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DG ENV.B.3
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Consultation on the 4th draft of the EU-Guidance Document on Hydropower Development and NATURA 2000

Dear Mr Dušek,
Dear Mr Le Maresquier,
Dear Sir or Madam,

The German Recreational Fishing Association (Deutscher Angelfischerverband e.V., (DAFV) and the European Anglers Alliance (EAA) appreciate the submission of the draft of the guidance document, as there is an important problem area addressed. The DAFV and the EAA thank you for the opportunity to point out amendment and revision requirements in the frame of the consultation on the 4th draft of the EU-Guidance Document on Hydropower Development and NATURA 2000 that are necessary in our judgement. Although the real risks of impairment of nature due to actions in hydropower development are very clearly explained in the submitted draft of the guide (especially in chapter 4), in our opinion, these notes are not sufficiently taken into account in the following chapters.

With regard to the implementation of the Water Framework Directive, it is essential that the negative effects of hydropower plants on the aquatic fauna, especially on migratory fish species, which often have a high protection status, are clearly identified and that consistently work is done on minimizing these negative effects and, where this is not possible, efforts are made towards the dismantling of such plants.

We would like to point out that the presentation of the results of the Forum Fish Protection in Box 11 is not accurate and current. It requires from our point of view a complete revision. The current version of the Forum Fish Protection that involved stakeholders of all interest groups, can be found on the relevant website (<http://forum-fischschutz.de>).

The range and the intensity of the effects and impacts of hydropower plants on the aquatic environment are tabulated on pages 43 and 44 in the guidelines. In our judgement, in particular the table on page 43 completely needs complete revision as the effects of smaller plants are greatly underestimated in certain situations. By letter of 17th March 2014 the German Federal Agency for Nature Conservation (Deutsches Bundesamt für Naturschutz, BfN), Bonn, formulated core demands for hydropower (Appendix). This demanded to exclude entirely new construction of power plants in Natura 2000 sites, to generally refrain from the construction of small hydropower plants (<1 MW inst. power) and to consider the removal of plants with less than 500 KW. The DAFV, together with the EAA, supports these claims. These demands of the BfN are based on the findings that the economic and energy benefits from these plants is very low, the ecologically adverse effects on the aquatic biota, however, is very high; often higher than previously estimated. Due to this situation the last sentence of chapter 4.3.1 ("Nevertheless, mini, micro and pico hydropower plants are growing in importance and represent an effective way of providing distributed electricity.") is completely unacceptable. In our opinion it is a need to cancel this statement.

Among fishes it can be shown that the conservation status of Appendix II species (e.g. Danube Streber (*Zingel streber*), Vairone (*Leuciscus s. agassizii*), Schneider (*Alburnoides bipunctatus*) or European Brook Lamprey (*Lampetra f. planeri*)) is strongly affected by hydropower used small streams or that populations have disappeared. Compensation measures in the form of fish migration (upstream or downstream) seem low to largely ineffective for the preservation of such species; they need highly structured unspoilt waters. It is thus evident that the small hydropower plants in the waters with the generating capacity small, mini, micro and pico have a serious impact similar to large plants in large bodies of water.

The categorization of the effect of hydropower plants in the table on page 43 of the draft guidelines must, in our opinion, therefore be changed in many points from "x – significant effects possible" to "!! – Significant effects are probable to change." We would be of course ready to substantiate this view. In assessing the categorizations it must be pointed out that the guidelines use the term "generating capacity small" for hydropower plants between 1 MW and 10 MW. In contrast, in Germany hydropower plants with an installed capacity less than 1 MW are associated with "small hydropower".

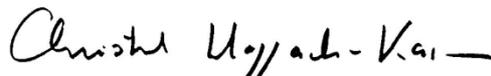
The guidelines covertly address that small hydropower plants often contribute no significant contribution to the provision of electrical energy. The current funding for such plants, of which many considerably strain Natura 2000 sites or species, should be completely abolished wherever possible.

The eel is not covered by the regulations for Natura 2000 because it is not a "Habitats Directive species": it is not listed in Annex IV of the Habitats Directive

(Council Directive 92/43/EEC). However, it is listed in Annex B of the European Regulation on the Protection of Species of Wild Fauna and Flora **Council Regulation 338/97/EC**. It thus is a specially protected species as defined by that regulation. It would seem advisable for the guidelines to point out the issues of eel protection by means of the avoidance bid according to the nature conservation law impact regulation in connection with licensing procedures for hydropower projects, because the damage to migratory eels is a major and central problem in conjunction with the hydropower development.

As far as the points put forward need a further professional explanation, we are happy to help. In addition, we are of the opinion that anyway a sensitive issue as Hydro Power Development and Natura 2000, requires urgent another round of consultations.

Yours sincerely



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President DAFV



Fred Bloot
President EAA

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