

WRITTEN QUESTION E-0079/09  
by Elisabeth Schroedter (Verts/ALE)  
to the Commission

Subject: Infringement of EU environmental law caused by expansion of the Sacrow-Paretz canal

The German authorities have approved the deepening and widening of the Sacrow-Paretz canal in the *Land* of Brandenburg, although this measure is leading to greater draining away of water from the lower Havel in the Berlin region. This is leading to a decline in water levels and a drop in groundwater levels in that area and in the Brandenburg region. And it is having an effect on areas around banks which come under the legislation on habitats and which are dependent on regular flooding, including Wolfsbruch (DE 3543-304), Middle Havel (DE 3541-301) and the Middle Havel extension (DE 3542-305), and the species living there, including priority species (under Annex II to the Habitats Directive, Directive 92/43/EEC<sup>1</sup>) such as beavers and otters.

1. Is the Commission aware that the expansion of the canal contravenes the Water Framework Directive ((2000/60/EC<sup>2</sup>) and the ban laid down in that directive on deterioration of surface water and groundwater and, in addition, that it is bringing lasting changes to areas covered by the Habitats Directive which provide habitats for species from the list in Annex I to that directive? If so, what steps has the Commission taken to date? If not, what steps will it be taking?
2. Is the Commission aware that, in connection with the approval procedure, alternatives to the expansion of the canal were not examined, although environmental groups drew the authorities' attention to this shortcoming in the approval procedure? In these circumstances, will the Commission be allowing lasting changes to areas which come under the Habitats Directive? Does the Commission regard the failure to examine alternatives in connection with the Water Framework Directive ban on deterioration of waters as compatible with EU law? If not, what steps will it be taking?
3. Is the Commission aware that the expansion plans were based on a 1995 forecast and that the *Land* of Berlin has decided against extending sections of this waterway in its area as there is now less of a need? In these circumstances, does the Commission regard the impairment of areas which come under the Habitats Directive as permissible?
4. Is the Commission aware of whether the expansion is to be funded from the European Structural Funds? If so, would the Commission demand that the money be returned, as this would mean that a measure receiving EU Structural Fund support clearly infringed EU environmental law?

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<sup>1</sup> OJ L 206, 22.7.1992, p. 7.

<sup>2</sup> OJ L 327, 22.12.2000, p. 1.