

POLICY GUIDELINES ON SMALL HYDROPOWER

25 November 2020

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- **Role of the EnC institutions (monitoring, dispute settlement etc.)**

Size and Type of HPP

No uniform definition of large, small and micro HPP

*In the renewables chapters of its Implementation Reports, the Energy Community Secretariat indicates hydropower plants below 10 MW as “small”, for statistical purposes.

Run-of-river

Storage run-of-river

Reservoir HPP



POPULATION AND HUMAN HEALTH:

- displacement or resettlement;
- changes of employment patterns, livelihoods, etc;
- property rights;
- restrictions of right of access to water and/or land;
- water quality (health impacts).

BIODIVERSITY:

- fresh water and hydromorphology;
- degradation potential of ecosystem services;
- loss and/or degradation of the habitats concerned;
- loss of species diversity and genetic diversity;
- effects on the habitats in the surrounding areas.

LAND, SOIL, AIR AND CLIMATE:

- land conversion (e.g. agricultural)
- control of riverbank erosion and flow regulation;
- emissions related to the: indirect effects of the project, construction of the plant's transport infrastructure, materials used in construction (especially concrete);
- emissions of the transport and construction machinery.



MATERIAL ASSETS, CULTURAL HERITAGE AND THE LANDSCAPE:

- loss, degradation or fragmentation of such landscapes, related material assets and cultural heritage.

- ✦ **Directive 2011/92/EU (EIA)** – after entry into force (updated - amendments by 2014/52/EU)
- ✦ **Directive 2001/42/EC (SEA)** - as of 31 March 2018
- ✦ **Directive 1999/32/EC (SiF)** – as of 1 January 2012 (updated - amendments by (EU) 2016/802)
- ✦ **Directive 2001/80/EC (LCP)** – as of 1 January 2018
- ✦ **Directive 2010/75/EU (IED), Chapter III and Annex V of 1 Jan 2018 (construction and operation of new generating plants) 1 Jan 2028 (existing plants)**
- ✦ **Directive 2004/35/EC (ELD)** – as of 1 January 2021
- ✦ **Directive 79/409/EEC (Wild Birds), Art. 4(2)** – after entry into force

Short description of the process – key provisions

EIA	SEA
<p>Screening (where applicable) for projects under Annex II using the screening criteria in Annex III – Article 4(2)</p>	<p>Screening applicable only for:</p> <ul style="list-style-type: none"> - Plans and programmes using small areas – Article 3(3) - Minor modifications – Article 3(4) - Plans and programmes not covered by Article 3(2) – Article 3(5)
<p>Scoping is voluntary as minimum, transposing legislation may require mandatory scoping – Article 5(2)</p>	<p>Scoping is mandatory in SEA – Article 5(4)</p>
<p>EIA report: the developer has to prepare the detailed report on the foreseen impacts of the project and submit it to the competent authority – Article 5 and Annex IV</p>	<p>Environmental report: the authority responsible for the adoption of the plan or programme has to prepare the detailed report on its foreseen impacts and submit it to the competent authority for SEA – Article 5 and Annex I</p>

Short description of the process – key provisions	
EIA	SEA
Public participation: the public concerned must be given early and effective opportunities to participate in the environmental decision-making procedures – Article 6(2)-(7)	Public participation: shall identify the public concerned, including the public affected or likely to be affected by, or having an interest in the decision-making and give early and effective opportunities within appropriate time frames – Article 6
Transboundary assessment: based on information available or upon the request of another Contracting Party / EU Member State concerned – Article 7	Transboundary assessment: based on information available or upon the request of another Contracting Party / EU Member State concerned – Article 7
Information on the decision: The competent authority is obliged to take into consideration the information obtained from the public consultations and include in the decision how they have been integrated – Article 9(1)	Information on the decision: The competent authority is obliged to take into consideration the information obtained from the public consultations and include in the decision how they have been integrated – Article 9(1)
Access to justice: Article 11	The Directive does not contain provisions on access to justice.

Annex I: mandatory
Annex II: screening

- case-by-case assessment; or
- thresholds.

Contracting Party can use both.

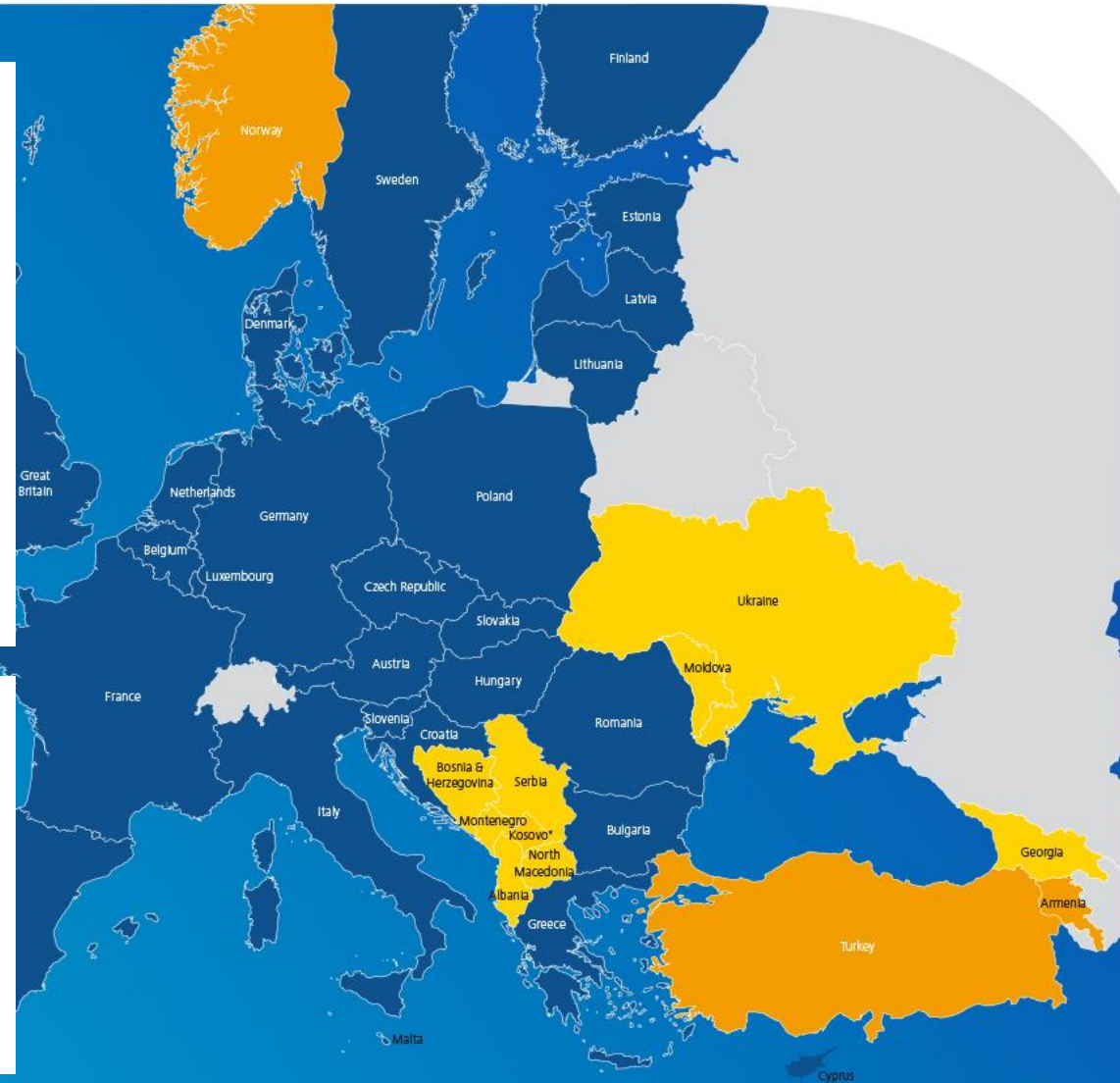
Regulatory scope of small HPPs

Table 5 – Legislative thresholds in the Contracting Parties for an EIA in the case of hydropower projects

Contracting Party	MW
Albania	N/A ⁵²
Bosnia and Herzegovina	2-5 ⁵³
Georgia	2-5 ⁵⁵
Kosovo*	N/A ⁵⁶
North Macedonia	2-10 ⁵⁷
Moldova	N/A ⁵⁸
Montenegro	1 ⁵⁹
Serbia	2 ⁶⁰
Ukraine	0 ⁶¹

Table 6 – Legislative thresholds in selected EU Member States for an EIA in the case of hydropower projects

Member State	MW
Austria	2-15 ⁶³
Croatia	N/A ⁶⁴
Germany	N/A ⁶⁵
Hungary	0-5 ⁶⁶
Latvia	N/A ⁶⁷
Spain	0 ⁶⁸



All HPP are subject to screening procedure!

Annex III categories of criteria:

- characteristics of the project;
- location of the project;
- type and nature of potential impact (including potential cumulative impacts).

A scenic view of a river with large grey rocks and green vegetation on the banks. The water is clear and flows over the rocks, creating white rapids. The background shows a lush green forest.

Defines the EIA report's content and ensures that the EIA report addresses the project's most significant effects on the previously explained factors:

- (a) population and human health;
- (b) biodiversity;
- (c) land, soil, water, air and climate;
- (d) material assets, cultural heritage and the landscape;
- (e) the interaction between the factors referred to in points (a) to (d)

Detailed description of the project - point (1) of Annex IV to Directive 2011/92/EU

- *Description of the location;*
- *Description of the physical characteristics of the project;*
- *Description of the main characteristics of the operational phase of the project;*
- *An estimate, by type and quantity, of expected residues and emissions.*

Reasonable alternatives to the project - point (2) of Annex IV to Directive 2011/92/EU:

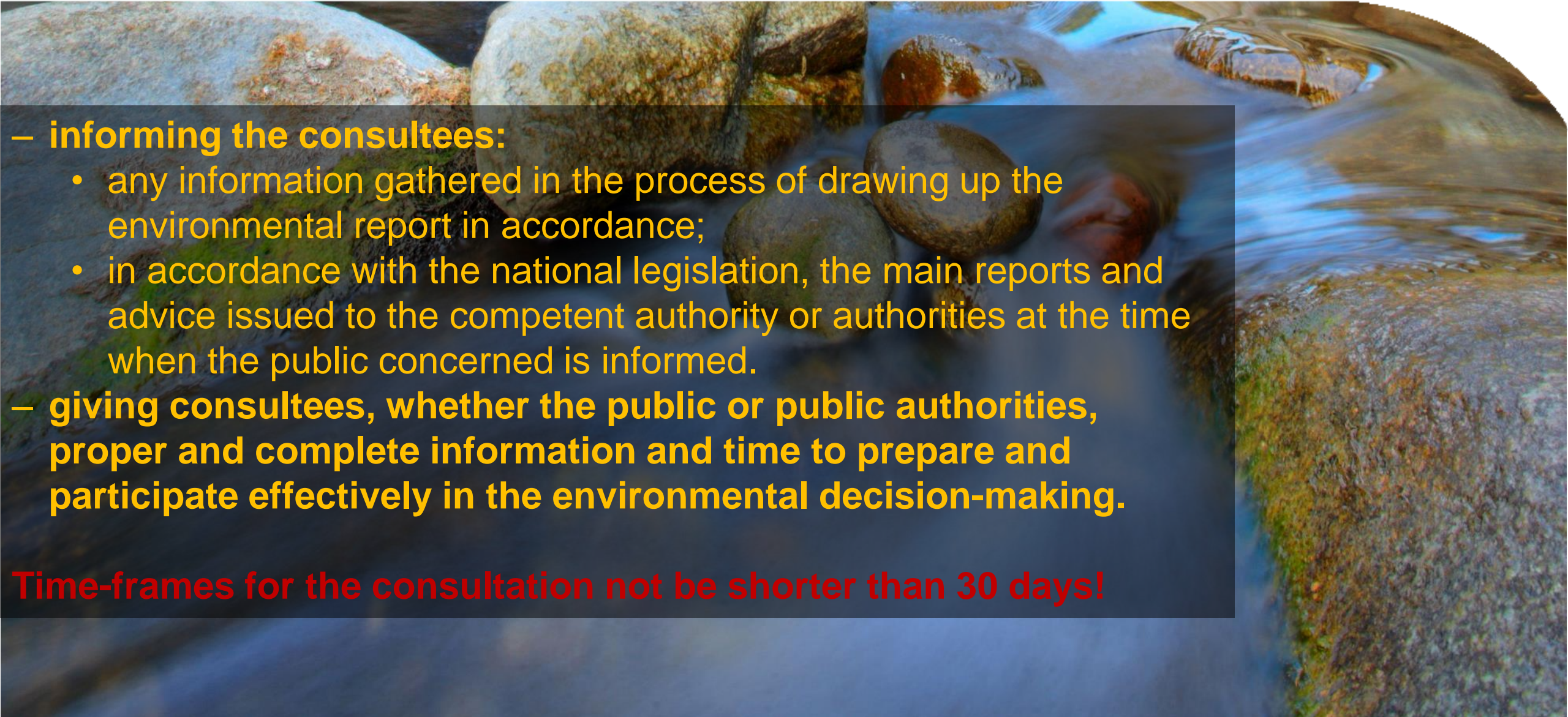
- *Alternative location(s)*
- *Alternative technologies*
- *“Do nothing scenario” or “no project alternative”*

Baseline scenario – point (3) of Annex IV to Directive 2011/92/EU

Description of the expected significant adverse effects of the project on the environment deriving from the vulnerability of the project to risks of major accidents and/or disasters which are relevant to the project concerned – point (8) of Annex IV to Directive 2011/92/EU

Non-technical summary – point (9) of Annex IV to Directive 2011/92/EU

A reference list detailing the sources used for the descriptions and assessments included in the report – point (10) of Annex IV to Directive 2011/92/EU

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- A photograph of a shallow stream with clear water flowing over smooth, grey and brown rocks. The water is slightly rippled, and the rocks are partially submerged. The background is a soft-focus natural setting.
- **informing the consultees:**
 - any information gathered in the process of drawing up the environmental report in accordance;
 - in accordance with the national legislation, the main reports and advice issued to the competent authority or authorities at the time when the public concerned is informed.
 - **giving consultees, whether the public or public authorities, proper and complete information and time to prepare and participate effectively in the environmental decision-making.**

Time-frames for the consultation not be shorter than 30 days!

DEVELOPMENT CONSENT:

The public concerned shall be given early and effective opportunities to participate in the environmental decision-making procedures referred to in Article 2(2) and shall, for that purpose, be entitled to express comments and opinions when all options are open to the competent authority or authorities **before** the decision on the request for development consent is taken.



THANK YOU
FOR YOUR ATTENTION

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