

Recommendation to reject ENVI Amendments 22 and 107 in the revision of the Renewable Energy Directive (“RED3”)

Dear Member of the European Parliament

On 12th September 2022 the European Parliament will vote in its plenary session on the adoption of the report on the revision of the Renewable Energy Directive (“RED3”). In the run-up to this vote we – the undersigned associations and companies – would like to draw your attention to the ENVI Amendments 22 and 107 and their ITRE-versions Recital 22a and Article 1(19a) concerning hydropower plants (for concrete wording see the Annex of this document):

- ENVI Amendment 22 concerns a recital demanding the exclusion of all newly built hydropower, regardless of size and all existing small hydropower (<10MW) from either receiving state support or counting towards the renewable energy targets.
- ENVI Amendment 107 / ITRE Article 1(19a) inserts a completely new article 29b in the RED which features sustainability criteria for all existing and new hydropower plants. Furthermore, it generally prohibits the construction of small hydropower plants (<10MW).

These two amendments have been slightly altered by a split vote in ITRE on 13th July 2022, which deleted parts of Amendment 22 and 107, e.g. the exclusion of small hydropower, but left most of the amendments intact (see Annex). At this point in time the original ENVI version as well as the altered ITRE version unfavourably impact the positive role that sustainable hydropower can play in Europe’s energy transition.

We, therefore recommend to request a separate vote on these amendments with the aim to reject them.

Reasons for the recommendation to reject

In its current form ENVI Amendment 22 fundamentally jeopardises the renewable character and the sustainability of hydropower. According to Eurostat, in 2020 hydropower generated around 370 TWh of renewable electricity, followed by solar power with 158 TWh and only surpassed by wind power with 386 TWh.¹ Moreover, hydropower is the only renewable generation technology providing flexible and storable energy and electricity.

Given the share of hydropower in the EU’s electricity mix, questioning the renewable character of hydropower with a view to withdrawing state support for hydropower projects, would consequently question the attainment of the EU’s climate and energy targets.

Furthermore, it would also shake investors’ confidence in one of Europe’s largest domestic

¹ Eurostat (2022), retrieved from

https://ec.europa.eu/eurostat/databrowser/view/NRG_IND_PEHNF/default/table?lang=en&category=nrg.nrg_quant.nrg_quanta.nrg_ind.nrg_ind on 28th August 2022.

energy sources at a moment in time when the EU struggles to gain more energy independence.

Regarding the underlying intention to support the target of establishing 25'000 km of free flowing rivers - as mentioned in the proposal for a Regulation for Nature Restoration published 22nd June 2022 – we believe that there are more appropriate measures to attain the target than to focus on hydropower dams. In its 2018 status report, the European Environmental Agency (EEA) states that the impact of structures does not only depend on their size but also on their numbers and their specific location. In terms of numbers the majority of river barriers are smaller obstacles, followed by irrigation storage reservoirs and hydropower dams.² Furthermore, the report also finds that for many barriers the original purpose is either unknown or that have lost their purpose over time. In our view, it would make sense to prioritise the removal of these obsolete barriers, rather than to focus on structures with a clear identified purpose such as irrigation and hydropower dams .

ENVI Amendment 107 / ITRE Article 1(19a) introduces sustainability criteria for hydropower in a section of the directive, which was originally dedicated to “sustainability and greenhouse gas emissions saving criteria for biofuels, bioliquids and biomass fuels”. By including sustainability criteria for hydropower the amendment clearly exceeded the original technological scope of the article.

With regard to the content, the amendment builds on elements such as “[...] efficient and effective upstream and downstream fish migration” and “ensuring minimum ecological flow at all times”. However, in the Water Framework Directive (WFD) the criteria related to migration and flow are assessed in the context of partially, mutually exclusive public goods and interests. This allows for a balanced approach and well-informed decision-making. By introducing the above-mentioned criteria, Amendment 107 not only creates legal redundancies and uncertainties but also counteracts the effective reconciliation of differing interests and public goods in a site-specific context, which is an established best-practice of the WFD.

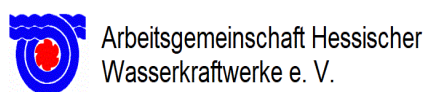
In light of the above, the undersigned associations and companies of the hydropower sector would strongly recommend rejecting the ENVI Amendments 22 and 107. This also applies to the remains of both amendments, which after a split vote in ITRE became part of the ITRE report on RED3. Both versions if adopted would hamper the further development of sustainable hydropower and undermine the EU’s climate and energy security ambitions under the REPowerEU Plan.

Kind regards

The supporting associations and companies
(For logos see following pages)

² EEA Report No. 7/2018, retrieved from <https://www.eea.europa.eu/publications/state-of-water> on 28th August 2022.

Supporting associations and companies in alphabetical order:





HIDROELECTRICA







ANNEX

Crossed out parts indicate the changes introduced by the ITRE split vote from 13th July 2022.

ENVI Amendment 22

(22b) Emission reduction and climate neutrality objectives should not come at the expense of biodiversity. According to the European Environmental Agency report on the “State of the Water” the EU’s rivers are in bad state with only 44% being in a good or high ecological state. In addition to chemical pollution, “energy-related pressures and hydropower installations” are the biggest threat to these important ecosystems. Moreover, European rivers are thought to be the most fragmented freshwater ecosystems in the world. Small hydropower plants in particular can jeopardise the goal of restoring 25.000 km free flowing rivers laid down in the Biodiversity Strategy. Hydropower’s effect on biodiversity has been considerable: since 1970, migratory freshwater fish species have declined by 93 percent. ~~All new hydropower plants should be excluded from the possibility of getting support or counting towards the targets. Furthermore, in order to receive support, existing plants should be able to fulfil a number of requirements: they should, inter alia, be greater than 10 MW and meet the minimum ecological requirements laid down in EU legislation;~~

ENVI Amendment 107

(19a) the following article is inserted: “Article 29 b Sustainability criteria for hydropower plants. For the purposes referred to in points (a), (b) and (c) of the first subparagraph of paragraph 1 of Article 29 energy generated by hydropower shall be produced at a plant which in accordance with Directive 2000/60/EC and in particular Articles 4 and 11 of that Directive has implemented all technically feasible and ecologically relevant mitigation measures to reduce adverse impacts on water as well measures to enhance protected habitats and species directly dependent on water, which include at least the following measures:

- a) enabling efficient and effective upstream and downstream fish migration
- ~~b) contributing to the objectives and measures of the Pan-European Action Plan for Sturgeons, where applicable~~
- c) ensuring minimum ecological flow at all times.

Hydropower plants that were commissioned after 31 December 2022 shall further comply with the following conditions:

- a) shall not be located at a site prioritised for a barrier removal to achieve longitudinal connectivity to reach the target of free flowing rivers under the Biodiversity Strategy
- ~~b) shall have an installed capacity of 10 MW or greater.~~