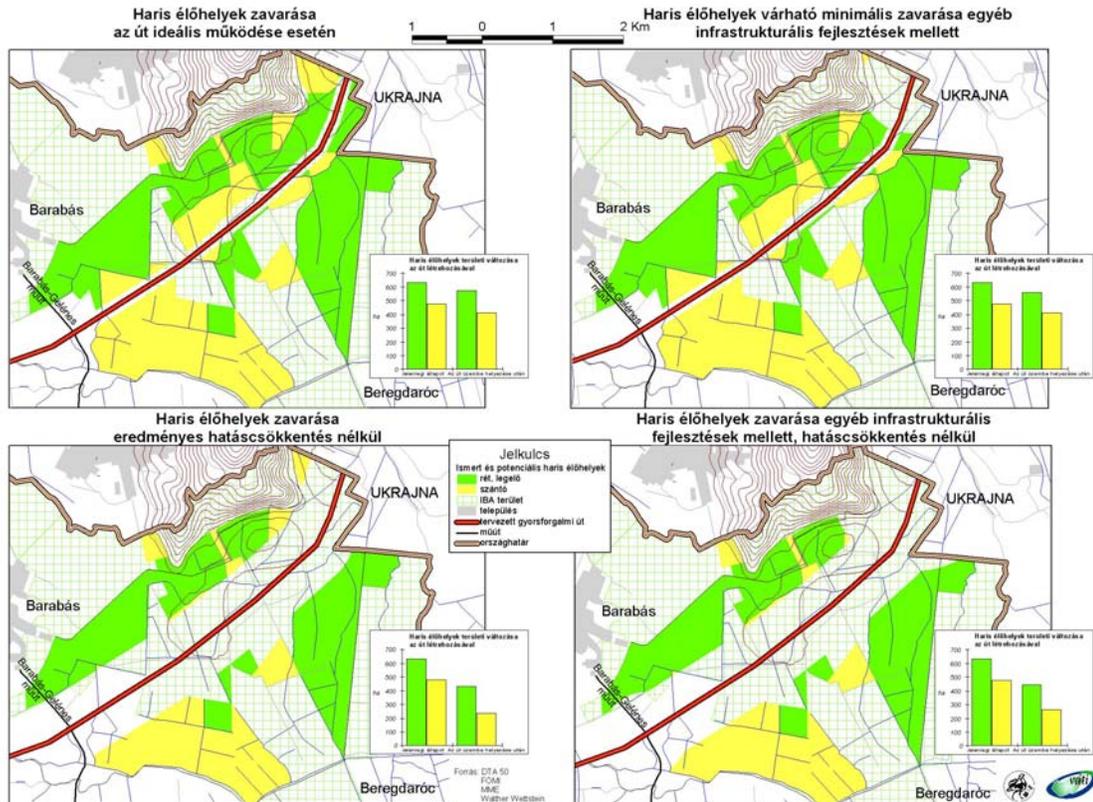
The European Council highlighted the need for candidate countries to comply with EU environmental legislation for any new projects and developments already before accession. In replying to Parliamentary Questions on the subject, various Commission officials repeatedly emphasized that no EU funding for infrastructure development will be provided to accession countries unless similar standards to EU environmental legislation are applied.

The Szatmár-Bereg and Bihari-sík IBAs are both included agri-environment zonal schemes (environmentally sensitive areas) to be funded under the Hungarian National Agri-environment Programme, co-funded by SAPARD and rural development funds. So far, no EU funds have been received for any of the highways mentioned above, but they are all part of the TINA and TEN-T road network, therefore they are potentially eligible for funding from the EU (ISPA, Cohesion Fund and EIB loan).

### **Recommendations:**

- A full strategic environmental assessment of the Hungarian TINA/TEN-T network should be carried out and discussed in public, taking into consideration the full impact of the planned transport corridors on biodiversity;
- Carry out a full Article 6 (Habitats Directive) impact assessment procedure on the planned routes and their alternative options for the highways No. 2, M 3 and No. 47 for their potential impact on four IBAs as soon as the more detailed schemes appear and choose the options that have the smallest impact on the habitats of key qualifying species on these sites;

- Coordinate with decision-making bodies in Slovakia and Ukraine to choose the routes that have the smallest impact on biodiversity on both sides of the border;
- Fully implement EU environmental legislation, especially the Birds and Habitats Directives in Hungary, including the full establishment and safeguarding of the Natura 2000 network of protected areas.



**Map:** Potential impact of the planned M 3 motorway in Hungary between Vásárosnamény and Barabás on key habitats for Corncrake. Map in upper left corner shows the least-impact situation with strong mitigation and no secondary developments, while the map in the lower right corner shows the highest-impact option with no mitigation and strong secondary development (most likely scenario).

**Contacts:**

Zsolt Szilvácsku, MME/BirdLife Hungary, tel +36 1 275 6247, e-mail: [vitaregnat.bt@chello.hu](mailto:vitaregnat.bt@chello.hu)

Csaba Varga, MME/BirdLife Hungary, tel +36 1 275 6247, e-mail: [varga.csaba@vnet.hu](mailto:varga.csaba@vnet.hu)

Zoltán Waliczky, Royal Society for the Protection of Birds (BirdLife Partner in the UK), tel: +44 1767 680 551, e-mail: [zoltan.waliczky@rspb.org.uk](mailto:zoltan.waliczky@rspb.org.uk)



## Conflict areas between the TEN-T and Nature Conservation

### Case Study: Via Baltica, Poland

#### **Summary:**

Environmental NGOs are concerned about the possible impact of developing the “Via Baltica” road corridor (Helsinki Corridor I from Helsinki to Warsaw) in Poland on four sites of EU importance for the conservation of birds, other animals, plants and habitats. The Biebrza and Narew Marshes and the Augustow and Knyszyn Forests hold important populations and extensive habitats listed in the Annexes of the Birds and Habitats Directives and are eligible for designation as Natura 2000 sites. Plans to up-grade the Ostrow Mazowiecka – Suwalki section of the current road to expressway status along the preferred route of the Via Baltica via Bialystok, may cause irreversible damage to these sites. There is an optional route for the Via Baltica crossing the city of Lomza, which would by-pass these sites. NGOs demand that all potential routes (including those two mentioned above) should be assessed for their environmental and economic impact, and that any decision should be fully compliant with EU environmental legislation to avoid damage to the candidate Natura 2000 sites.

#### ***The sites affected***

There are four sites identified as Important Bird Areas (IBAs) by BirdLife International, which lie along the current route of the “Via Baltica” road corridor (as published in the 1999 TINA report, as well as in the Annexes of the Accession treaty). These sites are:

- Augustow Forest (Puszcza Augustowska)
- Biebrza river valley (Dolina Biebrzy)
- Marshy valley of the Narew river (Bagienna Dolina Narwi)
- Knyszyn forest (Puszcza Knyszynska).

These sites are home to globally threatened bird species such as Greater Spotted Eagle, Corncrake, Great Snipe and Aquatic Warbler and other threatened Annex I species such as Lesser Spotted Eagle and Black Grouse. Big mammals such as Elk, Wolf and Lynx also occur at the sites in significant numbers. Based on their international importance for these species listed in the Annexes of the Birds and Habitats Directives, and very likely also for other species of animals and plants as well as threatened habitats, the sites qualify as candidate for Natura 2000 status when Poland joins the EU. All four sites are currently protected under Polish legislation. In addition, the Biebrza river valley is also a Ramsar Site.

#### ***The problem***

There are plans by the Polish government to up-grade the Via Baltica road corridor to expressway status. The route currently promoted by Polish authorities within this corridor is leading via Augustow – Bialystok – Warsaw. This route crosses three of the candidate Natura 2000 sites and runs very close to the fourth. There are concerns that the construction works necessary to upgrade the road to expressway status and the final expressway may lead to habitat destruction, fragmentation and habitat deterioration of these four sites, which may threaten the

ecological integrity of the sites individually, as well as the Natura 2000 network as a whole. Important migratory pathways of big mammals might be cut across or otherwise disrupted by the new expressway.

There is an alternative route of the Via Baltica through Lomza, which by-passes all four areas. Choosing this route, as the main Via Baltica corridor would divert transit traffic away from the Bialystok road, therefore lessening the impact on the four critical sites. This alternative is also 30 km shorter than the Bialystok route, making it economically preferable.

### ***EU legislation and funding***

According to the Birds (79/409/EEC) and Habitats Directives (92/43/EEC) EU member states have to establish a network of protected sites called Natura 2000, based on scientific criteria. Economic considerations may not influence the process of site selection and designation. Designated (and even candidate) Natura 2000 sites should be protected from plans or projects with a potential negative impact, including those where the effect might be cumulative. To avoid large-scale impact of plans and programmes a Strategic Environment Assessment should be carried out according to the Directive 2001/42/EC, which comes into force in 2004. The Directive 97/11/EC amending Directive 85/337/EC sets out the conditions for project-level environmental impact assessments. Furthermore, member states must implement the EU's Water Framework Directive (WFD, 2000/60/EC) provisions to prevent the further deterioration in water and work to achieve "good ecological and chemical status" for all waters across the continent by 2015 by applying integrated river basin management.

The European Council highlighted the need for candidate countries to comply with EU environmental legislation for any new projects and developments already before accession. In replying to Parliamentary Questions on the subject, various Commission officials repeatedly emphasized that no EU funding for infrastructure development will be provided to Poland unless similar standards to EU environmental legislation are applied. The Commission also suggested that Poland should comply with Article 6 of the Habitats Directive in the case of the Via Baltica expressway crossing "environmentally sensitive areas", which include IBAs, Ramsar Sites and statutory protected areas<sup>1</sup>.

The Biebrza National Park is included as one of the agri-environment pilot areas to be funded under the SAPARD pre-accession fund. So far no EU funds have been received for the most controversial part of the proposed Via Baltica corridor (between Ostrow Mazowiecka – Suwalki), but the current route of the corridor via Bialystok is included in the Annexes of the Accession Treaty as part of the Trans-European Transport network (TEN-T), and in the Transport Operational Programme of the Polish National Development Plan, therefore it is potentially eligible for funding from the EU (ISPA, Cohesion Fund and EIB loan). Modernisation of certain sections of the road on the Lomza route has already received funds from Phare as a part of the Via Baltica transport corridor.

### ***Recommendations:***

- No EU funds should be allocated to fund any part of the Via Baltica road corridor in Poland until the full environmental impact and cost of all relevant options are evaluated (both at project and corridor level), and the necessary mitigation and compensation measures are in place;
- Assess and compare the full environmental impact and cost, as well as economic cost of developing of both potential routes of the Via Baltica road corridor (via Lomza and Bialystok) and take the results into consideration in the final decision on building the Via Baltica expressway;

---

<sup>1</sup> Joint answer to written questions P-1648/02 and E-1694/02 by Mrs Wallström on 2 July 2002

- Carry out a thorough needs assessment for the transport infrastructure development in the Podlasie region in relation to the transit traffic at the border crossing in Budzisko, taking into consideration existing transport options (including rail);
- Fully implement EU environmental legislation, especially the Birds and Habitats Directives in Poland, including the full establishment and safeguarding of the Natura 2000 network of protected areas.



**Map:** The two alternative routes considered for the Via Baltica in Poland. The dark route through Białystok may affect four IBAs, while the route across Łomża would bypass these areas.

**Contacts:**

Małgorzata Złaniecka, WWF Poland, „Biebrza” Project Leader, e-mail: [mzłaniecka@wwf.pl](mailto:mzłaniecka@wwf.pl), tel./fax: + 48 85 6525035, mobile: +48 604261525

Paweł Plonczkier, Ogólnopolskie Towarzystwo Ochrony Ptaków (BirdLife Partner in Poland), e-mail: [viabaltica@otop.most.org.pl](mailto:viabaltica@otop.most.org.pl)

Zoltán Waliczky, Royal Society for the Protection of Birds (BirdLife Partner in the UK), tel: +44 1767 680 551, e-mail: [zoltan.waliczky@rspb.org.uk](mailto:zoltan.waliczky@rspb.org.uk)

Ellen Townsend, WWF European Policy Office, tel: +32 2 740 0921, e-mail: [etownsend@wwfepo.org](mailto:etownsend@wwfepo.org)

Magda Stoczkiewicz, CEE Bankwatch Network/Friends of the Earth Europe, tel: +31 20 622 1369, e-mail: [magdast@foeeurope.org](mailto:magdast@foeeurope.org)



## Conflict areas between TEN and nature conservation

### Case study: Danube-Oder-Elbe canal

#### **Summary:**

There are plans to link up the Elbe and Oder rivers with the Danube, creating two massive canals and disrupting the natural water flow and hydrological regime of these and other rivers in the process. If built, the canals would have a devastating effect on at least 18 Important Bird Areas along the Oder, Morava and Danube rivers alone, as well as 61 existing protected areas. This venture would be impossible without a substantial injection of EU funds. Environmental NGOs demand no EU funds should be provided for the building of any parts of the canal until a strategic environmental assessment and a cost-benefit analysis of the project is undertaken vis-à-vis other transportation modes. If it is found that the D-O-E canal can not be brought to comply with EU environmental legislation, it should be removed from the plans of the Trans-European Transport Networks (TEN-T) and from National Development Plans, Operational Programmes and relevant national policies of the respective countries.

#### **The sites affected:**

According to the latest BirdLife International Important Bird Area (IBA) inventories there are at least 18 sites that lie along the rivers Oder, Morava and Danube in the region potentially affected by the proposed D-O-L canal (one in Austria, five in Germany, four in Poland, six in the Czech Republic and two in Slovakia). These sites hold internationally important numbers of breeding and migratory waterbirds, birds of prey (including White-tailed Eagle), globally threatened species such as Corncrake and Aquatic Warbler and other species listed in Annex I of the Birds Directive. It is expected that IBAs in the accession countries will form the basis for SPA designation and will eventually form part of the Natura 2000 network of protected areas. Based on an estimate by WWF, no less than 400,000 ha of 61 statutory protected areas may be affected by the canal. These areas include some of the remaining natural and semi-natural floodplain habitats in Europe. Compensation for the loss of some of these unique habitats may well prove impossible.

#### **The problem:**

There are historical plans to link the Baltic and Black Seas through canals that connect the rivers Elbe, Oder, Morava and Danube in Germany, Poland, Czech Republic, Slovakia and Austria. The project has now been resurrected, in the hope of substantial EU funding, as part of the Trans-European Transport Network (TEN-T) plans. This plan foresees the canal linking two waterways: the E20 from Germany to Austria (Hamburg – Magdeburg – Pardubice – Prerov – Danube), and the E30 from Poland to Austria (Szczecin – Wrocław – Kozle – Ostrava – Prerov – Danube). Initial estimates suggest that the total cost of the project is about 6.5 billion Euros, which does not take into consideration the costs of mitigation and compensation measures.

Some parts of the project are already included in regional development plans for which EU funds may be sought in the future.

The canal would divert water from sections of the Morava, Oder and Elbe rivers, whose water resources are already limited. Natural rivers would suffer from reduced discharge and become stagnant, which would exacerbate the eutrophication processes in the artificial canal and impounded water stretches. Disruption of the hydrological regimes will threaten floodplains, meadows, forests and wetlands that are dependent on river hydrology. It is expected that if built, the canal will cause irreversible damage to the habitats and species included in the 18 IBAs and 61 statutory protected areas mentioned above. Several of these habitats are irreplaceable, and therefore compensation in the spirit of Article 6 of the Habitats Directive will be impossible.

### ***EU legislation and funding***

According to the Birds (79/409/EEC) and Habitats Directives (92/43/EEC) EU member states have to establish a network of protected sites called Natura 2000, based on scientific criteria. Economic considerations may not influence the process of site selection and designation. Designated (and even candidate) Natura sites should be protected from plans or projects with a potential negative impact, including those where the effect might be cumulative. To avoid large-scale impact of plans and programmes a Strategic Environment Assessment should be carried out according to the Directive 2001/42/EC, which comes into force in 2004. The Directive 97/11/EC amending Directive 85/337/EC sets out the conditions for project-level environmental impact assessments. The Water Framework Directive (2000/60/EC) requires Member States to prevent all further deterioration in water status and to achieve good ecological and chemical status through integrated river basin management by 2015. This applies also to transboundary rivers, where international river basin management plans should be drawn up to achieve the same objective. These environmental objectives will deliver ecological quality improvements for freshwater ecosystems.

The European Council highlighted the need for candidate countries to comply with EU environmental legislation for any new projects and developments already before accession. The Commission also emphasised that for new developments and projects potentially affecting “environmentally sensitive areas”, which include IBAs and statutory protected areas, accession countries should comply with Article 6 of the Habitats Directive.

Given the enormous funding required for completing such a project, it is highly unlikely that the countries concerned will be able to fund it themselves. Although there is no information yet on EU subsidies or loans requested for the building of the canal, it is more than likely that such funds will be sought in the foreseeable future. It is also underlined by the fact that the D-O-E canal is included in the TEN-T maps in the Accession Treaty.

### ***Recommendations:***

- No EU or national funds should be made available to constructing any part of the canal until a full strategic environmental assessment has taken place, and a cost-benefit analysis of all relevant options vis-à-vis other transport modes are evaluated;
- If, after the relevant assessment, it is found that the construction of the D-O-E canal can not be carried out without breaching EU environmental legislation, the project should be removed from TEN-T plans, national development plans, operational programmes and relevant policies;
- EU funds should be used for preparatory studies to develop ecologically compatible transport solutions that respects the provisions of EU environmental legislation, most notably the Birds and Habitats Directives and the Water Framework Directive;

- The requirements of the Water Framework Directive for no further deterioration in water status and the achievement of Good Ecological Status via integrated river basin management and taking into consideration the specific value of wetlands for water management along the Oder, Elbe, Morava and Danube rivers must be implemented;
- Fully implement EU environmental legislation, especially the Birds and Habitats Directives in all countries concerned, including the full establishment and safeguarding of the Natura 2000 network of protected areas.

### **Contacts**

Milan Janák, Daphne – Institute of applied ecology, Tel: +421 2 654 121 62, e-mail: [daphne@changenet.sk](mailto:daphne@changenet.sk)

Jeroen Kuiper, BUND Berlin e.V., tel: +49 30 78 79 00-32, e-mail: [jkuiper@bund-berlin.de](mailto:jkuiper@bund-berlin.de)

Zoltán Waliczky, Royal Society for the Protection of Birds (BirdLife Partner in the UK), tel: +44 1767 680 551, e-mail: [zoltan.waliczky@rspb.org.uk](mailto:zoltan.waliczky@rspb.org.uk)

Ellen Townsend, WWF European Policy Office, tel: +32 2 740 0921, e-mail: [etownsend@wwfepo.org](mailto:etownsend@wwfepo.org)

Magda Stoczkiewicz, CEE Bankwatch Network/Friends of the Earth Europe, tel: +31 20 622 1369, e-mail: [magdas@foeeurope.org](mailto:magdas@foeeurope.org)



*Centre for Environmental Information and Education (CEIE)*

**The case studies included in this publication are supported by the following organisations:** BirdLife International, Bulgarian Society for the Protection of Birds (BirdLife Bulgaria), MME/BirdLife Hungary, Czech Society for Ornithology (BirdLife Czech Republic), Polish Society for the Protection of Birds (BirdLife Poland), Royal Society for the Protection of Birds (BirdLife UK), Society for the Protection of Birds in Slovakia (BirdLife Slovakia), Transport and Environment, World Wide Fund for Nature, Daphne Institute of Applied Ecology, CEE Bankwatch Network, Friends of the Earth Europe, Hnutí Duha/Friends of the Earth Czech Republic, BUND Berlin e.V., Za Zemiata?For the Earth, Centre for Environmental Information and Education (CEIE), Balkani Wildlife Society.

This document was produced by the Royal Society for the Protection of Birds (RSPB – BirdLife in the UK).