



# EU water legislation and hydropower: irreconcilable differences

Claire Baffert, WWF EPO  
EEAC roundtable session, 16 June 2020



# WWF in short

**+100**

WWF is in  
over 100  
countries, on  
6 continents

**1961**

WWF was  
founded  
In 1961



**+5000**

WWF has  
over 5,000  
staff  
worldwide

**+5M**

Over 5M supporters  
worldwide











SECTION 0 F  
TABLE A B R O  
D C L I N A 1 P L A N T  
2 0 1 6





### 59 Gdje je nestao slap? Ostao li vode zbog male hidroelektrane



KATASTROFA: Šunjarov slap isušio se nakon što je izgrađena Hidroelektrana Dašbrova dolina koja je ograđena betonskim ogradom pa je mještanima potpuno onemogućen pristup r

Like 504 Share 0 Viber 0 Email 0

Like 1.341 2



Autor: Andreja Thomass Petek, 02.06.2017, u 21:01

## Pod krinkom obnove starih mlinica na Mrežnicu guraju hidroelektrane

Autor: Josip Antić Zastigla izmjenja 30.09.2016 19:36 Objavljeno 30.09.2016 u 08:00



Mrežnica i njenoj prekrasni slapovi

Izvor: Izvencikine fotografije / Autor: Glas za Mrežnicu

Nije problem, kako veli mračni Heraklit, što ne možemo dvaput ući u istu rijeku, jer niti smo mi svaki put isti, a nije ni voda – oko kupaca uvijek struji neka nova. Problem je što je ta voda iz naraštaja u naraštaj u sve lošijem stanju. Da ne bude tako, da rijeka Mrežnica i dalje teče svakom drugačija, ali ne u gorj varijanti, podigli su ove subote svoj glas građani okupljeni oko inicijative Glas za Mrežnicu, protivci se

GUBITAK PRIRODNIH SIMBOLA

## ČETIRI RIJEKE NA SAMRTI Dobru je uništila HE Lešće, Koranu će izlomiti s brana, svaki od 93 slapa na Mrežnici in malu hidroelektranu, a Kupa...

Autor: Mario Purić Objavljeno: 09.10.2016. u 14:41



Korana će od Karlova do Slunja biti izlomljena s pet brana. Na svakome od 93 mrežničkih slapa od Slunja do Karlova bili će barem jedina protočna mala hidroelektrana. Ako se realizira planirana elektrana Brijuni i kumulativnom utjecaju s nedavno sagrađenom hidroelektranom livao ta isto godina postojebom Munjerom u Ozlju, doći će do nestanka više od 50 posto vrate ribe u Kupu.

Ovakvo bi, kaže nam to Denis Frančičević iz Ekološkog društva Pan, u bliskoj budućnosti moglo izgledati rijeka u Karlovačkoj županiji ako se odsvan najgorji scenarij.

Ovo možda izgleda kao situacija 'što bi bilo kad bi bilo', ali samo na prvi pogled, jer protokompleksna dokumentacija za obale karlovačkih rijeka predviđa, odnosno dozvoljava, upravo to. Namjerno u prethodnim razmatranjima nismo spomenuli rijeku Dobru jer njoj više ne prijeti opasnost od devastiranja. Ona je uništena otprilike je 1. rujna 2010. godine u rad puštena hidroelektrana Lešće. Ovo je ujedno i jedno oko čega se svađa svi nadi sugovornici, ako aktivisti, stručna, dak i politika, koja je taj projekt i progurala, pa i vlasnik HEP, koji priznaje štetu.





HYDROPOWER PLANT  
NOLANSKA 1  
NOLANSKA  
MONTENEGRO  
RIVER

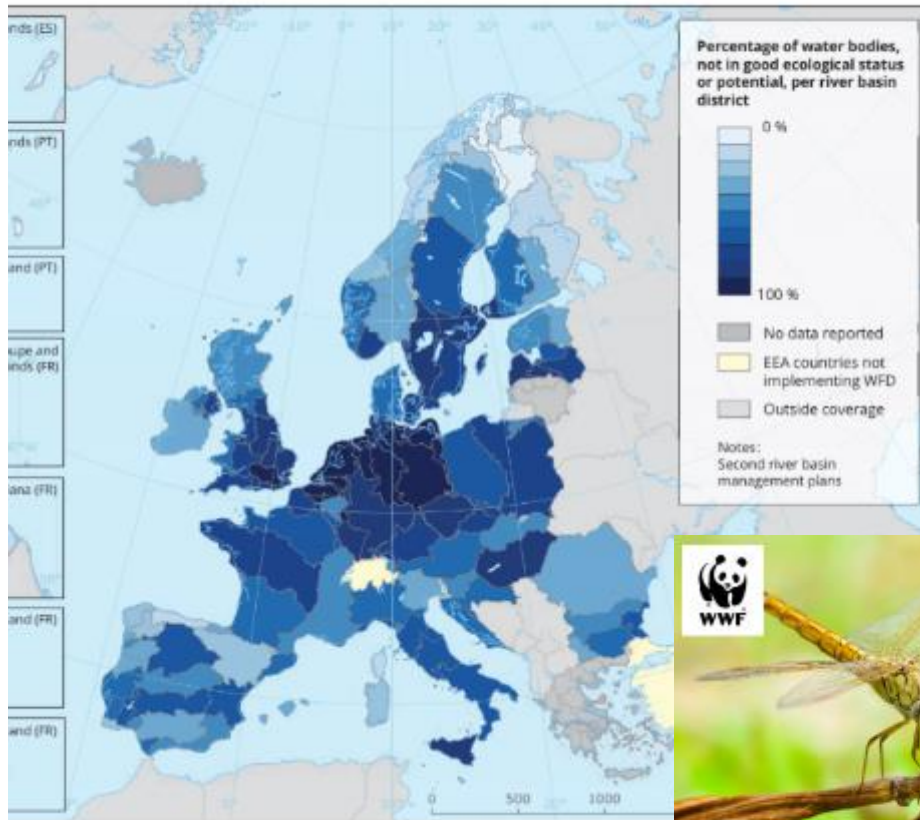


- Impeded fish migration
- Habitat loss
- Water temperature changes
- Alteration of water levels
- Alteration of sediment transport
- Erosion or river banks

Dr. Jörg Freyhof, Regional Chair of the IUCN/WI Freshwater Fish Specialist Group: “dams completely change the ecosystem, turning a river into an artificial lake, and open the door for the invasion of alien species. **It’s comparable to cutting down a rainforest in terms of the strong negative impact on biodiversity.**”



Country comparison — results of assessment under the Water Framework Directive of ecological status or potential shown by river basin district



- 60% of surface water bodies are not in good ecological status.







## HYDROPOWER PRESSURE ON EUROPEAN

# RIVERS

THE STORY IN NUMBERS

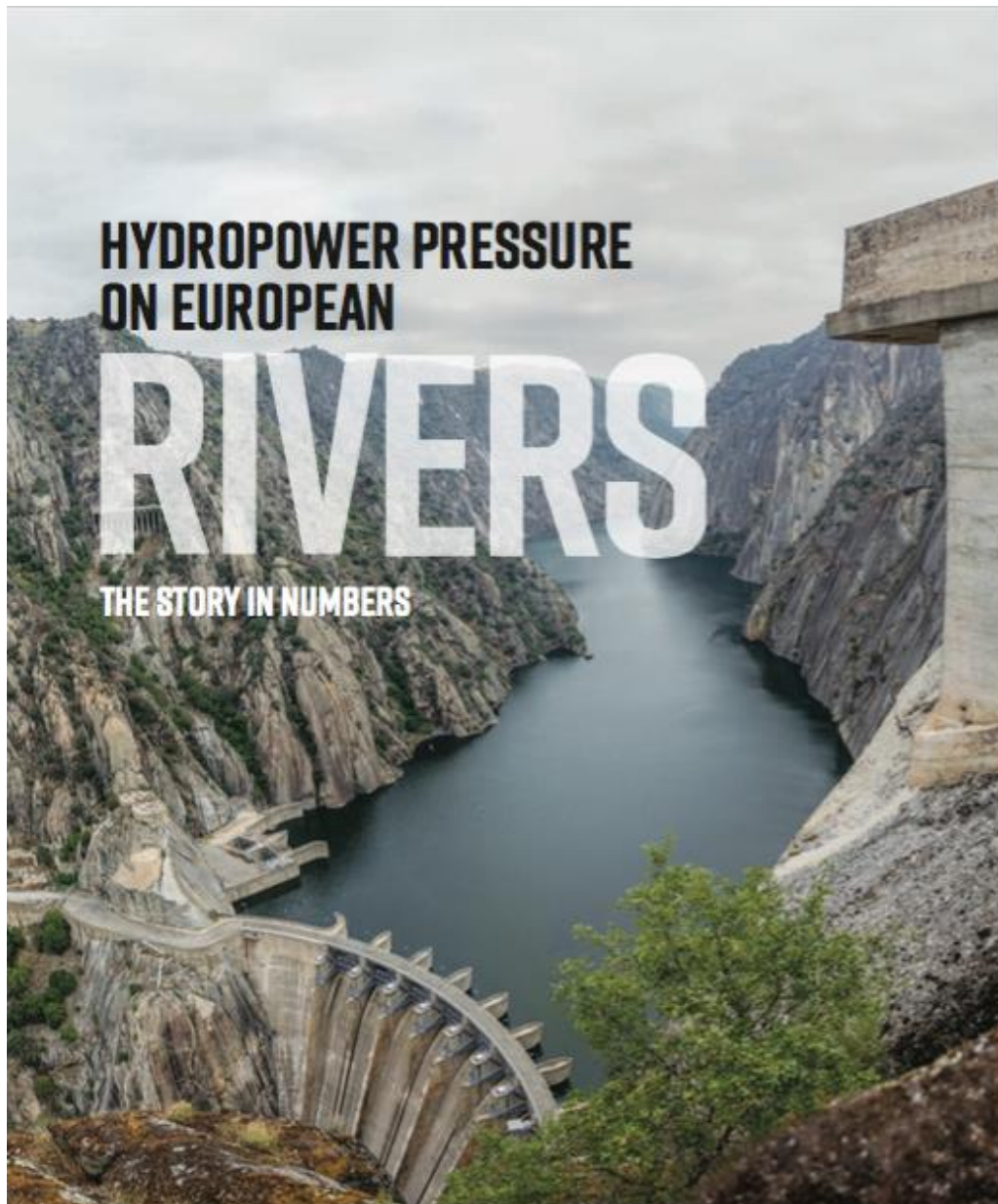


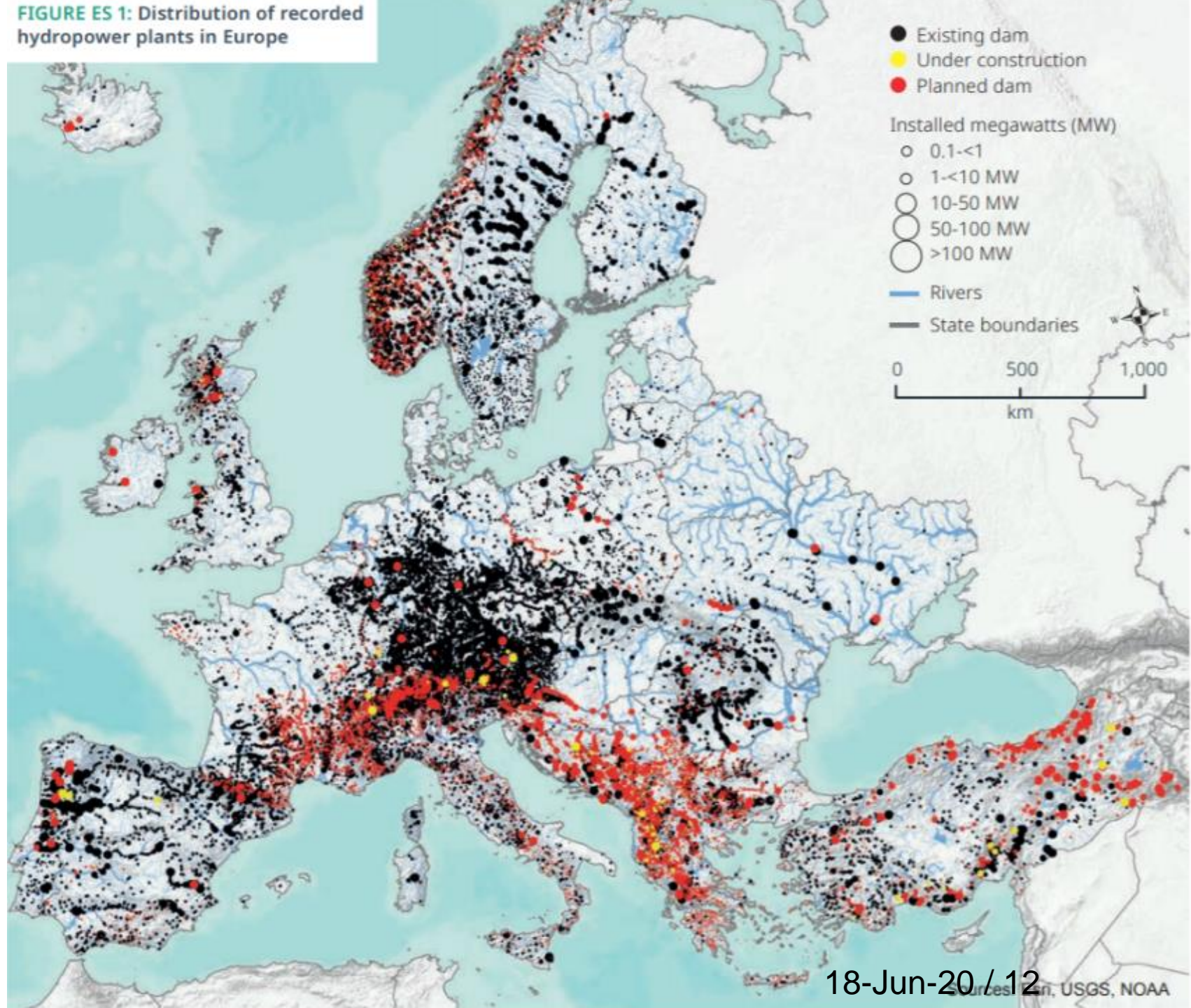








FIGURE ES 1: Distribution of recorded hydropower plants in Europe







THE CONTRIBUTION OF  
PLANNED HYDROPOWER TO

THE ELECTRICAL CIRCULARITY  
OF THE NATIONAL SYSTEM

HYDROPOWER PLANTS  
WATER UTILIZATION

2 %

PLANNED HYDROPOWER  
ESTIMATE

0.2 %

ALL MEDIAN  
HIGHEST HYDROPOWER  
ESTIMATE  
PLANNED WERE

1.9 %

AND  
LOWEST  
ESTIMATE  
BUILT

1.0 %





BOOK NEW  
IN EUROPE

HYDROPOWER

•



NON-DETERRATION



PRINCIPLE

•



ARTICLE 7



NEW CONDITIONS



PREVENTING THE ACHEEMENOT



ACHEEMENOT



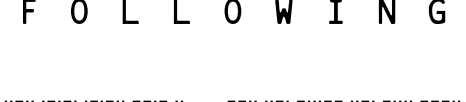
GOOD WATER STATUS AND WORLD LEADING



WORLD LEADING



ALL OF THE UNDER THE FOLLOWING



FOLLOWING



CONDITIONS



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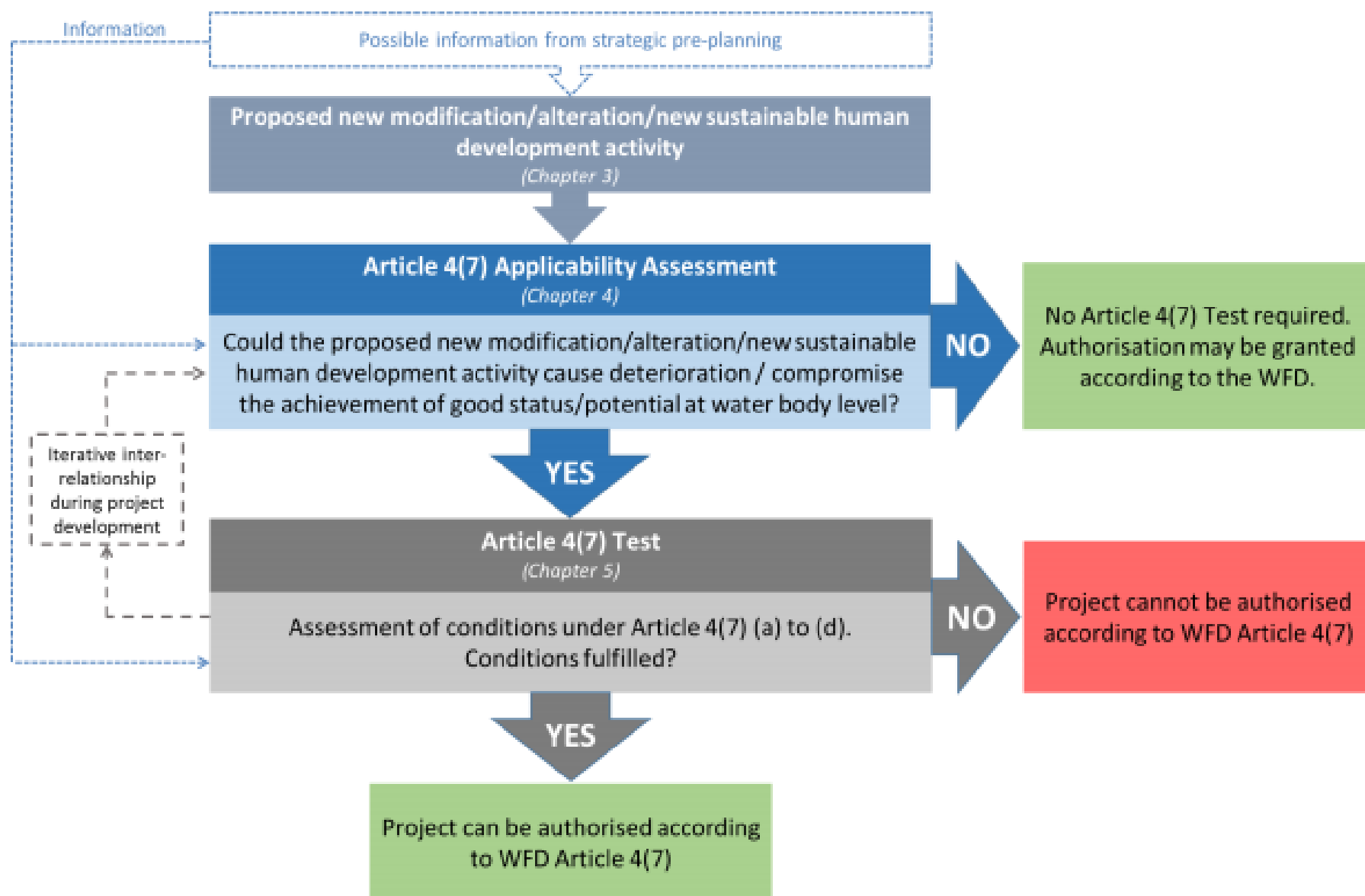
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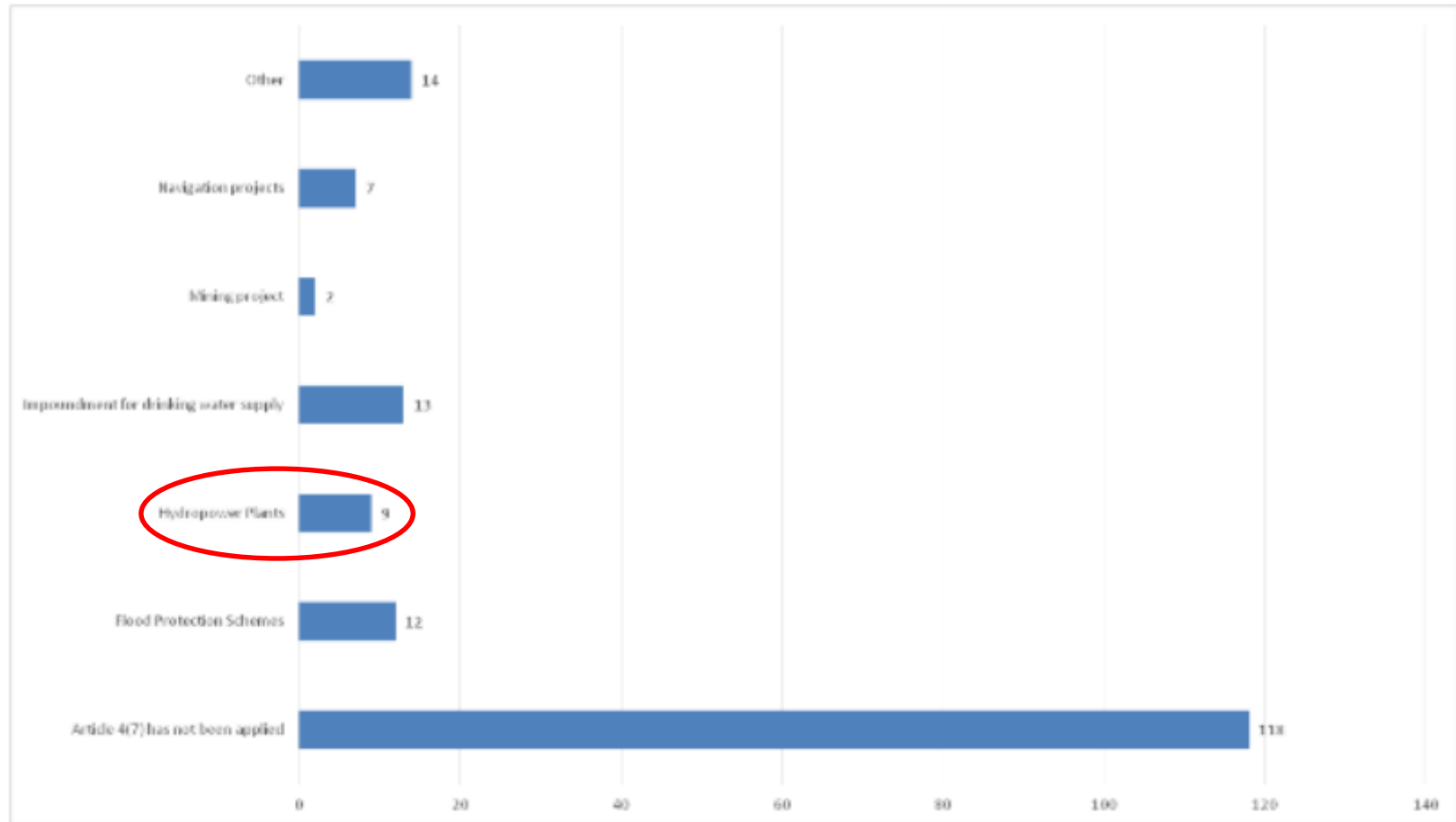


**Figure 1: Principle relationship between "Article 4(7) Applicability Assessment" and "Article 4(7) Test"**





# ANNEX 4: RIVER BASIN DISTRICTS WITH PROJECTS CAUSING ARTICLE 4(7) EXEMPTIONS



Source: WISE electronic reports.

Number of River Basin Districts with projects causing article 4.7 exemptions. Source: European Commission, SWD, 2019, p.176.





“THE DECISIVE GOVERNING FACTOR  
ON WHETHER A N A R T I C L E 4 7 T E S T  
WILL BE APPLIED IS THE  
BOTH PARTIAL BE F I T T O F T H E N E W  
M O B I L E F I C A T I O N A L T E R A T I O N O R N E W  
S U S T A I N A B L E D E V E L O P M E N T  
A C T I V I T Y O N T H E W A T E R B O D Y  
S T A T U S S E E C H A P T E R 4  
H E R E S P E C I F I C E L Y O F W H E R I T I S  
A N N O U N C E D R E L Y N E W A C T I V I T Y N E W  
M O B I L E F I C A T I O N A L T E R A T I O N O R N E W  
S U S T A I N A B L E D E V E L O P M E N T  
A C T I V I T Y O R A M E N O P M E N T S



- 18





# FRAMEWORK DIRECTIVE

ENTER IMPLEMENTATION OF THE

WFD

- IMPROVE THE USE OF EXEPTIONS AND THE USE OF THE ARTICLE

4 7 TEST

- A FULLY ARTICULATE 4 BE WHEN  
APPLYING PARAGRAPH 4 5  
AND 7 A MEMBER STATE SHALL  
ENSURE THAT THE APPLICATION  
DOES NOT PERMANENTLY EXCLUDE  
OR COV PROHIBIT THE ADH E V E M E N T  
OF THE OBJECTIVES OF THIS  
DIRECTIVE IN OTHER S C D I E S O F

6



DIFFER OPPORTUNITIES  
FOR BETTER ALIGNMENT

- ELUSIVE IDEAS MUST BE  
RETHINKED TOWARDS THE  
RETHINKING OF EXISTING  
HYDROPOWER PLANTS
- BIODIVERSITY STRATEGY
- EU TAXONOMY



THANK YOU FOR YOUR  
ATTENTION

CONTACT CLAIR B. AUFFERT  
CBAFFERT@WWF.EU