

# COMPLAINT

**New river regulation plan of the Croatian  
Ministry of Regional Development, Forestry and Water Management<sup>1</sup>  
contravenes EU environmental law  
and is against the new governmental agreement on Drava protection!**

**River ecosystem of European conservation importance and  
protected areas are threatened again  
in the Drava-Danube region!**



**Supporting information and documentation about the ongoing destruction  
of the natural values of the Drava River in Croatia to the letters to the European Commission,  
dated 28 June, 18 September and 1 October 2007**

**5 March 2008**

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<sup>1</sup> the former Ministry of Agriculture, Forestry and Water Management (MAFWM)



**On behalf of the NGOs:**

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5 March 2008

**Open complaint to the European Commission**

Dear Commissioners, dear Directors General,

On behalf of the signed NGOs we have to contact you again and call your attention to the most recent plan of the Ministry of Regional Development, Forestry and Water Management (hereafter MRDFWM) and Croatian Waters (hereafter CW) for the further destruction of the European important Drava River in Croatia, a future Natura 2000 site.

Recently, the MRDFWM has issued an extensive plan for further regulation of 56 km of the lower course of the ecological important Drava River<sup>2</sup>. According to the plan the natural river course should be fixed and the natural river dynamics of the lower Drava stopped.

This new plan – following the Ministries’ project from last year for massive sand extraction from the natural lower Drava riverbed which has been reported to you in our last letter dated October 2007<sup>3</sup> – is a further big attempt of the MRDFWM and CW to transform the natural river course into a uniform canal.

It clearly indicates once again the ministries ongoing resistance to comply with EU environmental law and it is against the recent agreement of the new Croatian government to protect the Drava as a “Regional Park”: [http://www.vlada.hr/en/preuzimanja/publikacije/program\\_vlade\\_republike\\_hrvatske\\_u\\_mandatnom\\_razdoblju\\_2008\\_2011/\(back\)/11910](http://www.vlada.hr/en/preuzimanja/publikacije/program_vlade_republike_hrvatske_u_mandatnom_razdoblju_2008_2011/(back)/11910)

**Therefore, we urge the European Commission not to tolerate the ongoing resistance of the MRDFWM and CW to comply with EU standards and laws and to put immediate pressure on them to immediately stop this new plan and all construction activities along the European important Drava River!**

<sup>2</sup> between Rkm 0 at the confluence with the Danube up to Rkm 56 at the Croatian town of Belišće

<sup>3</sup> see copy of the letter enclosed

We are deeply concerned about this new regulation plan as well as about the quality of the Environmental Impact Study (EIS) to the plan. The study has been prepared by the firm *hidroing* and has been issued this year<sup>4</sup>.

The EIS is in our opinion very low standard, highly flawed and incompetent and thus totally inappropriate (see Annex I). Therefore, NGOs have already submitted appropriate complaints<sup>5</sup> to the relevant authorities during the public hearing process in February.

This new plan clearly indicates once more the Ministries' and CWs' rejection to find an appropriate strategy for the development of the Drava river in compliance with national and EU law and in agreement with all relevant stakeholders in order to maintain a system of outdated water management practices and its profiteers.

We are deeply concerned about these negative developments in the water management sector in Croatia thus the situation on the Drava is getting worse from day to day.

Based on our experiences from the last 10 years - our continuous monitoring of the ongoing devastation of European natural values and reporting to the Croatian government and the European Commission as well as our repeatedly appeal to the MRDFWM and CW to apply sustainable management methods and our offers for cooperation in finding and applying alternatives to current outdated plans - we are expecting no change in the management on the Drava until the MRDFWM and CW and their interest partners<sup>6</sup> are not forced to change it.

We are aware that the European Commission holds the position, that the Candidate Countries should apply and implement the provisions of the environmental *aquis* during the pre-accession period, that all new investments should respect EU environmental law and in particular that the deterioration of potential Natura 2000 sites should be prevented already during the accession period.

As this new plan of the MRDFWM and all other ongoing unsustainable water management activities along the Drava which have been reported to you during the last year clearly contradict Croatia's efforts to harmonise its environmental legislation with the EU *aquis* it should therefore have clear political implications with regards to the further approximation of Croatia to the EU.

We feel confident that the European Commission shares our views, that negative impacts which lead to the destruction of European natural values are not to be allowed, and that development should be in harmony with EU environmental legislation.

**Therefore we urge the European Commission not to tolerate the ongoing resistance of the MRDFWM and CW to comply with EU standards and laws and to:**

- **put immediate pressure on the Government of Croatia, respectively the MRDFWM and CW to immediately stop this new plan and all construction activities along the Drava!**
- **obtain the assurance from the Government of Croatia, respectively the MRDFWM and CW that all current and future plans and activities in the field of water management along the Drava will be harmonised with national and EU environmental law otherwise to question the further progress of Croatia on EU accession in the field of environment.**
- **effect from the Government of Croatia, respectively the MRDFWM and CW that regarding this new plan a proper Environmental Impact Assessment (EIA) is carried out according to international standards and laws.**

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<sup>4</sup> see public announcement from 21 January 2008 and the summary of the EIS which has been made public enclosed

<sup>5</sup> see copy enclosed

<sup>6</sup> as the Agency for Inland Waterways and the Ministry of the Sea, Transport and Infrastructure

Faced with this situation NGOs are prepared to continue fighting for the European unique river system and to extensively continue monitoring of MRDFWMs' and CWs' practices along the Drava and to immediately provide any further information to you.

We would also like to stress that the NGOs signed below would be very pleased to meet representatives of the European Commission on site at any time of their convenience, in order to present the issue in its proper context and to allow an appropriate monitoring of Croatia's efforts to comply with the European standards.

Yours sincerely,



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WWF/DCPO



**Martin Schneider-Jacoby**  
Euronatur



**Irma Popovic**  
Green Action Croatia



**Darko Grlica**  
Drava League Croatia



**Tibor Mikuska**  
Croatian Society for Bird  
and Nature Protection



**Ana Bajsic**  
ZEO Nobilis Croatia



**Goran Cizmesija**  
ZEUS Croatia



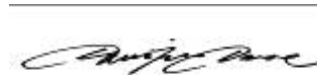
**Jasmin Sadikovic**  
Green Osijek Croatia



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WWF Hungary



**Miklos Toldi**  
Drava Federation Hungary



**Damijan Denac**  
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Slovenia



**Marko Tucakov**  
Bird Protection and Study  
Society of  
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## Annex I:

### The NGOs signing this letter are concerned that the EIS does not:

- include any proper assessment nor a detailed and comprehensive analysis of the environmental impacts on the valuable river ecosystem - its natural values and its well preserved biodiversity - and the impacts on the natural meandering river stretch of the Drava. The Lower Drava presents a unique European example for large scale self-restoration of a once regulated river stretch to natural conditions again<sup>7</sup>. Recent investigations on the hydro-morphological conditions indicate large parts of the river to be in “good” and “high natural conditions”<sup>8</sup>: <http://www.fluvius.com/Komponenten/FluviusDrau2.htm>
- include any proper assessment of the environmental impacts on the international importance of the lower Drava for bird species (the area is designated as an European Important Bird Area – IBA). One third, about 3000 pairs of the Croatian Sand Martin *Riparia riparia* population breed in the natural river banks as well as more than 6000 wintering and feeding waterbirds were counted during January 2007.
- consider the impacts on the planned and existing protected areas of more than 10.000 hectares, including areas of the planned Regional Park “Drava-Mura” and the Special Zoological Reserve, Nature Park and Ramsar site “Kopacki Rit” in the Drava-Danube triangle<sup>9</sup> adjacent to the Hungarian “Danube-Drava” National Park. It does not consider the Croatian National Network CRO-NEN, the basis of the Natura 2000 network, which was adopted by the Croatian Parliament in October last year.
- take into account the provisions of the Water Framework Directive, the Habitat and Birds Directive and the standards of the Environmental Impact Assessment Directive, even though it profoundly affects European endangered habitats and species and one of the best preserved alluvial wetlands and floodplain forests in the Danube River Basin, once to be included into the Natura 2000 network when Croatia joins the EU.

Endangered habitats and species are affected by the plan such as:

- priority habitats included in Annex I of the Habitats Directive: 91E0\*: Alluvial forests and 91F0\*: Hardwood forests
  - habitats included in Annex I of the Habitats Directive: 3270: Rivers with muddy banks, 3130: Oligotrophic to mesotrophic standing waters and 3150: Natural eutrophic lakes
  - species included in Annex II of the Habitats Directive such as Otter, Pond turtle, Schraetzer, Asp, Ballon's (Danube) ruffe
  - species according to Annex I of the Birds Directive such as Stone Curlew, Little Tern, Common Tern<sup>10</sup>, Great Egret, Little Egret, White-tailed Eagle, Black stork and Kingfisher
- include an assessment of trans-boundary impacts according to the ESPOO Convention, even though the plan affects areas along the Danube and the Gornje Podunavlje “Special Reserve” on Serbian territory. No EIA in a trans-boundary context has been conducted.



<sup>7</sup> see timeline of the Lower Drava River course during the past 120 years on the map Annex III

<sup>8</sup> see examples from the IAD study 2007 as part of the NGO complaint enclosed

<sup>9</sup> see map enclosed

<sup>10</sup> Due to ongoing sand extraction activities the Little Tern and the Common Tern are already extinct as breeding birds from the Lower Drava river.

- include as a basis a clear cost-benefit analysis and an analysis regarding the necessity of the plan and its possible alternatives as well as an analysis of the economic importance of the lower Drava for navigation.

Furthermore, only an abstract of the entire EIS has been made public for the public hearing process: [http://kenny2.globalnet.hr/www.mzopu-puo.hr/UserDocsImages/SUO\\_Drava\\_22012008.pdf](http://kenny2.globalnet.hr/www.mzopu-puo.hr/UserDocsImages/SUO_Drava_22012008.pdf)

**Furthermore, the undersigned NGOs are concerned that the plan:**

- clearly undermines the efforts of the Croatian Ministry of Culture to protect and effectively manage the Drava as a future part of the Natura 2000 network and of the proposed Trans-Boundary UNESCO Biosphere Reserve “Danube-Drava-Mura” together with Austria, Slovenia, Hungary and Serbia.
- is against the programme of the new Croatian government to protect the Drava as a Regional Park. On page 32 of the “*Programme of the Government of Croatia 2008-11*” it says: “- zaštititi rijeke Unu, Muru, Dravu, Mrežnicu, u kategoriji regionalnih parkova – Rok: preventivna zaštita do kraja 2008 godine, konacna zaštita prema zakonskoj obvezi”. The decree for preliminary protection of the Drava as a “Regional Park” has recently been signed by Minister Božo Biškupić.
- is against the past efforts by both - Minister of Culture, Mr Božo Biškupić and the Ministry of Environment, State Secretary for Environment Mr Nikola Ružinski - to halt environmental destruction along the Drava regarding further gravel and sand extraction and river regulation<sup>11</sup>.

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<sup>11</sup> see NGO letters in our recent correspondence

**Annex II:**

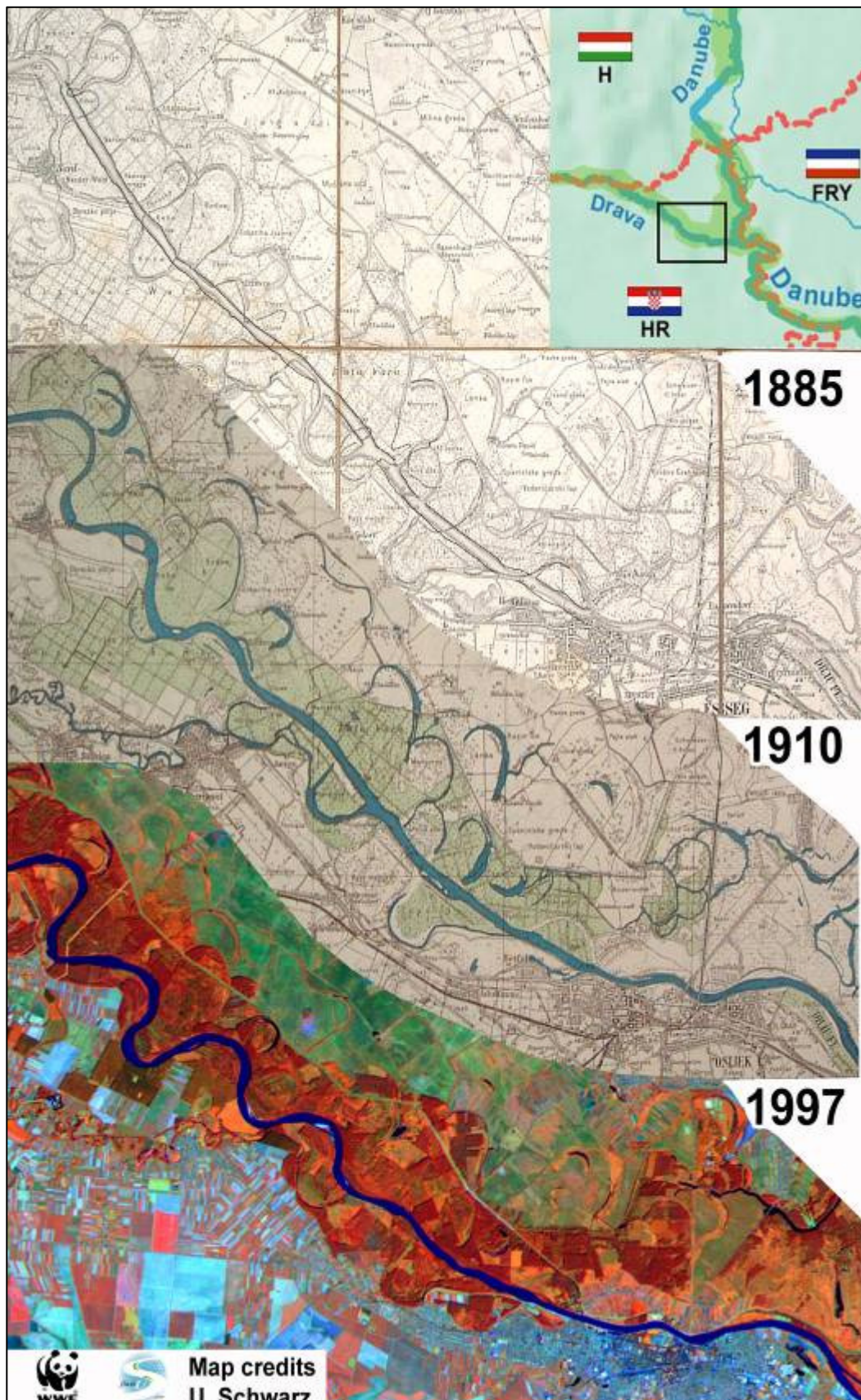
**Unique nature along the Drava is threatened by outdated water management activities!<sup>12</sup>**



<sup>12</sup> From left to right: Special Zoological Reserve and Nature Park „Kopacki Rit“, Stone Curlew, Otter, Extensive floodplain forests and natural lower Drava River, Drava-Danube confluence and sand banks, White-tailed Eagle, Black Stork, Oxbow

**Annex III:**

**After the first regulation in 1885 the Lower Drava river course has restored itself. Today this unique phenomenon in Europe is threatened again!**



Attachments:

- Public announcement in "Glas Slavonije" from 21 January 2008 and extract of the EIS
- NGO complaint to Croatian Authorities
- Maps showing the site of the planned works, the protection status and the timeline
- Extract of the Programme of the Government of Croatia 2008-11
- Recent letter to the EC dated 1 October 2007

CC:

EC

- Mr Jos Delbeke**, DG Environment
- Mr François Delcueilierie**, DG Environment
- Mrs Dagmar Kaljarikova**, DG Environment
- Mr Jorge Antunes**, DG Environment
- Mr Andrew Murphy**, DG Environment
- Mrs Anne Burrill**, DG Environment
- Mrs Henriette Faergemann**, DG Environment
- Mr Helmut Blöch**, DG Environment
- Mr Christian Danielsson**, DG Enlargement
- Mr David Daly**, DG Enlargement
- Mr Tom von Handel**, DG Enlargement
- Mr Vincent Degert**, Delegation of the EC to the Republic of Croatia
- Mr Oskar Benedikt**, Delegation of the EC to the Republic of Croatia
- Mr Davor Percan**, Delegation of the EC to the Republic of Croatia
- Mrs Mojca Starc**, Delegation of the EC to the Republic of Croatia
- Mr Hannes Swoboda**, MEP, Croatian Rapporteur to the MEP
- Mr Franz Fischler**, Counselor to the Prime Minister of Croatia

HR

- Mr Ivo Sanader**, Prime Minister
- Mr Božo Biškupić**, Minister for Culture
- Mrs Marina Matulović-Dropulić**, Minister for Environmental Protection, Physical Planning and Constr.
- Mr Petar Čobanković**, Minister for Regional Development, Forestry and Water Management
- Mr Gordan Jandroković**, Minister for Foreign Affairs and European Integration
- Mr Božidar Kalmeta**, Minister for Sea, Tourism, Transport and Development
- Mr Zoran Šikić**, Ministry of Culture
- Mr Zdravko Krmek**, Ministry of Regional Development, Forestry and Water Management
- Mr Nikola Ružinski**, Ministry of Environmental Protection, Physical Planning and Construction
- Mr Vladimir Drobňak**, Office of the Chief Negotiator
- Mr Nenad Mikulić**, Ministry of Environmental Protection, Physical Planning and Construction
- Mrs Ljerkica Alajbeg**, Croatian Embassy Brussel
- Mrs Kornelija Pintarić**, Ministry of Culture
- Mrs Andrea Stefan**, Ministry of Culture
- Mrs Katica Bezuh**, Ministry of Culture
- Mrs Marija Brajković**, Ministry of Culture
- Mr Radenko Deželić**, Ministry of Culture
- Mrs Ivana Jelenić**, Ministry of Culture
- Mrs Mirna Bojic**, Ministry of Culture
- Mr Eugen Draganovic**, Ministry of Culture
- Mr Davorin Marković**, State Institute for Nature Protection
- Mrs Jasminka Radović**, State Institute for Nature Protection
- Mr Neven Trenc**, State Institute for Nature Protection
- Mrs Biljana Ivicic**, State Institute for Nature Protection
- Mr Jadranko Husarić**, Hrvatske Vode
- Mr Siniša Širac**, Hrvatske Vode
- Mr Zoran Đuroković**, Hrvatske Vode
- Mr Danko Biondić**, Hrvatske Vode
- Mr Ivan Cerovec**, Hrvatske Vode

H

- Mr Gabor Fodor**, Minister for Environment and Water
- Mr Laszlo Haraszthy**, Ministry of Environment and Water

RS

- Mr Sasa Dragin**, Minister of Environmental Protection

Int

- Mr Tobias Salathe**, Ramsar Convention Secretariat
- Mr Philip Weller**, Danube Convention Secretariat (ICPDR)
- Mr Wiek Schrage**, Espoo Convention Secretariat