

Concern for irrigation, drainage and other water management measures in national recovery and resilience plans

Background

As of 23 June 2021, 24 national recovery and resilience plans have been submitted by Member States to the European Commission. Once submitted, recovery plans have two months to be assessed according to their contribution to the objectives outlined in the Recovery and Resilience regulation. These include, among other conditions, the requirement that 37 per cent is allocated towards climate action and that all investments and reforms comply with the ‘do no significant harm’ (DNSH) Principle.

In conjunction with recently published joint assessments of [problematic measures to be screened during this assessment period](#), the following document outlines specific measures relating to irrigation and water management. Analysis of several recovery plans from central and eastern Europe reveal measures that could have potentially disastrous impacts on nature and biodiversity. In particular, there are a series of proposals for the development of intensive irrigation, drainage and other water management projects. As described below, there is strong cause for concern that such measures will not respect the DNSH criteria and conflict with the relevant EU water and biodiversity legislation.

Same grey investments-new source of funding

Given the speed of biodiversity loss globally and in Europe and the alarming conservation status of most of EU habitats DNSH principle to safeguard biodiversity is the absolute minimum requirement that can and should be done. Europe’s economic recovery also represents a key opportunity for abandoning and rethinking the business-as-usual approach that led to the current status of biodiversity. Unfortunately, such an opportunity has not been taken. Member States have continued to request EU public financial support through their national recovery plans to bring a new wave of old-fashioned unsustainable projects deceptively disguised as climate adaptation solutions.

In addition, applying the DNSH principle should be done in conjunction with, and not as a replacement for existing environmental legislation. This means that the goals and

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objectives of the various EU environmental legislation should be followed, namely the Habitats and Birds Directive.

Why is irrigation and drainage problematic?

Both irrigation and drainage projects are highly invasive practices affecting the ecosystems. Although assessments of the impact on biodiversity and water systems are required by EU law, this is not systematically applied by all Member States. Cumulative impact assessment of all measures, even small ones, are highly relevant, yet many countries often apply a “salami-slicing” approach to avoid conducting such impact assessments³ (see footnote). The large-scale interventions are often driven by industrial agriculture needs that have also negative impacts on biodiversity, soil and water pollution. For example, many natural wetlands are drained in order to open more land for intensive agriculture, and drought-prone areas are used for water-intensive crops. Flooded lands should instead be used for purposes such as orchards, grazing and fishponds. Agriculture is currently the leading driver of biodiversity loss⁴ and measures should be immediately taken to address this.

In order for irrigation to occur, water must be extracted or diverted either from groundwater, rivers or lakes. Irrigation and drainage demands the development and renovation of business-as-usual water management infrastructure such as dams, pipelines, reservoirs and drainage pump stations and channels. However, this can lead to potentially irreversible negative impacts upon landscapes and biodiversity, harming rivers, wetlands and traditional agriculture ecosystems. Habitats are significantly modified by construction activities and water regime change, and in some cases these activities can lead to increased flood risks for the population.

The use of dams can also often lead to flooding of land by reservoirs, as well as the alteration of the water flow downstream and the creation of fish migration barriers. Irrigation activities have further direct impacts on soil, and water quality.

Drainage activities, on the other hand, leave marshes, swamps, wet meadows and other wetlands without water during migration and breeding season of birds. In many cases, as in the Bulgarian recovery plan, the restoration of existing drainage infrastructure (some of which have not been used for the last 20-30 years), has the same detrimental impact as the construction of new infrastructure. The restoration of wetlands as part of the EU Biodiversity Strategy and use of these wetlands as natural flood protection areas would be impossible if business-as-usual solutions from the mid 20th century are proposed. Without appropriate assessment procedures, no certainty exists that there will not be significant negative effects on habitats and species listed in the Habitats and Birds Directives.

Irrigation measures in the context of the Recovery and Resilience Plans

Conflict with ‘do no significant harm’ (DNSH) principle

- **The DNSH assessments of the described cases below are low quality, formal and sometimes misleading. These are seen by Member States as merely**

an administrative box ticking exercise and in contradiction with the DNSH principle itself. Although all proposed investments and reforms included in national recovery plans must abide by the DNSH principle, thorough and comprehensive assessments over the impact of such irrigation measures based on this application have not been made publicly available by Member States. Many cases instead point to poorly and inadequately conducted assessments of the DNSH criteria that do not contain an accurate or thorough evaluation of the proposed measures' direct or indirect impacts on biodiversity and EU environmental legislation. Almost never were independent environmental experts involved and the task was instead framed as an administrative procedure. The outsourcing of this assessment has been conducted in only one of the 10 Member States included in this report. For most proposed measures, third party assessments are often at odds with those officially submitted.

Greenwashing through misapplication of climate tagging

- **Assessments of measures may show that they are positively contributing towards climate action through either climate adaptation or mitigation, yet this obscures the measures' true impact on nature.** This is particularly the case for irrigation, which is often presented as a flood management tool. It appears beneficial as a climate change mitigation measure, yet the adverse effects both on the climate and biodiversity greatly outweigh the expected benefits. When looking at the guidance for the DNSH assessments. If a particular measure is tracked at contributing 100% to climate change mitigation, then a simplified assessment can be applied which does not need to demonstrate its impact on nature.

Conflict with EU environmental legislation

- **There is further concern that such measures do not comply with existing EU environmental acquis.** These include both the Birds and Habitats Directives and Ramsar Convention, which require Member States to ensure the conservation of wetlands, as well as their favourable conservation status. Some countries like Poland are subject to infringement procedures for non-implementation of the Water Framework Directive, hence the declaration for projects' compliance with EU legislation is highly questionable. In other cases, the proposed projects will impact and undermine the efforts done so far with the European Union funds support, in particular for the restoration of irrigated areas and straightened river sections, restoration of wetland habitats such as freshwater habitats, floodplains, mires and bogs through various funds. Irrigation activities are therefore often at odds with EU nature protection and biodiversity policy in terrestrial and aquatic ecosystems. Wetlands and marine habitats also play an important role in carbon sequestration. Therefore, all irrigation activities need to be carefully assessed in the context of climate change and biodiversity protection, and ensure they are in line with EU law. For example, the Bulgarian government issued a decision stating that their recovery plan will not be subject to an Environmental Impact Assessment, which is in conflict with the EU Habitats Directive, which was later rejected by the new caretaker government.

The clear lack of information and vague nature of some irrigation measures raises further doubt as to what will be funded, and makes it almost impossible to assess the impact of this on the environment.

Alternative Measures

A series of alternative measures have been proposed by NGOs that are urgently needed and would greatly contribute to achieving the Biodiversity Strategy for 2030 objectives. However, these have not been included in submitted plans. These proposals, among others, include the following:

Bulgaria

River connectivity (removing unnecessary barriers, construction of fish passes)

This involves the restoration of fish migration, thus contributing to improving the conservation status of fish species under the Habitats Directive, as well as improving the ecological status of rivers under the Water Framework Directive. Such a proposal is in line with the commitment under the EU Biodiversity Strategy 2030: “at least 25,000 km of rivers will be restored into free-flowing rivers by 2030 through the removal of primarily obsolete barriers”. This is in line with planned measures under the Bulgarian River Basin Management Plans.

Czech Republic

Restoration of Wetlands (Mokřady a tůňě)

The chronic and long-term use of amelioration measures until 1990 led to droughts in almost 1 million hectares, resulting in the desiccation of wetlands in mountain areas. Measures supporting the revitalisation of existing and historical wetlands are therefore desperately needed to address these impacts. In particular, the creation of barriers and the deconstruction of aforementioned amelioration systems.

Latvia

Creation and restoration of wetlands, restoration of watercourses

Funding for the creation of new wetlands, as well as the identification of floodplains and mire habitats in order for their restoration.

Poland

Legislative reforms aimed at removing incompatibilities with EU law (i.e. special investment acts, Forest Act, Water Act) The [Act on anti-drought investments](#) would [undermine the protection of biodiversity and water resources in Poland](#). The new law aims to simplify permitting procedures for ‘anti-drought measures’, including a number of specific reservoirs on rivers which have proven negative impacts on biodiversity and water resources and will not alleviate droughts according to experts.

In addition, the Water Law should also be amended to modify the provisions that prevent effective water protection and the achievement of the Water Framework Directive's objectives. ⁵ Currently the Water Law Act includes numerous provisions from previous versions of the Law, which negatively affect the status of water ecosystems and lead to wasteful spending of public funds. At the core of the problem lies an

anachronistic perception of the objectives of river maintenance, which excludes the restoration of ecological functions.

Cases which do not comply with the DNSH requirement

The following cases have been identified as highly problematic and should not receive funding.

Poland:

- The newly added measure titled “B3.3.1. Investments in enhancing sustainable water management potential in rural areas, including implementation of multifunctional hydro-technical investments” aims to finance mainly construction, reconstruction and expansion of land drainage facilities in rural and forest areas. In previous years, thousands of kilometres of Polish rivers and streams were destroyed in this way, also using EU funds, under the pretext of improving water conditions in rural areas. Furthermore, despite significant opposition during public hearings, the Polish recovery plan includes a Special Act on Anti-drought which will significantly interfere in protected areas, including allowing the construction of water facilities in nature reserves. Small hydropower plants are included despite these proving to do massive harm to biodiversity and being incompatible with the Water Framework Directive.

Bulgaria

- A Sustainable Agriculture Component which allocates almost 20% (EUR 400 million) of the green pillar budget for refurbishment of state-owned irrigation systems, is among the most expensive measures in the plan. This project is not in line with the Bulgarian Strategy for governance and development of hydro-melioration and protection from the harmful effect of water up to 2030, and is leading to potential negative impact on wetlands and other habitats. This activity also has no appropriate assessment with Natura 2000 sites. In addition, the ‘do no significant harm’ principle assessment of the irrigation measure contains misleading information, as it states that the measure is not subject to an Environmental Impact Assessment (in contradiction with the Bulgarian Environmental Protection Act) and that the environmental authorities have concluded that the habitats in the surrounding areas will not be affected by the project. However, this has been supported only by statements with no evidence. In reality, numerous wetlands might be affected, including most of the Danube River floodplain in the country. Dozens of species of waders, terns, herons, egrets and other bird species may become in unfavourable conservation status as a result of this project.

Latvia

- Measure 1.3.1.2.i. ‘Investments in flood risk reduction infrastructure’ has raised concern over the potential harmful impact on wetlands and biodiversity. There are no details on the proposed 29 irrigation projects provided in the plan. Irrigation activity usually leaves a negative impact on biodiversity, and there is a risk that implementation of irrigation projects (the details of which are not known) will only exacerbate the already poor conservation status of the habitats in Latvia. There is also no guarantee that an EIA will be conducted for all 29 projects, because the EIA

procedure is obligatory only for those projects that are large enough and meet specific criteria set out in the EIA law. Furthermore, the 'do no significant harm' assessment includes the statement that: 'the measure will reduce the negative impact on biodiversity'. Such statement is misleading, because all irrigation activities usually have a negative impact on biodiversity.

Czech Republic

- Component 2.6 for the renewal of agricultural irrigation systems that would direct water for production away from ecosystems and thus make the natural water cycle even more vulnerable to weather extremes and climate change. As such, irrigation measures do not support climate adaptation, alternative proposals lie in natural irrigation systems. The DNSH assessment for this measure merely consists of a single excel sheet with many parts missing or incomplete. In addition, the positive effect of the development of the irrigation systems on the quantity of crops does not imply positive effects for carbon storage, as the Czech Ministry of Agriculture states, and thus this does not support the claim that the measure is climate positive.

Slovenia:

- (p92 chapter 1.3.3 F) calls for the use of water retention mechanisms for irrigation through the use of a highly controversial hydropower plant. This is presented as a proposal for reducing flood risk and reducing the risk of other climate-related disasters. Water retention mechanisms harm fauna and flora around as the retention mechanism is based on a dam system. Water streams are therefore cut-out and the fish migration would be impossible. Water quality and temperature would be impacted, altering the biodiversity that depends on it. The irrigation possibilities offered by fresh water retention is often used as an additional argument for the hydropower plant construction.

Hungary

- The water management component of the Hungarian plan, although improved since the previous draft, still fails to provide a solution for the core problem. It does not address unsustainable land use, and the disappearance of natural wetlands. There is often competing needs for water use between nature, agriculture, people, and recreation. At the same time, after heavy rains and consequent flooding, of which are becoming increasingly frequent, agricultural lands can't drain naturally. This means water forms puddles which then become channelled back through the use of pumps and artificial channels to rivers, leading to high probability of drought a few months after. Not only does this lead to detrimental environmental impacts, but this also makes no financial sense as taxpayers end up paying twice: first when farmers get support for removing water from their lands, and later in the summer, when farmers are compensated for drought or demand irrigation systems. In addition, some of the lands just not suitable for water intensive crops. Farmers should be supported and encouraged to change land use instead of supporting unsustainable agricultural practices.