



WWF European Policy Office submission to

Public consultation on the report of the High Level Group on the extension of the main trans-European transport axes to the neighbouring countries and regions and the way forward

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INTRODUCTION:

WWF believes that economic developments including plans for transport, infrastructure and pipelines must be based on sustainable use of the natural resources and wealth of each neighbouring country.

WWF welcomes the report of the High Level Group (HLG) on the extension of the main trans-European transport axes to the neighbouring countries and regions and the opportunity to be part of the public consultation.

GENERAL CONCERNS:

- **Networks for peace and development ?**

We are puzzled by the reference to “peace” and “development” in the title of the report. Nothing in the text of the report seems to justify this title. We understand that there will be a major economic impact from the planned infrastructures for international (and European) trade companies and rich urban societies. But we have serious doubts about the beneficial effects of these infrastructures on the rural poor and rural areas suffering from political instability and poor access to markets. Further, we have difficulties to understand how the proposals may contribute to the peace processes in the Middle East, the Western Sahara or solve the current conflicts in the Caucasus.

- **Trans European transport Networks (TENsT) extension poses an environmental threat**

Development of proposed infrastructure network in the Neighbouring Countries may cause irreversible damage to important natural areas, three of which (Caucasus, Mediterranean and Danube-Carpathian) feature on WWF's 'Global 200' list of the most important ecoregions on the Earth. It is important to note that many of last natural and semi-natural ecological systems in Europe are found in EU Neighbouring Countries and that these are not only a “source” of biodiversity but also of livelihoods and of other socio-economic benefits for their inhabitants and beyond. Thus, naturally functioning ecosystems provide humans with a myriad of functions with an important socio-economic value that should be maintained for future generations. In the case of freshwater ecosystems (e.g. rivers lakes, wetlands), which are under threat from development of inland navigation component of the TENsT extension programme, these include storage and

recycling of nutrients, human waste, organic waste; groundwater recharge and discharge; natural flood control and flow regulation; erosion control; salinity control; water treatment; climatic stabilization and carbon sequestration¹ and others.

- **Learning lessons from the past**

WWF considers imperative that the lessons from the past TENs-T extension (2003-2004 to new EU Member States) must be extracted and learnt. Below a few examples:

- **A full Strategic Environmental Assessment of the whole network/programme must be carried out before local projects are approved** – coordinated by the European Commission, with the full cooperation of the Neighbouring Countries. This is vital to ensure that negative environmental impacts are minimised.
- **Cost-benefit analysis must be improved.** It should make consideration of the ‘zero’ (no new investments) option compulsory. Improved methods of cost-benefit analysis must be developed, which integrate/internalise social and environmental costs.
- **The needs of the protected areas (e.g. Emerald network) must be integrated into the TENs-T.** There must be no net loss to the ecological integrity of protected areas network as a result of transport infrastructure developments
- **Local networks must be prioritised.** Local and regional transport systems should be maintained and improved, before national and EU funds are allocated to trans-national transport infrastructure

Otherwise, the shortcomings of current TENsT programme will be replicated and have more damaging consequences in the countries where environmental protection standards are not at the level of those in the EU (as illustrated below).

EU inland navigation plans threaten the Danube²

As a result of the recent extension of the inland navigation component of the TENs-T in the Danube River (Corridor VII), several so-called navigation “bottlenecks” have been identified. These “bottlenecks” correspond 100% to the last remaining high ecological value stretches of the river. The currently promoted “solution” is a harmonised, homogeneous and artificial deepening of the whole Danube main channel while incurring high environmental impact/costs. It is planned to reach a minimum depth of 2.8 m which goes even beyond the internationally agreed depth requirements (Danube Convention) in 1962. At the same time, vessel traffic flows along the Danube River are reducing yearly. This is a lose/lose situation and clearly not the way forward in a XXI century Europe. For example, technical solutions (e.g. different types of shallow-draught boats) that take into account the natural hydraulics of the river may be a better option than further infrastructure/physical developments.

The root cause of this conflict is sectoral thinking at both individual countries level and at the EU. A holistic view/approach for multi-modal transport on the Danube has not yet been developed. Decisions on navigation strategies and actions are taken without due considerations of the subsequent impacts on the natural environment, which are dealt with in a piece-by-piece fashion, based on local projects. This “salami tactic” approach runs counter to the spirit of the protection of freshwater ecosystems enshrined in the EU Water Framework Directive and may result in serious ecological losses.

We are not only concerned about the bad examples in EU-25, but also about what we can already see happening in the Neighbourhood Countries with regards to the influence of the existing TENs-T programme (as illustrated below in Box 2).

¹ Read more on freshwater ecosystem functions and their economic value in “*The Economic Values of the World’s Wetlands Report*”; WWF, 2004, available at <http://www.panda.org/downloads/freshwater/wetlandsbrochurefinal.pdf>

² Read more on current conflict on the Danube and win-win solutions in WWF position paper “The Danube - a lifeline or just a navigation corridor?” available at http://assets.panda.org/downloads/wwf_ten_t_position_paper.pdf

Box 2: Navigation canal through the core zone of the Danube Delta Biosphere Reserve.

Ukraine started in May 2004 – without informing and discussing this with neighbouring Romania and Moldova - to build a new navigation canal through the core zone of the Danube Delta Biosphere Reserve, using the future extension of Transport Corridor VII as an incentive. The fact that this is one of the most ecologically rich (environmentally sensitive) areas in Europe and protected by numerous International Conventions was totally ignored. Worse still, there are at least three alternative options that would not result in so much environmental damage whilst still being acceptable from an economic and social point of view. These were also ignored. Ukraine is still going ahead with this development even if it contradicts the requirements of national legislation; at least eleven International Conventions/agreements it is signatory to; and the environmental protection and sustainable development provisions of its EU Neighbourhood Policy Action Plan (AP).

The European Commission has shown some concern by leading an international fact-finding mission to the region to assess environmental impacts and has put forward a series of recommendations. **This project development should be imperatively taken into account in the assessment of the Ukrainian Action Plan to be carried out by the European Commission in 2006.**

WWF acknowledges the HLG report recommending that the “exact alignment of the Danube to the Black Sea requires further analysis” and urge the European Commission to carefully evaluate the case, including existing alternatives, before approving Danube-Black-Sea alignment via the controversial “Bystroye” route.

REPLIES TO SPECIFIC QUESTIONS:

1. Do the five main transport axes highlighted in the High Level Group (HLG) report, in your view, represent the main axes for international traffic and what you add/delete, if given the opportunity and why?

- **Transport needs assessment**

We believe that 5 priority axes were identified by the HLG based on assumption rather than proper assessment of real transport needs³. In the HLG report we are missing a clear picture of the actual (real) transport needs in relation to the extension of the current TENs-T to the EU's Neighbouring Countries. This should be similar but improving upon the 2004 “Transport Infrastructure Needs Assessment” carried out prior to the previous extension of the TENs-T (to EU New Member States and Bulgaria and Romania). We feel that by following the recommendations of this report, DG TREN will be “building the house from the roof”.

Thus, **until the actual needs are clarified**, together with mapping of the "environmentally sensitive areas" and other relevant elements, **one should not start identifying priority transport axes and projects as intended via this exercise**. The European Commission services should coordinate such an assessment of transport needs first and this should then be evaluated by an independent expert group. Otherwise the availability of EU funds to the Neighbouring Countries would trigger projects that would not even be on a pre-assessment agenda. These tend to be inadequate, over-dimensional and generally controversial.

- **Doubtful identification of projects by the Neighbouring Countries**

The priority projects included into the HLG Report have never been presented and discussed with the civil society prior to their submission. They also tend to be heavily biased towards road transport and out of tune with the aims of the EU Transport White Paper. Therefore, the initiative for the development of transit corridors through these countries could seriously unbalance the development of sustainable transportation

³ According to the HLG report, only Turkey is carrying out transport infrastructure need assessment on the voluntary basis.

there. We consider that Neighbouring Countries should be urged to develop and discuss with the public a coherent transport policy, where the development and management of the local and regional transport networks is addressed together with the international corridors. Technical support from the European Commission for enforcement of the Strategic Environmental Assessment on national transport policy will be fundamental.

- **Inland waterways Danube and Sava**

We are concerned about the *South-Eastern Axis; Regional Project No. 1a: Reconstruction of the Sava river to 1990 standard (phase 1) and Regional Project No. 1b: Reconstruction of the Sava river to a higher navigability class (phase 2)*. The River Sava's transport capacity is not significant, but deepening and straightening the river in order to increase its navigation capacity will have a detrimental impact on a number of valuable biodiversity sites in Croatia, Bosnia and Herzegovina and Serbia. The Master Plan for the Sava was developed in an absolutely non-transparent and non-participatory manner. Furthermore, we are also concerned about the economic viability of the project No.1b (or phase 2) as the River Sava follows almost the same route as Corridor X, which already has a railway and motorway running along it between Zagreb and Belgrade. The reconstruction of the railway line along Corridor X is planned and this could successfully cover the freight transport to a large extent.

2. The HLG report outlines a number of measures, on so-called horizontal issues, are these the most important ones and do the recommendations made by the Group help to solve the problems?

- **Environmental and Strategic Assessment**

WWF welcomes references in the text (e.g. on p. 19) to the need to ensure proper environmental assessment of the proposed measures but would require from the European Commission services to further define detailed guidelines and obligations to the Neighbouring Countries regarding the Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA) procedures to be applied in accordance with EU standards and laws.

When developing projects, plans or programmes outside its boundaries, the EU should strive to apply the same high standards of avoiding significant negative impacts to the environmentally sensitive areas as it is applied to Special Protection Areas within the EU. This is especially important in the EU-Candidate countries (e.g. Croatia, Turkey), which should already be harmonising their national legislation in line with the requirements of EU Directives and Regulations.

Moreover, it is essential that a Strategic Environmental Assessment of the extended TENs-T programme and specifically of each of the proposed axis, is carried out at the earliest stage in order to take into account the cumulative and long term impacts and to avoid the environmental damage in countries where environmental protection standards are not at the level of those in the EU

- **Protection of environmentally sensitive areas**

It is vital to require that Neighbouring Countries inventorise as a matter of urgency potential areas for designation as Natura 2000 or equivalent (e.g. Emerald Network), looking at the efforts already made under national legislation (e.g. National parks), International Conventions (e.g. Ramsar, Bern, Bonn Conventions, etc.) and non governmental organisations. This should be part of the initial identification of TENs-T axes/priority projects.

In recent year and together with the German Cooperation and the KfW Bank Group, WWF has conducted an in depth biological and socio-economic assessment of the Southern Caucasus region (Georgia, Armenia, Azerbaijan, Russia, Turkey and Iran). The assessment has led to the elaboration of a Biodiversity Vision and Ecoregion Conservation Plan⁴ that identifies notably 56 Priority Conservation Areas (PCAs) that should be

⁴ Ecoregional Conservation Plan for the Caucasus, BMZ, KfW, WWF, Critical Ecosystem Partnership, March 2006. More information to be found in www.caucasus-conference.org

respected by the new infrastructures plans. WWF is also mapping protected areas and conservation hot spots in the Danube Carpathian and the Mediterranean.

Besides, WWF is aware that BirdLife International has already carried out an exercise to identify Important Bird Areas (IBAs) in all the European territories including EU's Neighbouring Countries⁵. IBAs are identified using a set of scientific criteria standardised at the sub-regional, regional and global levels. Within the EU, IBAs identified by BirdLife International have been recognised by the European Court of Justice as the best scientific reference when evaluating the completeness of the network of Special Protection Areas (SPAs) designated under Directive 409/79/EEC on (Wild) Birds. These sites are, therefore, of the highest biological and conservation importance for wild birds, both within and outside the EU.

From the point of view of environmentally sensitive areas and environmental protection in general, the extension of the TENs-T to Neighbouring Countries should, at the very least:

- Be subject to the application of (identical or equivalent) provisions of EU Directives on the protection of habitats, birds and water as well as on public participation (Aarhus Convention and transposing EU Directives) and for assessing environmental impacts (Environmental Impact Assessment and Strategic Environmental Assessment Directives), including the internalisation of environmental externalities in any cost-effectiveness and cost-benefit tests
- Be subject to relevant discussion, dialogue and cooperation between Ministries with responsibility for Environmental Protection/Nature conservation/Water management and Transport, including at the transboundary level
- Be subject to public scrutiny and be assessed by an independent body, including at the transboundary level
- Not go ahead until – at least – all relevant areas for the protection of endangered species and habitats have been inventorised/identified, protected and suitable management plans are in place. This should include areas that are already designated under national law, International Conventions and Organisations (e.g. BirdLife International); and - whenever possible - be extended to all “environmentally sensitive areas” that could easily be affected by TENs-T projects. The European Commission should require this information from Neighbourhood Countries as a condition sine qua non for the identification and development of any TENs-T axes/priority projects
- Only be developed once the European Commission can ensure that it has enough human capacity and political power to be able to monitor progress in the way the country respects the standards/criteria mentioned above and to enforce them. Environmental conditionality provisions in the final version of the European Neighbourhood Policy Instrument (ENPI) (see further) will be useful to ensure respect of criteria and EU standards.

Infrastructure construction programmes are proceeding much faster than the implementation of nature protection programmes in the Neighbouring and Accession countries, with the consequence that sites which should be included in e.g. the Natura 2000 or Emerald networks are not yet legally protected and are therefore threatened by infrastructure development. It needs to be made clear how these sites are to be taken into account during the project development process. Technical assistance on implementation of the precautionary principle and quality analyses of the EIA/SEA report on the priority projects should be considered by the European Commission.

- **Public consultation and transparency in project development, implementation and public procurement**

Transparency of information related to the infrastructure projects should be ensured by the European Commission and national/local authorities and public consultation and participation at the field level should be required at all stages of the project cycle. We count on the European Commission to ensure transparency and public participation during the elaboration of further studies and analyses, including Strategic Environmental Assessments of the axis and Environmental Impact Assessments of the individual projects

⁵ Information on IBAs in the countries relevant to the consultation exercise can be found on the following website <http://www.birdlife.net/datazone/sites> and include Albania, Belarus, Bosnia-Herzegovina, Croatia, Serbia and Montenegro, Moldova, Turkey Ukraine

once the needs are identified. The list of priority projects in the report is questionable at this stage, as the public was not consulted. Public consultations are also a way for the projects to benefit from the public knowledge and experience. Public access to the social, economic and environmental assessments of the specific transport project is an issue in most of the countries concerned. Taking into account the high cost of infrastructure construction for society and the relatively high corruption in most of the neighbouring countries, we welcome the requirement expressed in the HLG report to further assess the list “before the project could be considered for implementation” (p. 2), but also urge the European Commission to consider a special mechanism ensuring full access to the economic, social and environmental studies of the projects promoted.

- **Inland navigation**

As far as benefits of the inland waterway transport are concerned (p 37), while we agree that inland navigation may be more energy-efficient than road and air transport, we believe that it can also create serious ecological impacts on a local scale and does not show any favour in terms of emissions to rail transport⁶. Inland Waterway transport is only a sustainable alternative to road or air transport if navigation routes are integrated in a sustainable fine-distribution grid in the target countries, multi-modal logistical infrastructure is improved, and a balance is found between ecological, transport and socio-economic needs.

3. Financing transport investments is a headache. How can the implementation of these axes and horizontal measures be best financed? What could be the role of the private sector and the user charges?

Most of the European Neighbourhood Policy (ENP) Action Plans and the Country Strategy Paper (CSP) and Regional Strategy Paper (RSP) include or will include the development of transport infrastructures as one of their main priorities. WWF believes the European Neighbourhood Policy Instrument (ENPI) offers a legal basis for financing the HLG proposals. The draft Regulation currently includes provisions to ensure that projects and programmes funded are consistent with the Community policies. In the field of environment and sustainable development, consistency should be applied to existing EU legal requirements on nature (Habitats and Birds Directive), water protection (Water Framework Directive), environmental governance (Aarhus Convention and transposing EU Directive) and environmental impact assessments (Environmental Impact Assessment and Strategic Environmental Assessment Directives). Environmental conditionality should be further extended, as already proposed by the European Parliament⁷, to the review of cross border joint programmes that prove to have negative environmental or social impacts and to the environmental requirement of the project evaluation⁸

As ENPI funding will be significantly reduced following the adoption of the financial perspectives , it is quite evident that the main funding sources will be the European Investment Bank, the World Bank and the Regional Banks. They are all mentioned in the draft ENPI regulation as potential financial partners and managers of the ENPI funds⁹. Accordingly, WWF stresses again the need to ensure that the environmental guidelines and procedures of the International Financial Institutions (IFIs) are harmonized and fully aligned with EU legislation.

The European Investment Bank should improve its access to information and environmental procedures and set up more transparent mechanisms to allow affected citizens to get timely access to project information. The Bank must also increase its capacity to verify the environmental impacts of its investments, and not leave this entirely up to the project promoter. Special attention should be paid to the transparency in the use of global loans provided by the Bank to local financial institutions, the impact of which are generally difficult to verify.

4. For the implementation and coordination of the recommended actions, the report calls for either a memorandum of understanding or an international agreement – do these help to achieve the objectives? If not, how would you ensure the implementation and coordination of the actions?

⁶ “Inland Navigation and Emissions: Literature Review” available at http://assets.panda.org/downloads/wwf_iwt_emissions_lit_review.pdf

⁷ European Parliament, draft Szymanski report on the ENPI, Amendment 83 to Article 9, para.5

⁸ European Parliament, draft Szymanski report, Amendment 130 to Article 24, para.2 a (new)

⁹ ENPI draft Regulation, Art. 23, para 1, and Szymanski report proposed amendment n° 109 to Art.15, para 2.d (new)

5. The Group has envisaged integrating the existing agreements and memoranda of understandings into a coherent framework. Should an international treaty be envisaged for this?

For WWF the ENP is the main policy context for the HLG proposals. We agree that the development of infrastructure networks needs to be reflected in the Action Plans and the national and regional strategies, not only to ensure their regional coordination and implementation as proposed on page 5, but also to ensure proper environmental and socio-economic assessment and full public participation.

Coordination of the infrastructure network would require regional/sub-regional bodies (similar to the existing Euromed Transport Forum) to be set up in the context of the ENP regional programmes. NGOs should be given an Observer status in these regional/sub-regional coordination institutions.

WWF welcomes the reference to the respect of the international conventions on page 19, and propose that the Regional Secretariat of the International organisations dealing with the environmental, such as the Secretariats of UN Conventions (Barcelona, Black Sea, Carpathian, etc) are also associate to the Coordination Bodies.