



Deutsche Umwelthilfe



euronatur

Heinz
Sielmann
Stiftung

Rewilding
Oder Delta



Key Points for an Action Program to Revitalize the Oder River Use the Crisis as an Opportunity!

The Oder is one of the last free-flowing and near-natural rivers in Europe and the only large central European river without a water-retaining structure on the lower 500 km up to its river mouth. Surrounded by softwood floodplain forests, the river is an important habitat for migratory fish such as Baltic Sturgeon (*Acipenser oxyrinchus*) and Maraena Whitefish (*Coregonus maraena*), and with its oxbow lakes and transitional biotopes also a habitat for priority protected species. The Lower and Middle Oder are home to the only German floodplain national park Lower Oder Valley ("Unteres Odertal"), the Polish Międzyzdrze wetland, which has been left to natural development for 70 years, as well as the Warta Mouth National Park and Wolin National Park, landscape protection parks and large-scale EU Natura 2000 sites. The Szczecin Lagoon, a particularly species-rich coastal water of the Baltic Sea, is also located in its estuary.

The signing of the bilateral waterway agreement in the German-Polish border area in 2015 and the associated current control concept were intended to optimize the flood flow conditions on the Border Oder River, ostensibly. Thus to ensure stable fairway conditions of 1.80 m depth, in particular for the use of the German-Polish icebreaker fleet. Closely connected with the agreement and the current control concept are the plans of the Republic of Poland and the Federal Waterways and Shipping Administration (WSV) for further deepening and widening of the fairway of the Border Oder River. With the questionable justification of flood protection, far-reaching expansion works are planned for the deepening of the fairway in the Border Oder River and measures in the middle Oder River for the expansion of the free-flowing river to waterway class III and higher. These comprehensive measures are serious interventions in the river landscape with its oxbow lakes, floodplains and marshes, which will lead to irreversible damage to public assets.

Together with the Polish coalition "Save the Rivers" (Koalicja Ratujmy Rzeki) and the Polish environmental associations in the coalition "Time for the Oder" (Czas na Odrę!), ten German environmental and nature conservation organizations have therefore been campaigning for ecological flood protection on the Oder since 2016 in the "Action Alliance Living Oder". The aim is to improve trans-border flood protection and to harmonize it with EU environmental legislation so that the measures do not lead to a deterioration of the river nature on the Oder illegally.

The environmental disaster on the Oder River, which apparently began in July 2022 and goes on still, has led to a dramatic killing of fish, snails, mussels and other animals in the river and destroyed the diversity and ecological stability of a river landscape in the heart of Central Europe. Even the fragile ecosystems of the Baltic coast are not yet out of danger. At the same time, the disaster has made it clear that the ecological and hydromorphological processes in flowing waters with their floodplains must have absolute priority, especially in times of climate change. After all, a straightened, flow-regulated or dammed river does not have sufficient resistance to environmental influences such as drought and heat stress or nutrient and pollutant inputs. On the contrary – dams encourage the mass

development of toxic algae, and dredging to deepen the channel releases highly polluted contaminants.

Therefore, the disaster must be seen as an opportunity: similar to the poisoning of the river Rhine by pharmaceutical company Sandoz in 1986 or the devastating floods on the Elbe, all relevant influencing factors and measures must now be put to the test and ambitious programs must be set up and implemented. On the Oder, there is the potential to revitalize the river ecosystem and finally bring it into a good or better ecological condition. In this context, the ongoing expansion works on the Oder River must be stopped, as they accelerate the water run-off and thus massively endanger the ecologically fundamental processes as well as the resilience of the river in the face of increasing low water periods.

The organizations in the Action Alliance call for the development of a comprehensive "**Oder Action Program**" and see an obligation on the part of the riparian states Czech Republic, Poland and Germany to significantly and sustainably improve the river landscape in the next five years with the help of an overall ecological concept for the Oder. The dramatic loss of fish, mussels and other mollusca, both in absolute numbers and in biodiversity, as well as the unforeseeable consequences for the ecosystem of the Oder River require rapid, comprehensive political action and a binding package of measures.

In the following, the five most important cornerstones of an Action Program Oder are listed, which are to be elaborated and implemented by the three riparian states in the upcoming months. The focus is on an immediate stop of the expansion of the Oder River, a consistent improvement of water monitoring and the creation of long-term financing perspectives.

1. Immediate stop of the expansion of the Oder River

Against the background of the disaster, everything must be done now to stop the current overloading of the Oder ecosystem and to promote regeneration. Further expansion of the river is ecologically and hydrologically irresponsible. Therefore, the implementation of the flow control concept for the Border Oder River, as foreseen in the German-Polish Waterway Agreement of 2015, must be terminated immediately. The ecological conditions on the Oder and thus the preconditions of the previous environmental assessments in Germany and Poland have changed fundamentally because of the disaster. Furthermore, the environmental impact assessment for the so-called modernization works on the Oder River for flood protection (project "1B.2 stage I and stage II") of the Republic of Poland shows severe technical and legal deficiencies. The following measures are therefore necessary:

- The ongoing construction works in the Polish part of the Oder River must be stopped. If the Republic of Poland continues with the expansion, the EU Commission, the Federal Government and the Brandenburg State Government must urgently initiate diplomatic and legal steps. At the same time, Germany's own transport expansion plans must be stopped.
- At all political levels, the EU Commission, the federal government and the Brandenburg state government must advocate for the preservation of the Oder as an ecological priority area.
- As a near-natural river with pronounced seasonal low water phases, the Oder is not suitable as an efficient European waterway and therefore must not be included in the Trans-European Transport Networks (TEN-T).

2. Restore functionality and resilience of the Oder River, implement Water Framework Directive

The Oder River flows for more than 500 kilometers without barriers into the sea, surrounded by an intact and species-rich floodplain and fens in many places. In the upper and middle reaches, however, a substantial part of the Oder River is unnatural and regulated by barrages. Further pressures are caused by considerable legal and illegal discharges of nutrients and pollutants. The current state of the Oder and the recent catastrophe reveal that the river is currently unable to maintain its diverse functions as a habitat and key resource. This can only be achieved if the Oder is consistently protected, sustainably managed and ecologically improved. To this end, the following measures must be taken:

- The governments in Germany, Poland and the Czech Republic need to make political decisions on the protection and sustainable use of the Oder ecosystem now and find ways to implement them successfully in the management of the Oder with its catchment area. With the Water Framework Directive (WFD) and the Flora-Fauna-Habitat Directive (Habitat Directive) the legal basis for many measures is already in place. However, there is a considerable implementation deficit and a lack of objective controls.
- The water policy on the Oder River has to be classified as a priority precautionary policy, hence to secure its great potential for synergies. The federal government has to take a stronger formative role in the international river basin district Oder, to support the implementation in the federal states and municipalities. In order to advance the water body related biodiversity policy in the Oder River also internationally.
- The different classification of the German-Polish Border Oder and the Western Oder as natural water bodies in Germany compared to the classification as heavily modified water bodies in Poland due to own national approaches must be overcome. The boundary water bodies of the Oder have to be assessed uniformly as natural water bodies according to the EU Water Framework Directive.
- The national and international management plans and programs of measures for the Oder River according to the Water Framework Directive have to be implemented ambitiously and improved where necessary. Accordingly, the good ecological status has to be achieved by 2027 – at least, the necessary measures to achieve the good or better ecological status have to be initiated for the achievement of the target has to be ensured in the next years.
- Not only must the Oder be restored, but also the river's resilience must be strengthened. This is becoming increasingly important in light of increasing extreme events and their consequences, such as more frequent and longer periods of low water. For recreation, flood channels can be created and tributaries and oxbow lakes of the Oder River can be connected. Floodplains and marshes must be further protected as natural flood protection areas and being restored on a larger scale. Small and medium-sized dams must be deconstructed as a matter of priority, and ecological continuity must be ensured for large dams by 2027.
- To improve water quality, wastewater treatment plants must be expanded and, if necessary, expanded to include a fourth treatment stage. The water's chemical status must also be significantly improved by 2027.

3. Strengthen responsibilities and structures and make them more efficient, and improve water monitoring

The network of monitoring water quality provides up-to-date data as part of national and international reporting requirements – however, it is poorly developed and lacks transparency. Moreover, problems with authoritarian responsible parties occur both across borders and between federal, state and local levels. Formally, the International Commission for the Protection of the Oder River (ICPO) would be the key organization for the Oder River, but it is institutionally far too weak. Therefore, the following steps are needed:

- In the management and monitoring of the international Oder River basin district, the role of the ICPO must be institutionally strengthened. Problems while performing duties have to be solved by providing resources. Alternatively, a stronger contribution of the ICPO working group's capacities from the member states is needed.
- The water quality monitoring network in the international river basin district Oder has to be extended. A fast, transparent and also digital availability of data for authorities and public has to be guaranteed. The improved water quality monitoring network must help to ensure that the effects of incidents, shipping accidents or illegal pollution can be identified promptly and that measures can be taken immediately. Therefore, the use of independent measuring vessels must be made possible.
- Both the ICPO member states and the federal and state governments (Saxony, Brandenburg and Mecklenburg-Western Pomerania) must coordinate an interdepartmental concept for sustainable, integrated water management that prioritizes the protection and sustainable use of the Oder River and its ecosystem services in a goal-oriented manner. In the federal system of the Federal Republic of Germany, more clarity about responsibilities and tasks of the political and official protagonists must be created and the idea of cooperation must be strengthened.

4. Ensure the involvement of civil society

It is true that Article 14 of the EU Water Framework Directive provides for informing and consulting the public and promoting the active participation of interested bodies. However, in the international river basin district, this is almost exclusively limited to the possibility of submitting comments as part of the legally required public participation. In the ICPO, moreover, monitoring by non-governmental organizations is possible, but of limited quality due to the monitoring organization's limited resources. Hence, we deduce the following necessary consequences:

- Both the ICPO and the responsible member states must promote actively public participation through regional conferences, workshops and other formats; if necessary, also communicate the implementation goals in water protection in the Oder River basin in an easily accessible language.
- The representatives of organizations with observer status in the ICPO must receive adequate compensation for expenses and travel costs in order to ensure high-quality participation.
- The technical exchange in expert commissions with representatives of science and non-governmental organizations must be made possible in a targeted manner.

5. Secure funding bases at EU and federal level

The ecologically damaging river expansion in Poland is largely financed by public funds and loans. Due to the possible expansion of the Oder River on the German side to secure possible compensation measures, renaturation projects in the river and in the floodplain have been slowed down until now, categorically. Therefore, the following measures are necessary:

- Instead of financing environmentally and waterway damaging activities such as the Oder River expansion with funds from the EU Cohesion Fund, the World Bank or the Council of Europe Development Bank, funding to secure the functionality of the Oder River as a river ecosystem and the efficiency of the natural balance has to be prioritized.
- The participation of the European Union in the restoration of the Oder River must be carried out through financial measures linked to the implementation of the current EU law. This should also include the future Nature Restoration Law.
- To ensure rapid implementation of renaturation measures along the Border Oder and the West Oder, sufficient funds must be made available from funding programs such as the federal Blue Ribbon Program or the Natural Climate Protection Action Program, which should also be used across borders.
- In order to promote the active participation of interested parties in accordance with the EU Water Framework Directive, short-dated funds must be made available from the European Environmental Protection Initiative (EURENI) funding program, too.
- The budget planning at the federal and state level must be reviewed to ensure that the necessary resources for achieving the objectives of the EU Water Framework Directive can be guaranteed. Otherwise, in the Oder River basin necessary measures need to be initiated by 2027.

Members of the "Action Alliance Living Oder River"

Bund für Umwelt und Naturschutz Deutschland (BUND), Deutscher Naturschutzring (DNR), Deutsche Umwelthilfe (DUH), EuroNatur, Heinz Sielmann Stiftung, Michael Succow Stiftung (Partner im Greifswald Moor Centrum), Naturschutzbund Deutschland (NABU), Rewilding Oder Delta, Verein der Freunde des Deutsch-Polnischen Europa-Nationalparks Unteres Odertal, WWF Deutschland.

Coordination: Deutscher Naturschutzring (DNR), Marienstr. 19-20, 10117 Berlin, Germany, www.saveoder.org, info@dnr.de

State: 26.08.2022 - English translation of the original version in German



**SAVE
ODER**