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MISSION REPORT AND RECOMMENDATIONS

following the fact-finding visit to Lusatia (Germany) of 14-16 February 2018

Committee on Petitions

Members of the mission:

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1. Introduction

The fact-finding visit of 14-16 February 2018 to Potsdam and the region of Lusatia in Germany was organised by the Committee on Petitions, pursuant to Article 216a of the Rules of Procedure of the European Parliament, and received the authorisation of the Bureau of Parliament on 13 November 2017. The purpose of the visit was to examine the impact of lignite mining and coal-fired power stations in the Lusatia region on the Sorb (or Wend) community (a Slavic autochthonous population of the region), as well as the pollution of the river Spree and the adjacent waters resulting from the lignite mining industry.

2. Petitions

Petition 0709/2015 on the protection of the area inhabited by the Wends/Sorbs in the Lausitz

The petitioner calls for legal and political protection for the Sorbs, a Slavic autochthonous minority living in Lusatia in north-eastern Germany, in the states of Saxony and Brandenburg. Since 2014, their customs, language and traditions have been recognised as part of the Intangible Cultural Heritage. However, the area in which they live is largely characterised by mines and coal-fired power stations. As a result, they are being endangered by loss of land, soil erosion, pollution of surface waters and groundwater and air pollution caused by micro-particles and heavy metals. A large proportion of the population is suffering from serious diseases as a result.

The petitioner is concerned at the refusal of the states of Saxony and Brandenburg to abandon coal as an energy source, although it would be perfectly possible for them to do so without sustaining any significant economic damage. Finally, a Swedish mining company in the area is seeking to expand its operations there, notwithstanding the environmental impact thereof, with the risk that, if it subsequently moves away, local residents will be left to foot the bill for cleaning up. The petitioner calls on the European Parliament to ensure that the two German states guarantee the protection of the Sorbs/Wends as indigenous people of Lusatia and take the necessary decisions regarding the future of mining operations in the region, and to assist them with the conservation of the Sorb language and culture. He calls on it to urge the two states to move from coal-fired plant to renewables and to make the Swedish mining company accountable for environmental pollution caused by it so that local residents are not left to pick up the bill. In addition, he urges it to ensure fair competition in the energy sector in this area and to raise general awareness of the problems faced by the Sorb community that endanger its very existence.

Petition 1012/2017 on water pollution of the river Spree and adjacent waters caused by the coal mining industry in Lusatia

The petitioner is of the opinion that the objective of the Water Framework Directive for the provision of sufficient supply of good quality surface water and groundwater is not reachable in Lusatia because of its coal-mining industry. He deems the operator responsible for the massive and large-scale pollution of the river Spree and the adjacent waters. Sulphate and iron hydroxide worsen the ecological status of the Spree. Settlement structures as well as nature and landscape are being destroyed thanks to coal-mining. In addition, groundwater subsidence and rinsing of pollutants result in significant quantitative and qualitative burdens on groundwater and surface waters and thus on the overall water balance. In the Lusatia lignite mining area, the

oxidation of soil-borne iron-sulphur minerals such as pyrite and marcasite, caused by groundwater subsidence, leads to the so-called oozing of the Spree by iron oxides and, when the groundwater rises again, by the oxidation of sulphides to an increased sulphate concentration in groundwater and in the connected surface water. The petitioner calls on the European Parliament to take appropriate measures to ensure that the water quality of the river Spree is improved and the operator is obliged to remedy the damage and avoid any future pollution.

3. Summary account of meetings

Wednesday, 14 February 2018

Meeting with representatives of the Ministry for Economic Affairs and Energy and the Ministry for Rural Development, the Environment and Agriculture of Brandenburg

Hendrik Fischer, State Secretary and Representative for the Lusatia region, opened the meeting outlining the situation of energy policy in Brandenburg. Lusatia was the main energy-supplying region in the former German Democratic Republic. In the early 1990s, 100 000 people were employed in the energy economy in the region. In the 1990s, a deep-reaching deindustrialisation brought about structural change that severely affected the inhabitants. During the transformation period after reunification, numerous power plants and mines were decommissioned. Nowadays less than 10 000 people work directly in the sector. Today's outstanding challenge is to find a viable economic and social solution for the region.

The state authorities were aware of the major interference in peoples' lives caused by lignite mining activities. The main political challenge was to achieve a balance of interests and to reach a solution to ensure that relevant procedures were put in place to allow as many people as possible in Lusatia to enjoy a decent standard of living.

As to the subject of petition 1012/2017, Mr Fischer stated that leaching and rising iron levels in the river Spree represent a relatively new issue for the state authorities, emerging for the first time in 2008/2009. The authorities had responded swiftly, taking emergency measures to tackle the problem and to ensure that iron-based pollutants were curbed. They succeeded in partially reducing the level. At the same time, the years 2008-2013 saw an increase in the pollution level of the river Spree. The State Secretary confirmed that treating sulphate pollution was much more difficult than treating iron pollution. In the end, both issues required a holistic plan of treatment rather than swift and conjunctural answers. The state parliament of Brandenburg had asked the relevant state bodies to present a plan for tackling the problem during the current parliamentary term.

Klaus Freytag, Head of the Department for 'Energy and Raw Materials', gave a brief presentation outlining the current state of affairs. He added that there had been 150 years of mining traditions in Lusatia. The lignite mines already existed in 1850. However, Lusatia was originally a farming region, suddenly becoming industrialised due to mining. Almost 200 million tonnes were produced at the end of the 1980s, while today mining does not exceed 65 million tonnes. While 40 million tonnes come from mines in the state of Brandenburg, the state of Saxony has two mines that account for 20 million tonnes of lignite. The two states had always worked closely together as all mines were part of the Lusatia region situated in both states. There was no focus on the state border when dealing with planning and permissions.

Lignite mining was still the backbone of the economy in the region. People employed in the industry were properly represented and were paid a fair wage. In the early 1990s there were major social problems, partly caused by an unemployment rate of 25 to 30 %. That is why the state authorities are very keen today to ensure that the energy transition does not lead to such a disruptive shift in employment figures. Mr Freytag further mentioned the displacement in the 1990s of the village of Horno to the city of Forst in the wake of the opencast mining activities at Jänschwalde. The village was resettled within the ancestral settlement area of the Sorb community. In all its plans and procedures the state government had tried to ensure that it worked with the minority and ensured their protection. A final decision about new extractions at the Welzow-Süd opencast mine, where the new operator has proposed an option, will be taken no later than 2020, taking account of energy transition and energy prices. Rules for the protection of the Sorb minority exist in the Brandenburg state constitution and are also stipulated in the lignite extraction law.

Regarding water pollution, Mr Freytag added that its impact was evident on the river Spree in Berlin and on drinking water reservoirs in Berlin and Frankfurt (Oder). In order to guarantee a safe drinking water supply there has to be a system of reservoirs and dams established in the form of a strategic plan. This plan is going through the parliamentary process and will then be implemented in a strategic way.

Mr Freytag further explained that after Germany abandons nuclear power in 2022, the need for energy from coal (lignite and hard coal) will increase. He said that wind-generated power had shown its limits, while Brandenburg was at the forefront of the transition to renewable energy sources.

Mr Fischer confirmed that at this stage there is no set date for when coal-fired power plants will no longer exist. There is, however, an overall mining plan for the region. According to this plan the last mine and power plant will be shut down by 2040.

Margrete Auken stressed the importance of drawing up a concrete plan for alternative energy sources before 2040. She asked about access to data and transparency, and the representatives confirmed that all reports and opinions drawn up, any future planning document and any expertise would be published and accessible. They added that the respective ministries were as transparent as possible and would make any information available. Institutes had been asked to collect data and independent experts would draw up studies based on the data. The state authorities stood behind the data and trusted in it.

According to the current plans no further resettlement in the state of Brandenburg will take place. However, should Welzow-Süd be expanded, people living in the Proschim settlement attached to the city of Welzow would have to be resettled. Here, the business side would have to take the first step, which is currently not the case. The LEAG plans presented in March 2017 would lead to a partial resettlement of roughly 200 people in the Mühlrose settlement, situated in the state of Saxony. Up to two years ago, by reason of plans for opencast mining at Nochten (also situated in the state of Saxony) people had prepared for the prospect of resettlement. Agreements were signed, contracts were signed and compensation amounts were agreed. When the current operator presented its plan for mining activities at the beginning of March 2017, people protested because they had prepared for the resettlement.

Both states, Brandenburg and Saxony, had set themselves very high social requirements regarding resettlement. There were generation gaps: older people did not want to leave but younger people were willing to.

On the question of state subsidies for coal mining, the representatives answered that there were no subsidies for lignite but they existed for black coal. There were attempts to interpret information from different sources and to claim that subsidies were granted. However, the term 'subsidies' was clearly defined at EU level and under that definition there were no subsidies.

The representatives confirmed that huge amounts will be spent over the full timeframe of active mining and rehabilitation in the area. The state authorities wanted to ensure that no costs would have to be picked up by society. This was one reason why they aimed for a planned phasing-out of lignite mining rather than a disruptive shift. They were in close dialogue with the stakeholders represented on the committee for lignite mining.

Carolin Schilde, State Secretary of the Ministry for Rural Development, Environment and Agriculture, added that the state authorities had identified iron hydroxide as affecting the water supply and the ecological situation of the waterways. With regard to sulphate, there were no formal threshold limits. In 2009 a plan had been established to preserve the nature reserve Spreewald, situated very close to the zone of mining activities, from any leaching from iron hydroxide. A recent study suggested that 70 % of iron hydroxide leaching came from the decommissioned mines and 6 % from active mining.

The State Secretary underlined that the state authorities met the requirements laid down in the Water Framework Directive. In active mining, this was also ensured at the first stage of planning by determining what will happen to the main sites after the mining activities are concluded. The state authorities were currently working on management decisions based on scientific data in order to establish thresholds for sulphate and other minerals. With regard to sulphate, the process should be finalised by the end of 2018; for iron hydroxides the work is expected to conclude by 2019.

Meeting with representatives of the Ministry of Science, Research and Culture of Brandenburg (in the presence of the representatives from the previous meeting)

At the meeting, Ulrike Gutheil, State Secretary of the Ministry of Science, Research and Culture of Brandenburg, was replaced by Mr Rudolf Keseberg, Head of Department for Central Affairs, and Clemens Neumann, Head of Division for Sorbian-Wendish issues.

In the state constitution of Brandenburg of 1992, the rights of the Sorb minority and its cultural identity are protected. Furthermore, the Sorbian-Wendish Act lays down different freedoms for the self-identification of the Sorb minority. Also in the 1990s, the Council of Sorbs and Wends was established within the parliamentary structure of the state. The council comprises five members of the Sorbian community. The members are directly elected, in accordance with an amendment to the Sorbian-Wendish Act, with all members of the community having the right to vote. Direct election has strengthened the legitimacy of the council and triggered greater interest in its work. It is consulted at all levels of parliamentary decision-making, and advises all committees in the state parliament. The council also organises regular meetings with representatives of the ministries which ensure exchange of information on issues between the administration and the Sorbian community.

Ulrike Gutheil, State Secretary of the Ministry of Science, Research and Culture, is also representative for Sorb affairs and is present on the ground very frequently. The city of Cottbus and the administrative district of Spree-Neisse also have full-time representatives to deal with Sorbian rights. There are plans to nominate representatives in other administrative districts with a Sorbian population.

In 2014, the Sorbian-Wendish Act was amended, especially concerning the redefinition of the settlement areas of the minority. In the past, the settlement areas were clearly delineated and defined as areas with cultural and linguistic traditions. However, it became clear that there were also settlement areas outside the identified zones. Hence, the legal definition of ‘settlement area’ was changed to areas with cultural *or* linguistic traditions. Following that, many areas self-identified as settlement areas due to the change of definition. The representatives admitted that there was also some resistance among residents in the municipalities. There were some complaints against affiliations of municipalities. All costs linked to provisions for bilingual road signs were covered by the Ministry.

Other defined rights for the Sorbian minority include the right to receive information from the public administration and to engage in official communication in the Sorbian language. In the field of education there are many special guarantees, and a Lower Sorbian Secondary School has been established in Cottbus. However, as the Sorbian population is scattered it was a challenge for the region to offer area-wide opportunities to learn the language from nursery school level onwards.

The Foundation for the Sorbian People, situated in Bautzen (Saxony), was set up in 1999 by both states, Brandenburg and Saxony. It coordinates and funds numerous activities in the educational and cultural fields, with a budget of EUR 18.6 million per year. Also, European structural funds have been used to fund cultural activities of the Sorb community.

There are linguistic differences between the Sorbian communities, the Upper Sorbian and the Lower Sorbian. In addition, there are structural differences. In the Upper Sorbian area, the settlement pattern is more compact, whereas in the Lower Sorbian area it is more scattered. One of the reasons for this fact is the resettlement due to lignite mining. Mr Keseberg said that the cooperation between the two states, Brandenburg and Saxony, is very close. There are joint funding programmes, and at the University of Leipzig (Saxony) there is a chair in Sorbian studies, cofinanced by Brandenburg. In addition, there is a variety of common cultural activities (e.g. theatre).

The problem of assimilation affected Sorbs in the past and has been very serious. Many people identify themselves as Sorbs and may have traces of traditions in their families such as forms of dress, poems or a few phrases. The language is actively promoted, for instance in the Lower Sorbian Secondary School in Cottbus, a school also very popular among pupils with no prior knowledge of Sorbian. The Witaj project for bilingual education starts from nursery school level. Another challenge is the scattered settlement of the Sorbian population. There are often only small groups of children requiring instruction in Sorbian, but the Ministry has made a considerable investment in implementing positive measures to promote the Sorbian language and minority.

On the practice of resettlement and how it has affected people in the settlement area, Mr Freytag added that one has to draw a line between resettlement carried out before and after 1990. Up to 1990 entire villages were wiped out as a result of opencast lignite mining. People living in village structures were rehoused in modern housing blocks. It was unusual to see elderly people in traditional clothes in the modern blocks. The old resettlement practice was no longer feasible and could not be maintained against the background of the minority rights enshrined in the constitution. Today there is a socially responsible resettlement policy, and resettlement is only allowed within the settlement and linguistic area and if absolutely necessary. Examples of the new practice of resettlement are Neu Horno, Neu Haidemühl and Neu Kausche, where the idea of maintaining neighbourly relations is kept. However, in order to learn about the emotional process it is necessary to talk to the people concerned.

On the impact of current mining activities, Mr Freytag pointed again to the fact that, except for the decision on the expansion of the Welzow-Süd opencast mine which will be taken in 2020, there will be no further resettlement in the Sorbian settlement area in Brandenburg. Resettlement of the villages has now been completed. There had always been a clear recognition of the impact of lignite mining on the Sorbian community, both before and after 1990. One example of dealing with the past was the documentation centre in Neu Horno. Similar points of encounter existed in other villages. The mining companies had also made huge financial contributions to the communities to support the Sorbian culture.

Regarding teacher training in Leipzig and complaints regarding cuts in its financing, Mr Neumann denied that there were any cuts: funding for teacher training at the University of Leipzig had increased. Following a cooperation agreement between Brandenburg and Saxony, the state of Brandenburg made a financial contribution to teacher training for instruction in Lower Sorbian. The agreement was amended two years ago to significantly increase the contribution from Brandenburg. In this way, it should be possible to create a solid pedagogy and ensure high-quality studies. Other support measures were also in place: for example, teachers of other subjects could retrain to become teachers of Sorbian language.

Meeting with Hans-Georg Thiem, President of the Regional State Office of Coal Mining, Geology and Resources (Landesamt für Bergbau, Geologie und Rohstoffe LBGR) of Brandenburg

Mr Thiem outlined the structure and responsibilities of the Regional State Office of Coal Mining, Geology and Resources. This office depends on the Ministry for Economic Affairs and Energy of Brandenburg and is funded by the state of Brandenburg. It deals with the approval and monitoring of exploration, extraction, preparation and refining for raw materials, as well as the occupational health of workers. It is responsible for the protection of the environment from the effects of mining up to the recovery of the land used. It is also an enforcement body exercising supervision over the mining companies, including approval procedures within the companies' operational planning.

Mr Thiem explained the landscape patterns in the Lusatia region: currently active opencast mines, and decommissioned mines that were active in the former GDR.

He explained that the level of groundwater in the surroundings of the mines had dropped significantly in the past and was now rising again. A specificity of the soil in the region was that it contained iron sulphate, which was generally found in groundwater. Owing to the fall in

groundwater as a result of mining oxidation of the pyrite occurred. When the level of water rose again this pyrite was brought up with the water and entered the water bodies. This process had caused the discoloration of the water.

Mr Thiem gave a short overview of the measures adopted to counter the problem. They had focussed on two areas in Brandenburg, the northern part of the Spreewald area and the part south of the Spreewald. The state office coordinated the leaching works and carried out regular monitoring work. In 2015, the state parliament decided to draw up a strategic master plan on prevention and protection for the Spree river system with regard to mining-related waste material, in which immediate measures that had been implemented in the past should be further developed.

Mr Thiem referred to the two mining companies in the region. The *Lausitzer und Mitteldeutsche Bergbauverwaltungsgesellschaft mbH* (LMBV) was a company created by the federal government but expected to act in the same way as private enterprise, and the *Lausitz Energie Bergbau AG* and *Lausitz Energie Kraftwerke AG* (LEAG). The LBGR was responsible for authorising the activities of LEAG in particular, the main legal provisions being the requirements stipulated by the federal mining law.

On the question of independence of the LBGR, Mr Thiem gave the example of the planning procedure which would be initiated for requesting authorisation for a new opencast mine or an extension of an existing mine at the LBGR. The administrative courts could exercise controls regarding the authorisation or non-authorisation given. In the opinion of Mr Thiem, this guaranteed the independence of the state office. Administrative proceedings were used today more and more frequently.

There were challenges linked to the type of mining in the former GDR and to the type of current mining. When a company received an authorisation from the state office it came with a list of requirements to be monitored. There was a large network of monitoring points and of independent specialists consulted.

Meeting with petitioners

The participants in the meeting were the petitioners, Hannes Wilhelm-Kell and Oliver Powalla; Thomas Burchardt, a representative of the Sorb community in the lignite commission of Brandenburg; Axel Kruschat, a member of the Brandenburg branch of BUND-Friends of the Earth Germany; Silke Milius and Edith and Christian Penk, representatives of the Sorb minority. At the beginning of the meeting, Mr Csáky gave a short feedback on the previous meetings with the state authorities. This was followed by presentations by the petitioners and guests.

Mr Kell gave a short overview of his petition adding some more information and giving some examples. The state governments would set political objectives on the future of energy policy. In both states, Saxony and Brandenburg, there was no commitment to set an end date for phasing out coal power generation, and the governments planned to continue lignite-mining activities until 2040. The state authorities implemented the energy policy objectives within the political framework given. During the process of authorising lignite mining activities, the state authorities had to weigh up interests between the public will on the one hand and the interests of energy policy on the other.

He stated that the majority of the 100 000 people working in lignite mining before reunification were guest-workers from other parts of the former GDR. The price of coal mining was the destruction of 136 villages and of landscapes in an area of around 1 500 km². 30 000 people losing their homes had a severe impact on culture and language. No due compensation was provided. Public authorities often sold lignite mining as a success story, for instance in connection with the resettlement of Horno. In reality, it was not a success but the opposite. In response to the Ministry's statement that 6 % of the water pollution, such as leaching, comes from active mining, the petitioner argued that scientific opinion confirms a bigger influence of active mining, today and in future forecasts.

The example of the Nochten opencast mine shows how the biosphere can be impacted thanks to permits being based on inaccurate data. The mining activities were handled with a certain flexibility that was not part of the strategic planning. They had progressed faster than initially planned and were one year ahead. That led to non-respect for and disappearance of endangered species. Hence, the biosphere was disrupted. It was a general trend that endangered species, some of them being on the red list, were left to destruction.

Mr Powalla referred to his petition and to the Commission's answer, and gave additional information. In his opinion, there was a breach of the ban on deterioration under the Water Framework Directive.

Firstly, the concentration of sulphate in the river Spree was at a critical level and represented a real risk for the supply of drinking water from the Spree in Berlin, affecting some one million people. The sulphate values were close to or in some areas even above the limit value and it was expected that they would rise further. New sources like the "Cottbuser Ostsee", flooded with water from the Spree, originated in contaminated water. A serious deterioration could be expected in the coming years. According to the government there were counter-measures planned to be implemented, but the petitioner could not see any systematic evidence of such measures. There was no systemic approach by the current state government. The alleged general public interest of generating energy using lignite was being used to justify exceeding emission guideline values specific to water in relation to sulphate. However, it was a matter of political choice that the continuation and even expansion of lignite usage was still being debated.

Secondly, Mr Powalla stated that there were concealed subsidies to the mining industry. The mining authority can ask for a deposit from the mining company as a reserve to ensure renaturation of mining land. The sale of the mining facilities by the Swedish company Vattenfall saw EUR 1.7 billion paid to the Czech investor EPH. This amount has never appeared in LEAG's assets. Furthermore, exemptions were granted to pay tax or duty for the use of groundwater and for the use of some infrastructure. Mining in Brandenburg was economically viable partly because of allowances received in the approval procedure when it comes to water. The mining company would not have to comply with the water values and would not have to ensure maintenance of the water in a decent ecological state. This was justified by arguing that it was just a lowering of the groundwater level and that there were no chemical components coming into the water. However, the oxidation and leaching out of pyrite was a clear deterioration of the water. Such an exemption should not be tolerated under the Water Framework Directive.

The representatives also referred to what they saw as the difficult communication with the state authorities, and gave some examples. The representative for Sorbian affairs in the Ministry of Science, Research and Culture answered on all subjects, even if they concerned internal politics. The Sorb minority was reduced to its cultural and folkloristic assets. In addition, there was no answer from the representative for Sorbian affairs on a letter concerning planned elections for a Sorbian parliament. Ten years ago, the inhabitants of an area slated for resettlement because of the Jänschwalde-Nord opencast mine were not given direct information on the resettlement plans. After ten years of struggle by the citizens concerned, the opencast plan was cancelled. The inhabitants were informed of this change via a copy of a letter to the mining company.

Mr Kruschat said that relations with the authorities were tense. The BUND regularly measured different values and arrived at different results from those identified by the authorities. In addition, measuring points from the authorities to measure iron hydroxide had been moved. The values of metals such as uranium and arsenic were well over the limits established in the relevant provisions in Brandenburg. Legal requirements were breached when it comes to sludge. The sludge was removed but not properly disposed of. In Mr Kruschat's opinion, the pollution problem was systematically underestimated.

Furthermore, the volume model used to justify the lignite mining was inaccurately calculated. Demand for lignite had in recent years been much lower than stated in the authorisation procedures. The volume model was used to justify the derogations from the Water Framework Directive. However, if the grounds used to apply for derogations were not correct, it was a breach of the directive.

On the question whether the regeneration projects were successful, Mr Kell said that this was rare. Environmental projects for resettlement of endangered species often lacked results checking. The authorities to a large extent placed the focus on tourism regarding rehabilitated areas. However, artificial lakes are often of bad water quality and not recommended for swimming. 30 000 hectares of the regenerated area were closed again after opening because the soil was unstable due to rising groundwater.

On the question of relations among citizens, Mr Kell pointed out that a petition at regional level identical to petition 1012/2017 calling for an end to further mining activities in the region had gathered more than 120 000 signatures. At the same time, the lignite mining industry had launched an initiative to maintain the status quo as regards mining activities. This initiative, although it received financial support and was promoted by the coal mining sector and even in public bodies, attracted no more than 60 000 signatures. In the petitioner's opinion, this fact showed that the will of the people was quite clear. There were other citizen initiatives looking at the future of the Lusatia region, currently bundled together as '*Lausitzer Perspektiven*' (perspectives of Lusatia). However, the chances of implementing the initiatives' ideas were weak. According to the petitioners, more involvement of citizens and local authorities at parliamentary level was needed in order to make those ideas a success. Mr Powalla added that inhabitants in the surrounding areas of mines and power stations worked in or for the mines and that there was some support for lignite mining activities. However, this was a minority under the influence of a strong industrial lobby. This lobby also controlled the state government in Brandenburg. Berlin had decided to phase out coal mining but also imported large amounts of energy from lignite mining in Brandenburg. Under the common land use planning system operated by the states of Berlin and Brandenburg, Berlin had the chance to put pressure on Brandenburg to phase out lignite. However, Berlin has opted not to do so.

Furthermore, the petitioner was surprised by the reaction of the Minister-Presidents of both states, Saxony and Brandenburg, to the plan by the Swedish company Vattenfall to sell off the mining enterprise. They had travelled to Sweden and had called for the continuation of mining activities in the region, above all to protect jobs. However, in comparison with other industries, the coal sector was no longer the leading employer in the region.

Germany was once at the forefront of the renewable energies' sector. However, the German Renewable Energy Sources Act introduced a tax of 2.5 cents/kWh for anyone producing their own renewable energy and using that power for their own purposes. This regulation put on hold further developments of new technologies in the sector, a situation which is particularly damaging for SMEs. LEAG was no longer the leading industrial force in Brandenburg. The renewable energy sector currently employs 30 000 people. Scientific data would prove that it was possible to achieve an energy mix with 80 % of renewable energies. Brandenburg had established its climate targets. However, in the opinion of Mr Kruschat, these objectives would not be achievable at state level. In order to achieve the targets and given the fact that 60 % of the GHG emissions come from lignite, a full phasing-out of lignite mining was needed.

As part of its review of energy strategy, Brandenburg had commissioned a 'prognosis report. The scientific institutes participating in the study largely agreed that a structural change in the Lusatia region due to phasing out lignite mining would not take place until 2038. In fact, demographic changes would secure the situation and enforced redundancy would not be needed. When talking about structural change it was necessary to look to the next generation.

On the cooperation between the Sorb community and the authorities and the community's future, Mr Kell stated that the Council of Sorb Affairs was only a consultative body that had no right of veto or real power. Its members worked on a voluntary basis. The arrangements for election to the Council were very democratic. The Council had raised public awareness of certain minority issues and had tried to soften some state government decisions, such as fragmentation of settlement areas arising from **local government reorganisation**.

Mr Kell confirmed that Brandenburg is supporting teacher training for Sorbian language instructors at the University of Leipzig. However, the budget allocation was limited and not sufficient to achieve the target of training 100 teachers with the requisite bilingual skills in line with the needs of the next 20 years.

Thursday, 15 February 2018

Meeting with representatives of Lausitz Energie Bergbau AG and Lausitz Energie Kraftwerke AG (LEAG) and tour of the power station Schwarze Pumpe

After a one-hour tour of the power station Schwarze Pumpe, Wolfgang Rolland introduced the company LEAG. In the region, LEAG was a traditional and long-established company. In Lusatia mining has a tradition of over 150 years. For a period of 12 years (until October 2016), the Swedish enterprise Vattenfall owned the firm. One and a half years ago, Vattenfall decided to remove lignite mining from its portfolio. The two new owners of the company are both Czech companies, EPH and PPF. The company owns coal mines in Brandenburg and Saxony, three power plants in Lusatia and two units in Lippendorf near Leipzig, as well as two small gas

power plants and on-site processing facilities. According to Mr Rolland, LEAG produces 8 % of the conventional electricity generated in Germany, which is equal to about 10 % of all electricity used in Germany. LEAG currently has 8 000 members of staff. The sale of the firm to the Czech investors did not lead to a loss of jobs but to additional jobs. In 2007, Vattenfall produced a long-term plan up to 2050. With the political environment changing, LEAG set new thresholds after the sale and in March 2017 produced a new plan for the region for the next 25 to 30 years. This marked a clear step backwards from what was planned by Vattenfall. Two earlier planned new mines will not be operated and the power plants Jänschwalde and Nochten will have their coal output reduced. In 25 to 30 years there would probably not be any new mines in the region and no new power plants will be built. Hence, 25 to 30 years would also be the remaining lifespan of the firm. During this period the company will be restructured together with the staff. According to Mr Rolland, this period would also be the timespan for the region to plan for alternatives to coal mining, which currently generates EUR 1.4 billion each year. There would be a shortage of guaranteed conventional energy in 2020/2023 in Germany. These years would be a peak demand period and electricity would have to be imported from abroad. Mr Rolland added that LEAG is ahead of the climate targets set both at national and at EU level.

Asked whether LEAG contributes to the costs of regenerating old lignite mines, Mr Rolland answered that there are two companies in the mining sector in the region, LEAG and LMBV. The German federal government took on environmental liabilities after reunification in 1990. The LMBV, established in 1994, has to deal with the old facilities from the former GDR, for which it had to take the territorial responsibility. LEAG is legally obliged to fund the regeneration work for the new mines itself after active mining is finished. Under German commercial law, LEAG has to create reserves in order to regenerate the land on an annual basis. The representatives gave the example of a former mine operated by LEAG near Cottbus that is currently transformed into a lake. LEAG paid the regeneration costs of EUR 250 million in full. Thomas Penk added that the authorities in Brandenburg and Saxony had established master plans for lignite mining and their implementation. These plans contained information on the type of surface area that has to be regenerated following the type of activity that took place in the area before mining activities. Framework plans at lower level set out in more detail special planning arrangements such as a timeframe.

Ms Auken asked for statistics regarding the CO₂ emissions caused by the LEAG lignite business. Mr Rolland said in reply that LEAG has already achieved the target set by Germany of reducing CO₂ emissions by 40 % by 2020. Lignite mining would at present play a necessary role in the energy mix. LEAG had to report emissions data including total concentration and absolute amount on an annual basis to the Ministry for Rural Development, Environment and Agriculture of Brandenburg. The company would aim to use the lignite in the most effective way. It sees itself as supporting renewable energies. In times when enough wind power was generated, units of LEAG power plants would even go offline. LEAG had also tried to implement a Carbon Capture and Storage (CCS) system, but unfortunately did not succeed.

Replying to Ms Auken's question about measures undertaken in order to stabilise non-access areas, the LEAG representatives reiterated that since 1994 the LMBV had to control these areas. Many opencast mines in the former GDR were closed overnight without any proper clean-up in place. The LMBV had had to deal with several problems caused by degraded soil and had experienced some setbacks over the past ten years. LEAG had learned from the experiences of LMBV and tried to avoid such effects when regenerating opencast mines. The company would change the system in order to seal off the ground.

Ms Auken also asked for confirmation that the burden of proof in the case of house damage lies with the house owner. LEAG confirmed that following German law the house owner has to prove that the damage to the house was caused by the mining. This is the case with opencast mining, and the reason is that there are no houses above the mines, hence there is no direct impact of the mines. The only real risk factor which could cause damage was groundwater. Damage would not be the rule but the exception.

The LEAG representatives also mentioned the charge of moving measuring points and explained that measuring points were part of the operating plan and the licensing procedure. The company would not move the points and the charges had also been examined by the authorities.

Meeting with representatives of the Lausitzer und Mitteldeutsche Bergbauverwaltungs-gesellschaft mbH (LMBV GmbH)

The meeting opened with a comprehensive technical presentation by the representatives of LMBV giving a general overview of the company. In the presentation, they further explained the causes of the problem of large-scale pollution of the river Spree and adjacent rivers, as pointed out in Petition 1012/2017, as well as the measures undertaken by the company to solve the problem.

The company was set up in 1994. It has 653 staff members working on three different sites. The area under LMBV's responsibility is 1 310 km² of land. The owner of LMBV is the Federal Republic of Germany, represented by the Federal Ministry of Finance. The company is financed on the basis of an agreement between federal and regional levels. In the first five years of its existence, LMBV was responsible for phasing out active lignite mines from the time of the GDR. Those mines ceased operation in 1999. Since then, the company has concentrated its activities on the remediation of former lignite mining areas, such as the conversion of the land to new and constructive use, as well as monitoring the state of water bodies, in terms of both quantity and quality. They cover the area from Görlitz to Berlin. For many years groundwater levels had dropped significantly and the acidity of some artificial lakes is still quite high. Vessels are sent to treat the water and raise its pH value. Besides iron oxide, the concentration of sulphate is also a critical element, as even if it cannot be detected by the eye or the sense of smell, in excessively high concentration levels it can cause nausea.

Mrs Auken asked if there was still a risk that active lignite mining might create the same problem. LMBV confirmed that current mining activities might bring up comparable problems in the coming years. However, the problem of water quality that LMBV had to deal with was caused by the mines of the former GDR which were decommissioned and where no action was taken to prevent the problems. Current operators like LEAG have the advantage to be able to look at measures undertaken by LMBV and to prepare in the coming years so as to avoid such problems. One example was the fact that LEAG does not pump all its water into the river Spree but distributes it into different rivers. LMBV had also closely cooperated with LEAG on research projects, with financial participation by LEAG.

Furthermore, the representatives stated that they work in close cooperation with all stakeholders, including supporting citizen's initiatives. The company organises regular consultations and meets experts on the matter. It also cooperates with the Technical University

in Cottbus on research for possible treatments such as liming. The company was a member of the International Mine Water Association. The association offered an opportunity to debate on the right approach to solve the problem. The exchanges have shown that no one had found better methods. LMBV worked in a very transparent way and uploaded all documents on its homepage; the company also undertakes various PR activities.

On the question whether LEAG has cofinanced LMBV measures as being beneficial for its future, the representatives reconfirmed that the current operator is liable for any damage caused by active mining activities. LEAG had cofinanced several pilot projects and research projects in cooperation with LMBV.

The representatives of LMBV also explained that a derogation from the requirements of the Water Framework Directive' had been requested as regards the water quality of the rivers, but not for the artificial lakes.

LMBV also noted that clean-up strategies to regenerate land until the year 2010 have not been successful in terms of ensuring stability of the land, also because of a geo-technological phenomenon. In 2011, 17 000 hectares of land had to be closed off because of instability. Since 2011, LMBV was working intensively on the matter and had established an advisory council to see how stability can be ensured. LEAG is also a member of the advisory council in order to be able to react more quickly to the problem of unstable land.

There was also a reference to the treatment of sludge, the approach being to avoid generating sludge as much as possible by means of on-site treatment and proper disposal and clean-up, also considering the possibility of reusing part of the sludge in the value chain.

Ms Auken asked about the quality and diversity of the re-cultivated land. In reply, LMBV confirmed that soil quality would be improved by fertilisation. Land would be returned to woodland, farmland and nature reserves. Some areas would be left as fallow land for nature to develop. Some acid lakes had been left intact in order to observe how they develop. A study in 2017 on the natural development of former mining regions confirmed that in the last 20 years species that had disappeared found habitat in this area.

Mr Csáky asked how much of the area of former mines has been rehabilitated. LMBV said that despite some challenges regarding stability, 80 % of the work had been completed as regards achieving basic public safety. 10-15 % of the open pits had been completely converted. By 2030-2035 the recultivation of the area under LMBV responsibility would be more or less finished. Long-term monitoring would then have to be carried out.

Meeting with the mayor and representatives of the city of Cottbus

The Mayor of Cottbus welcomed the delegation and gave some facts about the city of Cottbus. Cottbus is the second largest city in Brandenburg. It has 100 000 inhabitants and an unemployment rate of 6.3 % (compared to some 30 % in the 1990s). Cottbus is also the largest bilingual city in Germany. It is also one of the most heavily heaviest indebted cities in the former GDR, with a debt totalling EUR 250 million.

Further, the mayor confirmed that there is a major ongoing debate about the city's economic situation. Lignite mining is significant for the region, being the sector with the few high quality

jobs. However, one cannot hide from the fact that lignite mining will be phased out one day, although the transition will take time. It took almost 30 years for the unemployment rate to drop significantly. The great majority of people would no longer work in the job they were originally trained for. The concerns and worries about phasing-out have to be taken seriously. A balanced approach is needed to avoid a sudden shock.

Another challenge is the fact that 4.3 % of the population of Brandenburg live in Cottbus, while 15 % of the refugees hosted by the state are housed there. This situation has led to conflicts among the local population. In order to overcome this tension, the mayor has asked for help from the state government.

On the question of perspectives for creating a sustainable future, the mayor answered that the types of industry that can settle in the region are being examined. Soon, the city will have one of the largest artificial lakes in the area. It is planned to use this lake also for economic purposes. At present, a study is being drawn up on the potential of heat pumps to distribute heat to households in the city.

Mr Csáky asked the mayor if health problems such as lung cancer or chronic bronchitis were generated by the lignite industry. The mayor said he could not confirm reports of such illnesses at present. Decent environmental protection measures after reunification had led to improvements in environmental protection and to health risks no longer applying.

Tatjana Ždanoka asked regarding use of the local language. Anna Kossatz-Kosel confirmed that the Sorbian language is at risk and that the city and region have special ties with their neighbours and implement projects on cultural and language matters. Examples are contacts with museums, for instance in Zielona Góra in Poland but also in the Czech Republic. The language is also promoted in the city itself. Specific language skills in Sorbian are demanded in job offers of the administration. Since 2016, a youth coordinator has been employed at the Lower Sorbian Secondary School. The city tries in many ways to allow people to use and maintain the Sorbian language mostly as a cultural asset. The Sorbian language was not a driver for the economy. Mrs Kossatz-Kosel said that textbooks and teaching materials in the Sorbian language were an important issue, especially at secondary level. Their production was challenging also because the Sorbian language has no homeland, unlike other regional or minority languages. Access to various programmes to protect regional and minority languages would be appreciated. The city had collected signatures for the citizen's initiative 'Minority SafePack - one million signatures for diversity in Europe'.

In addition, young people were assimilating the Sorbian language. Some were studying the language at university in Leipzig. Young children could be registered in two nursery schools in the city that operate in Sorb. The percentage of native speakers in these nursery schools is 10 %.

Meeting with the Mayor of Welzow and representatives of Proschim, district of Welzow

The mayor gave a presentation on the city of Welzow, which included some relevant data. The city has 3 500 inhabitants and is surrounded by opencast mines. It suffers from the consequences of lignite mining such as air and noise pollution. In 2009, the city had a budgetary deficit of EUR 3.9 million. Since 2007, the citizens of Welzow have been concerned about the lignite mining operator's plans. The city had signed a framework agreement with the former

operator, Vattenfall, that covered specific funds to support the local community. This agreement made it possible to fund infrastructure projects, which had a major impact on the city. The mayor expressed her wish for a stronger commitment from the current lignite mining operator, LEAG, which had provided EUR 530 000 in community funds for 2018. In 2011, a clear signal was given that resettlement of parts of the town's territory was required. The city started to prepare for this relocation both within and outside the city boundaries. The mayor confirmed that the resettlement affects all sectors of daily life and has an impact that can only be partially compensated for.

Subsequently, three representatives of the district of Proschim gave statements on the situation from their points of view. They reported on their personal experiences with the lignite mining activities around the city and on the challenges they faced today. They reiterated the damage that lignite mining caused to the environment, for example the loss of vast areas of landscape, such as woods and natural lakes, and the other negative consequences such as the social impact of resettlements. They also expressed their opinion that the decisions taken in the past few decades, including the exemption of levies of millions of euros, were to protect the interests of the lignite mining industry. The representatives requested adequate compensation. They refuted the idea that lignite was cost-efficient and defended the view that a shift to renewable energies was feasible. Much of the lignite produced in the region was exported to the Czech Republic. Furthermore, the representatives mentioned the lack of transparency regarding the EUR 1.7 billion in support funds supposedly set aside, but that LEAG had not committed to date.

Meeting with the Managing Director of the Domowina Association of Lower Lusatia (Domowina Regionalverband Niederlausitz e.V.)

Mr Koinzer has been the managing director of the Domowina in Lower Lusatia since 2015. He stated that in 2014, Brandenburg revised the law protecting the Sorb/Wendish minority. As part of this revision, the Domowina was recognised as the body representing the interests of the minority. However, there was still much to be done to ensure that the Domowina was consulted and heard.

Mr Koinzer provided some information about the general state of affairs for Sorbs in Brandenburg: the number of Sorbian inhabitants was now far lower than in the past. In 1880, an academic visited all of the villages and assessed the linguistic capabilities of the people. At that time, in the villages around Cottbus, between 90 and 97 % of inhabitants spoke Sorbian. However, since 1981, the state of affairs had deteriorated for political reasons. Since reunification in 1990, some progress had been made. It was ensured that the Sorbian language was taught in certain day care facilities and nurseries in the region. During the time of the GDR this was unfortunately not possible. For political and religious reasons, use of the language had declined in families and was no longer passed on from parent to child. That had led to the current situation in which grandparents or great-grandparents spoke Sorbian with their grandchildren but the generation between the grandparents and grandchildren did not speak Sorbian.

Mr Koinzer explained that the Domowina was an umbrella organisation with several regional associations and a total of 7 600 members. Its structure was determined by the fact that there were Sorbian people in both Brandenburg and Saxony and that they were located in different municipalities. There were currently 60 000 members of the Sorbian minority; 40 000 in Saxony and 20 000 in Brandenburg. To ensure that contacts between those championing the Sorbian

interests and the administration were maintained, the internal structure of the association was adapted. In 1991, the four existing regional associations in Brandenburg were merged in order to better unite their forces and speak with one voice. The Lower Lusatia Domowina was a registered association that belonged to a number of umbrella organisations. There were Domowina groups in each village and the regional association was the legal representative of these groups. In 2009, the Lower Lusatia Domowina association consisted of 1 800 members, and today there were over 2 400 members. This showed that membership in the last 10 years had slowly but gradually increased, but did not necessarily mean that the number of people speaking Sorbian had increased. However, far more people now identified as Sorbian, and wanted to reclaim their Sorbian traditions and roots and to express their identity by joining the Domowina.

On the question of challenges linked to digitalisation, Mr Koinzer answered that digitalisation represented a real opportunity for minority languages, because minorities could harness the new technologies. Sorbian people scattered throughout Germany during their studies could stay in touch and communicate in Sorbian. Mr Koinzer himself, who studied in Leipzig, was able to listen to Sorbian radio for one hour a day. The real problem for minority languages in the past, especially those that did not have a motherland, had been that whenever a new type of media was developed, minority languages were only considered at a later stage when the technology was already outdated. That had been the case for DVDs, and the Sorbian community still faced this problem in many areas. The state of Saxony had run a programme to digitise the Upper Sorbian language, and two years ago a spelling programme had finally been made available for Sorbian. Challenges included the question of rights as well as lack of human resources. In addition, there was a risk that young people would not be exposed to the language in practice.

Mr Koinzer stated that the most important step had been the setting-up of the office at the Ministry of Science, Research and Culture in 2015 to deal with religious issues and with Sorb/Wend issues. Having the right contact person at the right level was a huge step in the right direction, especially as the person in charge was very proactive.

In 2016, the state parliament of Brandenburg adopted a plan of measures to preserve the Sorbian language. According to Mr Koinzer, some parts of the plan could have been more detailed. However, he also said that it was the first of its kind and that with enough willingness a lot could be achieved. Some measures were also backed up with funding. Bilingual childcare facilities could apply to act as advisory nurseries for other day care facilities in the area. They could cooperate with other nurseries and encourage the production of learning material. This specific initiative received EUR 12 000 in funding per year.

The city of Cottbus was the best example in Lower Lusatia of the use of Sorbian for the general public, with 90-95 % of street signs being bilingual. Mr Koinzer stressed, however, that it was important to consider each specific area of life as a linguistic environment. He gave the example of the local zoo, where Sorbian was ignored but explanatory signs were available in German, English and Polish.

Asked by Mr Csáky how Sorbian fitted into the education system, Mr Koinzer answered that the Sorbian nursery that opened in Cottbus in 1998 had marked a great step forward. However, in the schools, subjects requiring large amounts of communication, such as history, were only taught in German. Six primary schools ran bilingual curricula but there was not a uniform approach to bilingual subjects. In secondary schools, different subjects were taught bilingually.

This also had to do with the teaching staff available. There was a lack of continuity in the school system; more continuity would lead to greater efficiency. Another challenge was the teaching material. It took up to two years for a textbook to be translated, by which time the content was partially outdated. As there was not much teaching material available, teachers developed it themselves on a voluntary basis, which meant considerable work for them.

A question was asked on how the younger generation assimilated the language. The older generation still spoke the language at home, but struggled with the young generation because the language taught at school was slightly different. With the old-style language spoken at home, you could easily recognise the village the person came from. But to protect and revitalise the language, one standard dialect was needed. Mr Koinzer confirmed that there was growing acceptance of this idea. More and more young people finishing school were very committed to the language. They studied the language and got involved in the Domowina, and there were many young representatives on its managing board. Young people were becoming increasingly aware of the language.

In 2007, an agreement was signed between the Domowina and the then lignite-mining operator, Vattenfall, with the justification that anyone making a profit by using raw material in a region had a responsibility in cultural and social matters, especially when the destruction of villages had an impact on culture. The current operator had continued the agreement. The state government had stipulated that the owner of the mines had to bear responsibility vis-à-vis the Sorb community. It was hoped that the commitment would be fulfilled and that the government would monitor to what degree the obligations were being met. The Domowina met with representatives from LEAG twice a year to discuss relevant matters. These discussions were difficult and sometimes depressing, but offered a frank exchange of views.

Meeting with Andreas Stahlberg, expert and advisor on mining-related issues of the municipality of Schenkendöbern

Mr Stahlberg works in Schenkendöbern, a small community on the German side of the border with Poland. He is also a member of the local district assembly and a member of the lignite mining commission of Brandenburg.

In his presentation, he focused on how EU directives were implemented when it comes to mining activities.

Schenkendöbern consists of 16 villages with a municipality area of 214 km². In terms of surface area, it is the 77th largest municipality in Germany, yet it has only 3 700 inhabitants. The main activities are farming and forestry. Also significant are the many high-grade natural assets and sustainable tourism. The Schenkendöbern municipality is against mining. In 2007, the assembly adopted a resolution stating that Schenkendöbern would do everything possible to prevent future mining activities on its land. The commitment was confirmed in 2014.

The Jänschwalde opencast mine, which had been active since 1976, encroached on the municipality area. In 2002, a regional lignite plan was agreed upon. According to the latest information from the company, the Jänschwalde site would be closed in 2023. EU legislation envisages strategic environmental assessments (SEAs) for plans and programmes including lignite plans. However, the SEA Directive had not yet been transposed into national law at the

time when the regional lignite plan was agreed, which was why no assessment had been carried out.

In September 2007, citizens of the municipality heard on the radio that Vattenfall was planning a new pit. The planning phase for this was due to run up to 2017. In March 2017, however, citizens heard from LEAG that this plan was no longer going to be pursued. The plan was officially scrapped in September 2017. This had meant a ten-year struggle for three villages that would have been relocated due to the plan and for five villages around the perimeter that would have been affected. Over 900 inhabitants would have been affected by resettlement. The obligatory lignite plan for the planned mine would have required an SEA. The municipality campaigned hard against the plan and, according to Mr Stahlberg, this active engagement was one of the reasons that led to the plan being put on hold.

Another problem on the municipality's doorstep was the planning of a very large mining operation by a Polish company, the partially state-owned PGE, in the neighbouring locality of Gubin, situated on the Polish side. 15 to 16 villages with more than 2 500 inhabitants would have been affected by resettlement under that plan. In order to put the plan into practice, in 2011 the Polish regional authorities concerned agreed on a development plan up to . Because of the cross-border impacts of the planned operation, such as groundwater levels, a strategic impact assessment had to be carried out. The municipality of Schenkendöbern took part in the cross-border consultation. In parallel, in 2015-2016, the Polish mining company had carried out a cross-border consultation under the European Impact Assessment (EIA) procedure. Because of the major impact expected on the municipality, it made its views heard once again. In the opinion of Mr Stahlberg, again thanks to the municipality's engagement the application was shelved in 2016 at the request of the mining operator. However, the plans were due to be submitted again in the first quarter of 2019.

Mr Stahlberg also commented on the question of what the active Jänschwalde mine meant for the municipality of Schenkendöbern. The mine had had an impact on the groundwater level, which had lowered. Officially, a "line of mining influence" is shown based on a groundwater depression of 2 m. In the many woodlands and marshlands that are protected areas under Natura 2000, a change of just a few centimetres in the water table could have dramatic consequences. Mr Stahlberg stressed that these woodlands and marshlands were drying up more and more, with effects on the rich biodiversity. Parts of the area are protected by the Birds Directive. Mr Stahlberg gave some detailed examples of the impact on certain lakes inside and outside the line of mining influence, inter alia the Pastlingsee. He also pointed out that the authorities had refused the proposal to commission a study to assess the interdependence relationship.

The question of who was liable was discussed behind closed doors between the mining operator and the mining and environmental authorities. The people affected and the municipality, as the owner of the area, did not get a say, let alone the general public. According to Mr Stahlberg, it was a positive signal when, in March 2017, the Ministry for Rural Development, Environment and Agriculture discovered that lignite mining had had a significant effect on one of the lakes. However, there were still no regulatory requirements of obligation and clear responsibility for the mining operator. The mining authority had argued that the exact level of responsibility still needed to be defined.

Another problem for the municipality was the shelving of the Jänschwalde opencast project. In the legal lignite plan, one large artificial lake had been planned in that area. In a new proposal

put forward for regeneration, three artificial lakes were envisaged. The municipality of Schenkendöbern considered that these were significant changes, that the lignite plan ought to be amended and that an EIA would be required. For the residents of the area the character of the landscape would be important, be it lakes or woodlands. However, the state planning authority of Berlin/Brandenburg had ruled out this kind of interpretation and was seeking to implement the plan in a different way, in which an EIA would no longer have to be carried out. The argument for the decision was that the surface area had not changed. In Mr Stahlberg's opinion there was a conflict of interests, as the mining authority worked under the responsibility of the Ministry for Economic Affairs and Energy. In order not to jeopardise their economic interests, the government of Brandenburg wished to avoid infringement proceedings and was thus disregarding the issue.

On the question of access to data, Mr Stahlberg stated that all mandatory data was available. However, this data was often lacking in detail. This undetailed mandatory environmental data could only be obtained from the mining company, not from the authority. The state government could demand data and then make it available, but unfortunately did not do so. The mandatory data requirements on the mine operator were provided by the mining authority.

Friday, 16 February 2018

Meeting with representatives of the Lower Sorbian Secondary School (Niedersorbisches Gymnasium) in Cottbus

The delegation was welcomed by students wearing traditional dress and offering bread and salt, as well as by the school's choir singing some Sorbian songs. Subsequently, the head teacher, Anke Hille-Sickert, gave a short presentation on the school, a special type of Lower Sorbian grammar school. Students learned the Lower Sorbian language from day one. They entered the school with varying degrees of knowledge – some spoke no Sorbian at all, some had learned it in primary school, and others had been learning it from nursery onwards and were already bilingual.

Students were taught in different classes and groups depending on their previous knowledge. Different subjects were taught in Sorbian. Teachers had to be trained accordingly in order to be ready for qualified teaching at secondary level. It was a challenge to find enough suitable and qualified teachers for bilingual teaching for the last few years of secondary level. The school had a whole range of Sorbian/Wendish cultural activities, such as a choir, dancing groups, a theatre group and school bands. The Foundation for Sorbian People helped to fund the activities. For example, the director of the choir was made available to the school by the Foundation, situated in Bautzen.

The head teacher mentioned an Erasmus+ project in which the school participated, which focused on regional culture and minority communities. The students had had interesting talks with the Norwegian partner from the Sami community about options for participation of minorities in different European countries. The students of the Lower Sorbian Secondary School saw themselves as multifaceted. They were proud of being European, but they were also global citizens as well as Germans from Brandenburg and Sorbian people. They had a very diverse and enriching sense of identity. Students learned how to shape their future and would then take their skills back to their hometowns and villages, where they could be proactive.

Participating in the meeting were Ms Komolka, Chair of the school conference, Mr Geis, one of the teachers, Ms Voskamp, representing the parents' association, and students Dennis Groth and Maja Schramm. They all briefly introduced themselves.

Ms Hille-Sickert stated that it was a challenge to motivate people to learn Sorbian, owing to the fact that it is a minority language without a motherland. Learning the language meant additional work, also owing to the scarcity of up-to-date standard teaching materials. Motivation depended a great deal on how much the Sorbian culture was promoted in primary school. In this sense, Ms Hille-Sickert was not very satisfied. The diverse education system offered many alternatives, which was why the Lower Sorbian Secondary School had to advertise its services. The school often felt very isolated and unsupported by the state authorities. It was not always able to attract the minimum number of 25 students required for a class to be deemed viable. In higher classes, certain major subjects could not currently be taught in Sorbian. In Ms Hille-Sickert's opinion, it was essential to ensure continuity of tuition in the Sorbian language from nursery to the end of secondary school.

Ms Schramm underlined the importance of learning Sorbian and of returning to one's roots. The fact that she was learning Sorbian made her family proud. Children could communicate with their grandparents in their mother tongue and sing the same songs. This helped to revive a culture that had been lost for a generation during the decades of the assimilation trend in the former GDR. Nowadays, the pride in identifying as Sorb and speaking the language was being revived among those who had discovered it. The language would also open doors to Poland and the Czech Republic.

According to Ms Auken, learning the Sorbian language should not be a nostalgic movement, and modernisation was also required. The representatives stated that they tried to keep the traditions alive by wearing traditional dress, for instance. But there were also indications of modernisation, for example rock and pop bands that revived traditions by playing modern music on traditional Sorbian instruments. Modernisation and development would also happen through social media. Online platforms were already being used to send messages in the Sorbian language.

The representatives also pointed to the Sorbian/Wendish School Regulation that was currently being discussed at ministerial level. They regretted the fact that the school provisions therein were being decided and imposed without any consultation. Under the latest draft by the Ministry of Science, Research and Culture dating from October 2017, only children with prior knowledge of Sorbian would be able to attend the relevant schools. However, 60-80 % of potential students would lack prior knowledge and so would no longer be able to access Sorbian language teaching. Adoption of this draft regulation would have a dramatic impact on the Lower Sorbian Secondary School and was a real threat to the Sorbian language. Parents should have guarantees that their children would have access to education in the Sorbian language.

According to Ms Komolka, the future of the language was contingent on the future of the students. The best way to learn a language was through being taught subjects in that language, not simply learning it as a foreign language. Learning Sorbian as a foreign language, often in addition to the standard curriculum, was seen as a burden or as an obstacle to learning other foreign languages. This competition limited the potential interest of children and parents. Prospects for the future were needed so that children could preserve the language. Another important issue was the lack of leisure activities for older children. Teenagers needed

opportunities to use the language outside the classroom as peer-to-peer learning was crucial. The representatives stated that they would like to see the Sorbian language given more prominence in public services, for instance, through positive discrimination in the sector. At present there was no real prospect of being able to use Sorbian professionally, which did not encourage young people to learn it. In the current final school year, 80 students spoke Sorbian fluently. Only a few of them might have some professional prospects in the region. While lignite mining had had detrimental effects on the Sorbian community, the survival of the language was linked to modernisation of the region.

Meeting with Torsten Mack, the President of the Council of Sorb and Wendish affairs of Brandenburg

Mr Mack introduced himself as President of the Council for Sorb and Wendish affairs of Brandenburg. The Council fulfilled an advisory function and checked any drafts and bills that went through the state parliament to see whether they had an impact on the Sorbian community. Article 25 of the Constitution of Brandenburg laid down the rights of the Sorbian people in the State of Brandenburg and clearly stated the right of the Sorbian/Wendish identity and its settlement area to protection and maintenance. According to Mr Mack, the Sorbian community was severely affected by lignite mining. 150 minority settlements had been lost owing to mining activities, many of them centres of Sorbian language and culture. The minority could not afford to lose another of its settlements. In his opinion, the Sorbian interests were only marginally affected by the existing lignite plan. Article 25 represented a constitutional obligation and was very important in the legal hierarchy. According to the constitution, different rights and obligations needed to be weighed up. However, he felt that the interests and obligations were not being weighed up correctly in the lignite plan drawn up by the government.

The European Union had indirectly helped in this matter when the state authorities had tabled the Sorb/Wend report in the previous month and referred to the EU and to recommendations that had not been fully implemented. This was a critical approach, and showed that there was much work to be done. Furthermore, Mr Mack confirmed the fact that fossil fuels would at some point be exhausted and that it was necessary to put an end to it. Some of the lignite businesses were already in deficit. A structural change would therefore be required in the region, and any possible social shock resulting from the change would need to be cushioned. A target date for the phasing out of lignite was needed.

A look at the then ongoing negotiations for a new coalition agreement at federal level gave the impression that Germany was turning back the clock. Many of the targets set previously had been reduced or even thrown out when it came to climate change objectives. In Mr Mack's opinion, some parties at federal level simply defended the lignite mining industry regardless of rational economic arguments against it. In his opinion, it was probably because of the outcome of the coalition talks in Germany that LEAG decided to expand the Welzow II open mine, which would affect the Sorbian community in Proschim. Lignite mining would no longer be economically viable and opencast mining is not a modern technology.

Ms Ždanoka referred to the letter of response of January 2017 from Minister Ulrike Gutheil, in which she denied in principle all the accusations made in petition 079/2015. In Mr Mack's opinion, Ms Gutheil was right on the point about the Sorbian language and cultural development. She herself was very active and committed to the rights of the Sorbian minority. The socio-economic development of the Lusatia region and the contaminated water of the River

Spree and adjacent waters was another issue. The water had been red for years, but it was only when red water started to run through the Spreewald natural reserve that the state authorities had started to take an interest in the matter. The issue of contamination of the drinking water in Berlin and the request to clean it up needed to be taken seriously. Mr Mack disagreed with the response given by Minister Gutheil in the letter on that point.

Replying to a question by Ms Ždanoka about the legitimacy of the lignite activities, Mr Mack referred to Article 25 of the constitution and to the official complaint by the community of Horno, in which the complainants asked whether or not this article was a legal basis through which to prevent the demolition of the settlement. At the time, Article 25 was interpreted in a looser way than its drafting would suggest. As a result, the constitution was downgraded and the demolition of the village of Horno went ahead. This aspect had to be taken into account. In Mr Mack's personal opinion, the lignite plans were not entirely legitimate because the constitutional objective was not fully respected.

Mr Csáky referred to the meeting with the Mayor of Welzow and the representatives from Proschim. In this meeting it had become clear that the issue of lignite mining was a very emotional one. Different positions on how to continue with the activities and whether to open new mines had been defended at this and other meetings. Mr Csáky asked for Mr Mack's personal opinion and the opinion of the council.

According to Mr Mack, the inhabitants of Proschim were prepared for the destruction that might come, regardless of it being considered a Sorbian settlement or not. The mining operator owned one half of the village. The other half was owned by citizens who had been living off their land for hundreds of years and had used everything the land could give. The village could be self-sufficient in electricity. The idea of destroying this village was a great political error and would send out the wrong signals. There was also a high proportion of ethnic Sorbians in the village, who wanted to revive the language. The notion that the community could disappear because of lignite mining was perceived as a great threat.

The question of whether lignite was still needed had to be considered, as it was obvious that the technology was no longer profitable. The main company itself was no longer interested for economic reasons and was already downscaling its operations and production. Plans for the Jänschwalde Nord opencast mine were shelved as a result. The only power plant that would remain open was Schwarze Pumpe. Taking into account the future perspective and the life cycle of this power plant, one had to think about the fuels involved and avoid further opencast mines. Resettlement of Proschim would mean that sustainable jobs built on structural change would be lost.

4. New political developments since the fact-finding visit

One point in the German coalition agreement signed on 12 March 2018 provided for the launch of a commission on “Growth, Structural Change and Employment”. The objective of the commission is to develop an action plan by the end of 2018. The plan would include concepts for phasing out coal power generation, with a concrete end date, and the necessary legal, economic and social measures for this structural change. A fund at federal level would be established to provide financial support to the regions concerned. The commission consists of 4 Chairs and 24 members. Members of the German Bundestag and representatives from the

German states also attend the meetings. The commission met for the first time on 26 June 2018.

5. Conclusions and recommendations

The issue of lignite mining in the Lusatia region is a very serious and complex matter. It has a big impact on the environment and on the citizens in the region, among them the Sorb community.

Despite open discussions in Potsdam with representatives of three ministries of the State of Brandenburg involved in all matters raised in the petitions, there are still unresolved issues. The delegation concluded that it should examine the question of how the federal government sees the future of lignite technology in both Brandenburg and Saxony.

The delegation learned that lignite mining has a long history in Lusatia and concluded that a clear strategy for the economic restructuring of the region after the phasing out of lignite mining is lacking. Concrete measures for regional development are urgently needed.

In general, lignite mining is not the most modern technology. It became evident during the visit that lignite mining has severe impacts on the environment (destruction of the landscape, water and air pollution). The lignite mining industry, owing to its CO₂ emissions, is one of the factors hindering Germany in reaching its emission reduction targets.

The situation of the Sorbian minority in the Lusatia region is also a very complex and serious issue. The language and culture of the minority are very important for the characteristics of the Lusatia region and for cultural diversity within the European Union. However, Sorbs are facing threats to their cultural identity, and they fear that the continuation of lignite mining is menacing their future. The Sorb community is concerned about resettlement, loss of land, absence of cultivated areas and high environmental pollution, among other issues.

It is the responsibility of stakeholders at all levels to support the Sorbian community. The delegation appreciates the efforts being made by the authorities to include the community in the decision-making process, for example through the Council of Sorb Affairs. The appointment of Sorbian representatives at local level in municipalities with a Sorbian community is also a step in the right direction.

The lack of communication between the state authorities and NGOs and other stakeholders is a major issue of concern. The authorities do not openly communicate relevant data, especially environmental information stemming from EU legislation. Regarding the pollution of the River Spree, the authorities should implement measures to improve the water quality and monitor the pollution levels.

In view of the above findings, the Committee on Petitions makes the following recommendations to the competent national authorities and to the Commission:

1. Notes that the issue of lignite mining is very complex and sensitive and has a huge impact on the environment in the Lusatia region and on the lives of citizens, in particular those directly affected by opencast mines through resettlement plans;
2. Notes the common conclusion of all interested parties that lignite-related extraction and its use in power plants must be put to an end; notes the will of the authorities to avoid a disruptive shift generating a socioeconomic shock; is concerned, however, at the lack of a

detailed plan to start the required phasing out of this technology and its replacement with cleaner options, namely renewable energies that can generate new highly-skilled job opportunities; believes that the focus should be both on the fight against climate change and on jobs and growth to stimulate new employment opportunities in the energy sector and investment in modern technologies;

3. Underlines the important role of the newly launched European Commission' platform on Coal Regions in Transition, which should help regions with coal mining activities to identify, develop and implement projects with the potential to kick-start a viable economic and technological transformation, and to enable multi-stakeholder dialogue on policy framework and regulations;
4. Requests information from the federal government on the tasks and responsibilities of the newly established Commission on Lignite Mining; points out to the national and regional authorities concerned the importance of a clear timetable for the phasing out of the lignite mining industry and a concrete plan with specific alternative measures to meet the challenges of the structural change needed in the Lusatia region; considers that the date of 2040 is far too late to achieve the emission reduction targets and avoid the repetition of a socio-economic shock in the region, and underlines that the phasing out process needs to start immediately;
5. Notes that coal mining is no longer an essential industry for development in Lusatia; points out that coal mining does not have a future anywhere in Europe given its direct environmental impact on the climate and on land use, the air, noise and water pollution it causes, as is the case in Lusatia with iron oxides and sulphate, in both surface water and groundwater bodies, and the further severe large-scale pollution and public health risks in relation to these issues;
6. Suggests that all open coal mines and coal-fired power plants should be closed at the earliest possible stage before 2040; asks for any direct or indirect public subsidies for these activities to be terminated immediately and instead redirected towards sustainable renewable energy sources and the required transitions, including for affected jobs and communities; considers that EU funds should be allocated to support real transition efforts;
7. Urges the authorities at federal and regional level to come up with a comprehensive plan for economic restructuring and to start an ecological transition immediately with the implementation of measures for regional development in the Lusatia region; considers, taking into account the climate perspective, that the planned phasing out of nuclear energy should under no circumstances bring about an increase in the use of coal as an energy source;
8. Recalls the objectives of the Paris Agreement and points to the new renewable energy target for the EU of 32 % by 2030, as agreed on 14 June 2018 in negotiations on further renewable energy development in the EU between the Commission, Parliament and the Council; considers it necessary to give fair and equal opportunities to all energy sectors;
9. Points out that it is proven that making a shift towards renewable energy sources and energy efficiency measures has the capacity to create numerous stable jobs requiring skilled profiles; is convinced that such further labour-intensive demand would certainly become a trigger to revitalise the economy of the region and ground it in sustainable activities, thereby making it more competitive in the upcoming decades; underlines that today it is the duty of the current responsible authorities to ensure that the required socio-economic

transformation takes place in time; considers that sufficient EU structural funds for transitioning historic coal-mining regions should be made available, subject to conditionality, in this regard;

10. Considers that decisions on investments in energy sources, particularly when involving public financing, must be based on reliable data from the actual market and also incorporate external issues related to each activity, for example the use of resources such as soil and water, and actual or potential pollution or impact on public health and the environment; asks the Commission to update its figures and projections for the energy prices for different sources, taking into account these criteria;
11. Requests that the Commission assess the compliance with the Water Framework Directive, the Drinking Water Directive and the Groundwater Directive in the state of Brandenburg, specifically in the Lusatia region, as well as the actual impact of lignite mining on Natura 2000 protected areas, and inform Parliament of any related derogation; recalls the importance of complying with the Environmental Impact Assessment Directives, and of ensuring the participation of the public, also on a cross-border basis when applicable;
12. Calls for transparent, regular and timely communication by all the authorities in question to the citizens concerned by the mining activities, and particularly to the representatives of the Sorb community; requests public access to the terms of the sale of the mining assets from Vattenfall to EPH and the operational conditions and constraints imposed by the public authorities, if any;
13. Calls for regular monitoring and control and transparent reporting to the Commission by the competent authorities of the development of water pollution in the rivers, lakes and groundwater bodies, and for them to ensure that all data collected is detailed enough and made publicly available in a timely manner; stresses the importance of a credible systematic approach, with measuring points set at relevant locations, taking into account the ultimate purpose of adequately safeguarding public health;
14. Calls on the state governments of Brandenburg and Saxony to provide information on the exemptions or direct or indirect subsidies granted to mining companies on the basis of the state law on water; notes that changes at groundwater level have a negative impact on the chemical composition of the water bodies, considering the geological characteristics of the region; asks the state governments to be transparent and duly provide information in a timely manner about any future plan regarding currently active mines; considers that no new permits for the opening of new mines or the extension of existing ones – including Welzow Süd – should be granted by the state governments, and that a clear end date for the current operations needs to be set;
15. Recalls the importance of respecting legal requirements when it comes to treatment of sludge, namely systematically ensuring not only its removal but its adequate treatment and disposal;
16. Is opposed to further resettlement of the population in Lusatia, and in particular Sorb communities, as a result of mining activities, with a view to reversing the trend of social and cultural uprooting of its peoples during the past decades;
17. Insists on the importance of ensuring full recovery of former mining sites, guaranteeing a full stabilisation of the soil that enables not only environmental restoration but also meaningful socio-economic activities; stresses the importance of allocating the necessary

resources and efforts to ensure that the acidity levels of artificial lakes within former pits converge towards neutral values, so that they can actually be used for recreational purposes; considers that, given the knowledge acquired from previous approaches, current mining operators must be compulsorily involved in, and ultimately liable for, an adequate and timely regeneration of sites;

18. Calls on the state authorities to ensure that on the basis of the “polluter pays” principle the mining companies are unambiguously made liable for any potential environmental consequence relating to mining activities, and from the start – as a prerequisite of obtaining their operational licence before the beginning of their activities – obliged by federal and regional authorities to set aside a separate blocked deposit of a sufficient amount of money to be dedicated to the stabilisation, regeneration and conversion of mining sites and the rectification of any potential pollution resulting from lignite mining, with a view to preventing any future burden on the taxpayers’;
19. Stresses the importance of participation of members of the Sorb community in decision-making processes at all levels when its rights are affected; believes that the Council for Sorb Affairs must be granted more rights in order to ensure its active participation;
20. Calls on the state governments of Brandenburg and Saxony to support the Sorbian language in every possible way; welcomes the measures implemented to promote the Sorbian language and notes with satisfaction that in the Lusatia region road signs are bilingual; recommends the widening of the linguistic environment of the Sorbian language, inter alia through announcements on public transport or explanatory signs in public places such as museums, parks and zoos; considers, however, that much more structured measures need to be put in place in order to preserve the Sorbian language and foster its use in the public sector and the civic life of the region;
21. Points to the fact that instruction in Sorbian is essential for the continued existence of the language; is concerned at the current reform of the rules governing education in Sorbian in Brandenburg and its effect of hindering continuous instruction; stresses that more qualified teachers who are skilled and competent in the Sorbian language are needed at all levels of the school system;
22. Suggests that EU funds be allocated for the promotion of Sorbian language and culture, especially for concrete structural aspects such as the training of teachers at Leipzig University, which could ensure lifelong learning in Sorbian from nursery level, together with the Witaj project; considers that the Foundation for Sorbian People in Bautzen would be a reliable partner in this project;
23. Commits to monitoring citizens’ calls as regards future developments in the Lusatia region.