



CIPRA
LIVING IN
THE ALPS

European Commission
Directorate-General for Competition
State Aid Registry
1049 Bruxelles/Brussel
Belgique/België
Ref.: HT.5371

Schaan, 29 July 2021

Reply to the consultation on the draft revised Climate, Energy and Environmental Aid Guidelines (CEEAG) - on hydropower

Dear Madam, Dear Sir,

CIPRA International is the umbrella organization of about 100 entities in the Alpine region, taking care of Alpine protection and sustainability issues in the 8 Alpine countries¹, in line with the Alpine Convention, its protocols and declarations².

We are deeply concerned about the renewed pressure from hydropower production – most of which caused by state aid - on the freshwater resources of the Alpine region, few of which remain in a natural status. Hydropower use is already very heavy to destructive in most regions. Providing state aid for small hydropower production on the very last free-flowing tributaries of the Alps would be accompanied by an unacceptable destruction of the ecological function of water bodies and water spaces.

Considering the tense situation in the entire Alpine region, with water bodies that are heavily damaged ecologically and intensively used economically, **the greatest restraint is required in the further development of hydropower, and – as a consequence – in state aid destined to it.**

Along Alpine rivers hydropower has been governed by measures that ignore complexities and conflicts, with production incentives on the one hand and, on the other hand, river protection regulations that are often ineffective with respect to the protection of water resources and biodiversity - with many European infringement procedures still open. Alpine watercourses are of high importance for fishing, tourism and recreation and provide significant other ecosystem services, which must be taken into account when weighing use against preservation and restoration – in fact, repairing ecological damage must be a focus as well, as advocated also by the UN Decade on Ecosystem Restoration 2021-2030.

The exploitation of the last still intact, ecologically sensitive watercourses should be avoided as a matter of principle. New installations on natural watercourses shall be limited to situations where they

¹ Austria, France, Germany, Italy, Liechtenstein, Monaco, Slovenia, Switzerland

² www.alpconv.org



do not pose a risk to, or compromise, the attainment of quality conditions according to 2000/60/EC³ (Water Framework Directive), and in a manner that truly ensures the full protection of rivers and streams.

These principles are reflected in CIPRA's position paper on hydropower and watercourses approved at our delegates' assembly on 1 July 2021 in Biella, Italy, which will be published soon.

These is a synthesis of our demands:

1 - Don't just produce, plan - and save kWh

2 - Realign and refurbish existing hydropower plants instead of building new ones

3 - Don't touch the freshwater jewels. Stay away from still intact rivers and river stretches, as well as from small rivers and streams⁴

4 – Develop new small hydropower for limited and isolated local needs only

5 - Expand knowledge and cooperation transnationally.

We also wish to point out the legally binding nature of the Alpine Convention, its Energy Protocol and additional agreements⁵ also for the European Union, which is one of the contracting parties. Also the provisions in the EU Biodiversity Strategy 2030 and the Water Framework Directive have to be taken in account.

In addition we support the demands of a broad alliance of European NGOs who signed the Manifesto "No new hydropower in Europe⁶":

- New hydropower facilities should not be eligible to state aid.
- State aid should be limited to the refurbishment or dismantling of existing hydropower facilities which are in line with environmental requirements and have a capacity above 10 MW, when it is demonstrated that the refurbishment or dismantling contributes to the achievement of a good water status.
- There should be no feed-in tariffs for existing micro-hydropower plants, as those feed-in tariffs have facilitated the continuous development of many facilities below 0.5 MW, with negligible electricity production but disastrous environmental impacts.
- Environmental legislation and nature protection should be more streamlined into the CEEAG. The nature protection dimension should be on the same footing as climate mitigation.

³ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32000L0060>

⁴ Catchment area < 10 km²

⁵ Platform on Water Issues, 2nd Report on the State of the Alps Water and Water Management Issues, Action Plan on Climate Change in the Alps, Alpine Climate Target System 2050 and its pathways as agreed by the ministers in Dec. 2020

⁶ https://wwfeu.awsassets.panda.org/downloads/stop_new_hydropower_in_europe_web.pdf



Explanations

Hydropower utilization goes far beyond the Alpine region. Today we have 21,000 active hydropower plants in Europe, 300 under construction and over 8500 in planning⁷. No wonder, powerful counter-positions like the manifesto 'No more new Hydropower in Europe'⁸ arise from this, signed in October 2020 by 150 NGOs.

In the Alpine region, the use of hydropower has a long history, well over a hundred years. Since then, the use of hydropower in the Alpine region has become more widespread and economically more important than ever before. It is a backbone of Alpine industry. How the ecological condition of the water bodies has developed in parallel is not documented in a comparable quality even in 2020.

Last rivers at stake

In the Alpine region, hydromorphological alterations due to hydropower production and flood protection measures can be addressed as the key pressures for waterbodies – with all their consequences in terms of loss of biodiversity and degradation of ecological processes and ecosystem services.

An alpinewide study⁹ proofed, that rivers with intact aquatic bioconoses – expressed by their high ecological status – are restricted throughout the Alps to 11% of the river network. While 15% of the smaller rivers and streams are still in a high ecological status, only 4% of the large rivers remain in a such one.

Overall, at least 41% of all rivers of the Alpine Arc (catchment size $\geq 10 \text{ km}^2$) can be considered as hydrologically or morphologically altered. The share of impacted river stretches is the highest (86%) in the category of large rivers ($>1000 \text{ km}^2$); accordingly, the smallest share of impacted river stretches (31%) can be found in the category of small rivers or streams ($10\text{-}100 \text{ km}^2$).¹⁰

The Alps: Good rules and regulations – lack of application

Since 1991, the **Alpine Convention**, signed by all 8 Alpine countries and the European Union, has been in force throughout the Alps. It is a binding multilateral agreement. With regard to the use of hydropower, the provisions of the **Energy Protocol**¹¹ also apply, signed in 1998 and binding as well. As these provisions - like any multilateral treaty - are based on the principle of consensus within the 8 Alpine states, they already are compromises.

Subsequently, it has become clear that these provisions do not meet the ecological needs⁷, which is why there has been a struggle for more regulation and a strong mitigation of the negative impacts on nature, in particular on the plants and animals living on and in the water.

⁷ Hydropower Pressure on European Rivers, The Story in Numbers; FLUVIUS, WWF, GEOTA, RiverWatch, EuroNatur; 2019

⁸ <https://eeb.org/library/no-more-new-hydropower-in-europe-a-manifesto/>

⁹ WWF STAR, Alpine Rivers; 2019

¹⁰ Muhar, S.; Seliger, C.; Schinegger, R.; Scheikl, S.; Brändle, J.; Hayes, D. S.; Schmutz, S.; Status and Protection of Rivers - A pan-Alpine overview. In: Muhar, S.; Muhar, A.; Egger, G.; Siegrist, D., Rivers of the Alps: Diversity in Nature and Culture; Haupt; Bern, 2019 ; Chapter 6.1, Page 512

¹¹ Energy Protocol of the Alpine Convention (1998):

https://www.alpconv.org/fileadmin/user_upload/Convention/EN/Protocol_Energy_EN.pdf

⁷ Austria, France, Germany, Italy, Liechtenstein, Monaco, Slovenija, Switzerland



In 2009 the **Alpine Convention established a Platform on Water Management in the Alps**¹² at the 10th Alpine Conference, following the adoption of the **second Report on the State of the Alps, on Water and Water Management Issues**. The objectives and recommendations identified in this report served as the guidelines for the Platform. In addition, the **Action Plan on Climate Change in the Alps**, also adopted at the 10th Alpine Conference, contains several issues related to water management, such as the reinforcement of the implementation of the EU Water Framework Directive, the prevention of water shortages and the development of plants according to the ecology of watercourses. Moreover, the Action Plan requires prompt and collective action from the Contracting Parties of the Alpine Convention to limit the impact of climate change, particularly by developing guidelines for the construction, optimisation and rehabilitation of small hydroelectric power stations¹³ while respecting aquatic environments and biodiversity.

In June 2018 the **7th Water Conference**¹⁴ took place, and in December 2020 the 16th Alpine Conference agreed to the **Water Declaration**¹⁵. It clearly states:

“1. Protect the remaining naturally preserved river courses of the Alps, in due consideration of the part they play in the necessary conservation of a favourable quality and quantity of water in these sensitive mountain areas;

2. Foster improvement (“requalification”) and restoration of the natural water courses conditions based on the appropriate approaches available (including hydromorphology, hydrobiology, sediment transport, as well as hydraulic features of the river bodies), with the objective of securing closest to natural functioning, favourable to the preservation of water resources, biodiversity and associated ecosystem services, including at transboundary level.”

In order to remedy the current critical conditions, it is necessary to address the multiple water issues with a full implementation of the **Water Framework Directive** (WFD, 2000/60/EC) in all European countries, and parallel water legislation in Switzerland. In fact, the Directive foresees the need to achieve at least the “good ecological and chemical status” of watercourses and “where good water status already exists, it should be maintained”. However, the current water quality status shows that about half of the streams and rivers in the Alpine ecoregion are not in compliance with the WFD objectives.

We are in an important phase with respect to these goals because at the European level, with the energy and climate package, policies for the promotion of renewable sources are being redefined. At the same time, the **EU Biodiversity Strategy 2030** requires to develop an ambitious plan for the restoration of nature. A key component of this strategy is the restoration of 25,000 kilometres of rivers

¹² All documents and products of the Water Platform issued between 2009 and 2019 can be found here:

<https://www.alpconv.org/en/home/organisation/thematic-working-bodies/detail/water-management-in-the-alps-platform-2009-2019/>

¹³ The common guidelines for small hydropower (2011): <https://www.alpconv.org/en/home/news-publications/publications-multimedia/detail/as-focus-1-common-guidelines-for-the-use-of-small-hydropower-in-the-alpine-region/>

A survey of the application of these common guidelines (2019):

https://www.alpconv.org/fileadmin/user_upload/fotos/Banner/Topics/watermanagement/II_Application_of_the_Common_Guidelines_for_the_use_of_Small_Hydropower_in_the_Alpine_region.pdf

¹⁴ Water in the Alps: [Management of hydrological extremes and of sustainable hydropower use](#)

¹⁵ Declaration of the XVI Alpine Conference on integrated and sustainable water management in the Alps:

https://www.alpconv.org/fileadmin/user_upload/Organization/AC/XVI/ACXVI_WaterDeclaration_en.pdf



to a free-flowing state by 2030. Building more small hydropower plants, and using EU funds to finance them, is clearly not aligned with this strategy.

These indications are the basis for a complete reinterpretation of the rules. The strict application of the regulations would allow us to protect river basins, thus excluding areas still with a high degree of naturalness and paying particular attention to the fragility of mountain sections. The water resource would also be adequately protected by replacing the Minimum Vital Flow - which has proved ineffective in protecting river ecosystems - with the Environmental Flow.

The most important results and products belonging to our considerations can be found in the list of sources in our **Position paper “Watercourses and the use of hydropower in the Alpine region”**.

Finally, more than 150 NGOs have signed [a manifesto](#) calling on the EU institutions to phase out all public finance for new hydropower development projects. **Our Assembly of Delegates approved the CIPRA support of this manifesto on July 1st, 2021.**

With kind regards

Kaspar Schuler
Director