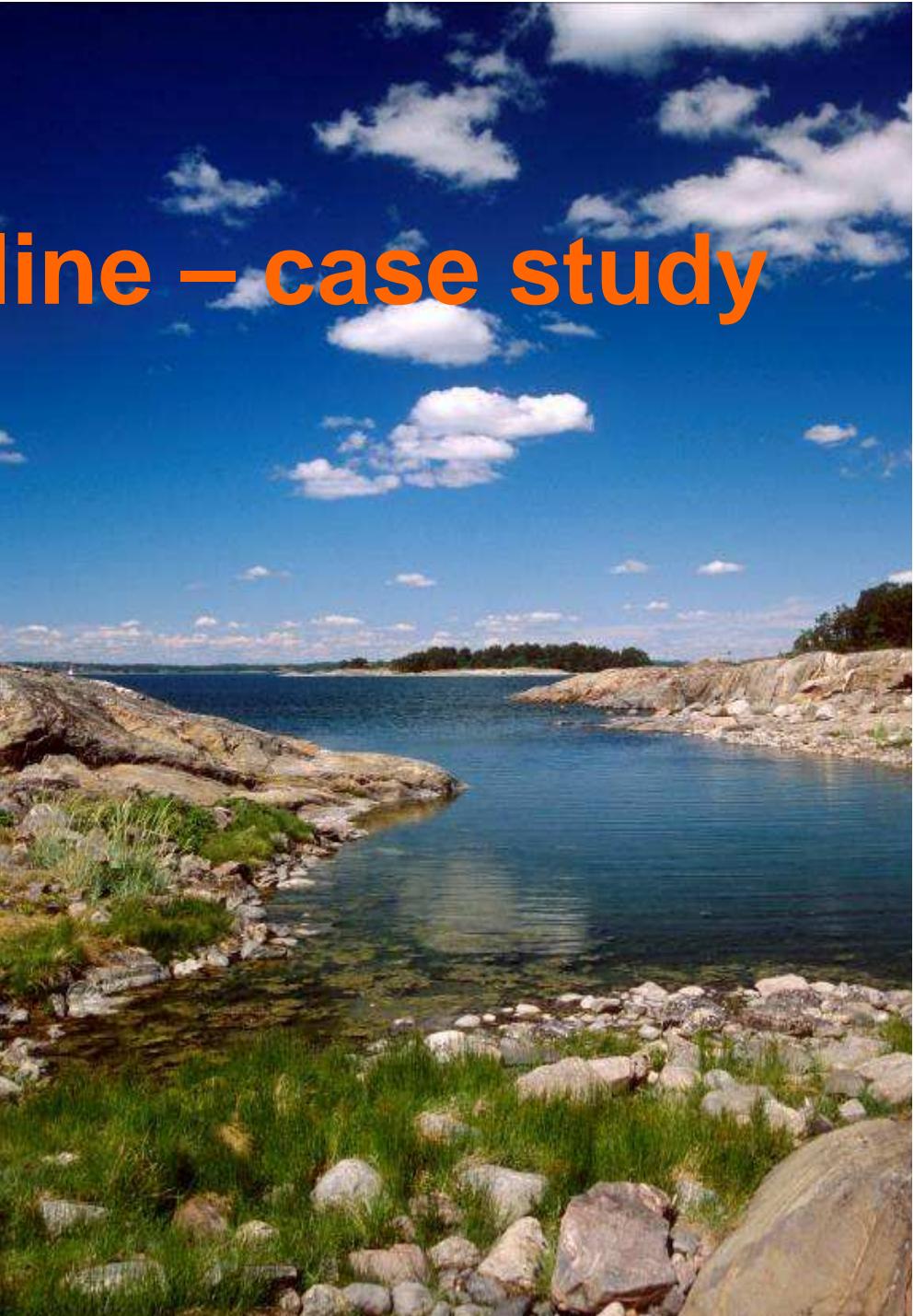


# Nord Stream Pipeline – case study





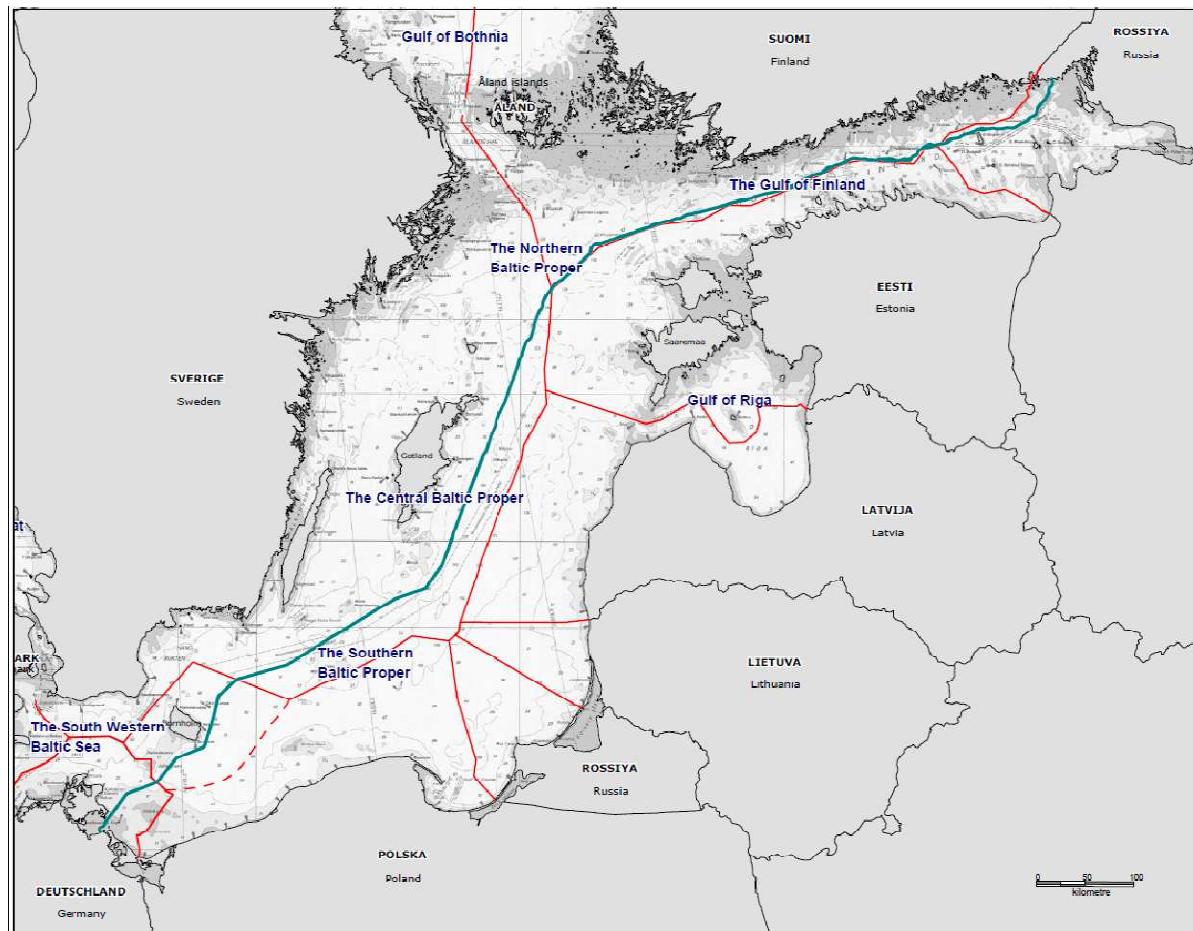
# Content

- Some facts about the pipeline
- Nord Stream and the Environment of the Baltic Sea
- Environmental hot spots - Environmental Impact Assessment
- NGO involvement in legal procedures
  - Espoo Convention
  - EU nature conservation law
  - National law
- Result of law suit and direct negotiations
- conclusion





# Some Facts



## Route

### technical parameters

length: 2x1200 km

width: 125 cm(48“)

+12 cm concrete coating

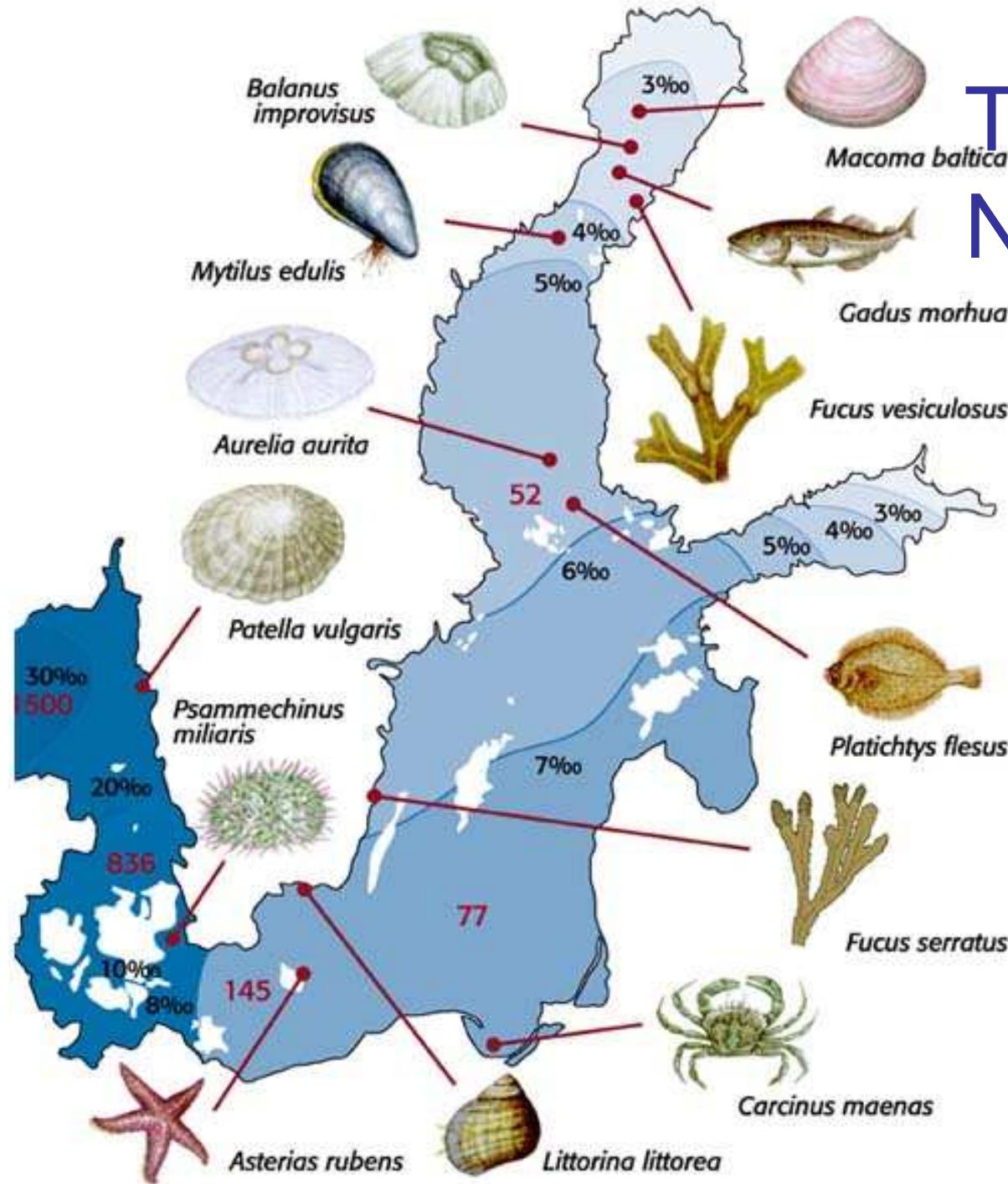
pressure: 220 bar

to 100 bar

**Sediment:** Sand to rock

### other aspects:

chemical and military substances on the route



# The Baltic Seas Natural features

Enclosed sea – limited water exchange with the ocean.

Low salinity

- 3 ‰ in Bothnian Bay
- 10 ‰ in Danish Straits

Few marine species

mix of fresh water species

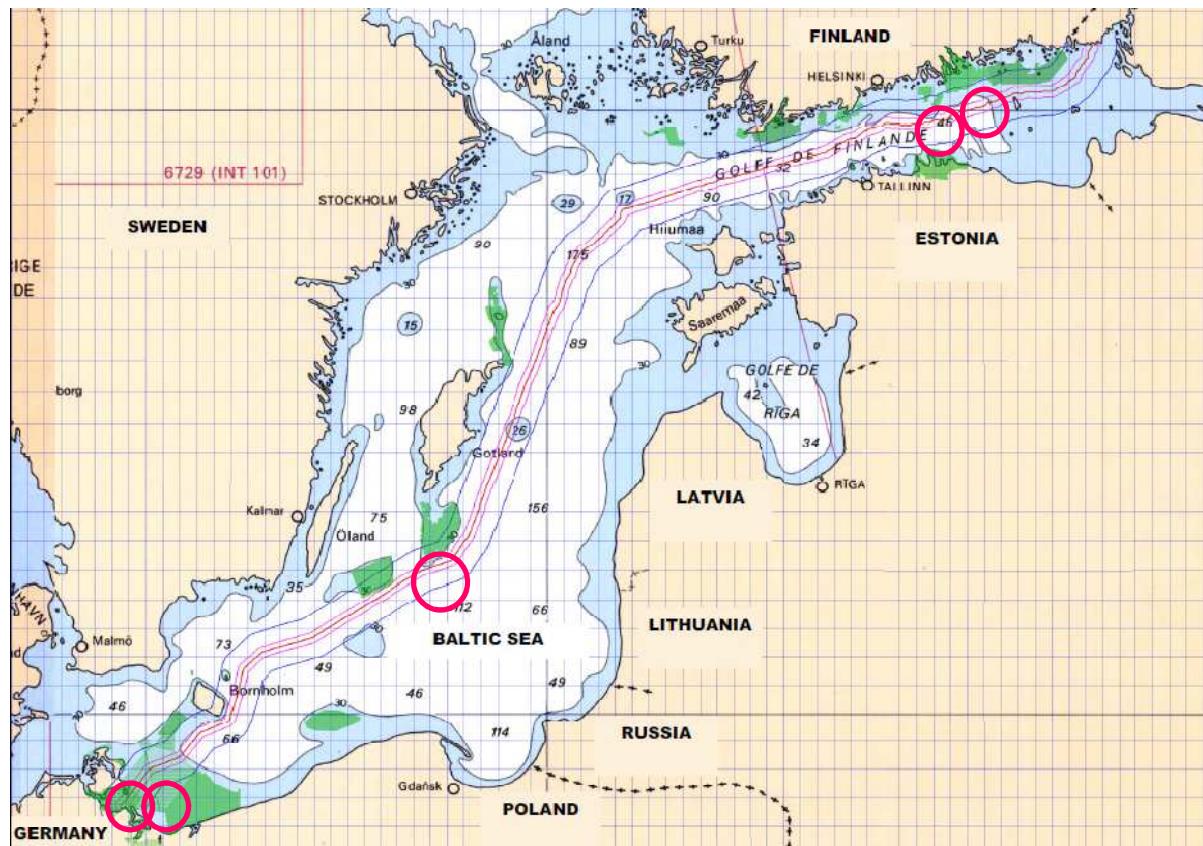


# How does the project impact the environment of the Baltic Sea?

- Large technical construction on 1200 km sea floor
- Substantial Seabed intervention needed (trenching, support structures)
- dredging and dumping
  - resuspension of nutrients and hazardous substances from the sediment
- Damage to animals through the disturbance and explosions
  - Ammunition risks
  - Precommissioning test fluid
  - CO2 emissions when the gas is compressed
  - Potential risk for trawl gear



# Areas with sensitive environment



## LEGEND

Green:Marine Protected Areas

Red Line : Nord Stream Route

Pink Line: 5 km Corridor around Nord Stream Route

Blue Line: 20 km Corridor around Nord Stream Route

Red Circles: zones critical for nature conservation

Transboundary Access to Justice for Environmental NGOs ,  
Berlin, 15.10.2010

Nord Stream case  
Jochen Lamp WWF



# Eutrophication not relevant?

- explosions and seabed interventions cause input of:
  - 53.000 t Nitrate
  - 12.000 t Phosphate (2,3% of the total input into the Sea)

The nutrients partly get back into the water column after having been buried in the ground for decades





# Legal frameworks involved

- UNCLOS (Law of the Sea) allows laying of pipelines
- EU EIA Directive
- Espoo (pipeline is a project underlying the criteria)
- EU habitat and bird Directives (for Natura 2000 sites and priority species and habitats)
- National nature conservation, water- and sea use laws (including mining law in Ger)



## NGOs in regional fora like HELCOM

- Observer status allows raising of issues  
Helcom Heads of Delegation  
HELCOM Habitat
- example  
WWF report ECOcheck for Baltic pipelines  
Introduced in 2006





# Espoo convention I

- Convention deals with EIAs for transboundary character
- Ratified by 41 parties (states and EU)  
(Russia has signed but not ratified)

Nord Stream:

- Countries of origin (R, Fi, Se, Dk, D)
- Affected countries (+ Ee, Lv, Lt, PL)



# Esopo convention procedures

- Notification of project and possible impacts  
+ reaction of affected parties (Art 3)
- EIA documentation and report (Art 4)
- Consultation on the basis of EIA documentation (Art 5)
- Final decision (Art 6)



# **Nord Stream Espoo process**

For the Nord Stream Pipeline the Espoo process started in 2006 and ended in 2009

Parallel procedures were carried out in 5 countries

An Espoo group under leadership of the German BSH organized harmonization of the different EIA procedures in the 5 countries.

NGOs and public took part in the public consultations (open to be deposited in each country) but not in the expert group

One „umbrella-procedure“ for the pipeline with the same methodology, national procedures in 5 countries

Online access of documents secured



# NGO involvement in Espoo

- WWF co-ordinated EIA statement of WWF partners as well within the Espoo framework as in the national procedures (joint submissions)
- (notification, research programme, report)
- Focus: comprehensive research programme, high common standards in all countries, proper documentation and full transparency
- No observer status was granted for the expert group



## EU level interventions

- EIA directive to be followed (despite UNCLOS)
- Natura 2000: Habitat directive, Bird directive
- Basis for national conservation law
- No significant negative effect from the project, alternatives, minimization
- Complaints to the commission as a complementary means that can lead to political reflections and reconsidering of support



# Transboundary NGO activities

- Parallel approach: international via Espoo, national in each country
- Concertation of positions as far as possible
- Scoping in several countries
- National NGO experts and national submissions secured option for further legal actions
- Exchange of national knowledge strengthened NGO position
- Concentration on country with highest likeliness for successful law case helped saving NGO resources



# Legal Action based on national Law

- The country with the highest impact on protected areas was selected (Germany)
- At the time only within the 12 nm zone NGOs were entitled to take legal action against the decision (water law, EIA law, Nature Conservation EU directives)
- Law suit against permitting authority (not the applicant)
- Breaching of conservation status according to EU law relevant, losses that are not compensated for



# German law suit

## 1. Against permission issued by Mining authority (January 2010)

Reasons: underestimation of damages, not all mitigation measures included, time slots not ecologically sound, no sufficient compensation measures, monitoring documentation unclear

## 2. Procedure for Urgency Decision: postponement of start of the construction work

- Intervention was conducted by BUND (Friends of the Earth section in conjunction with WWF)
- Court accepted both interventions evaluation from (Feb – April)



# Parallel negotiations with Nord Stream

WWF and BUND conducted direct parallel consultation with Nordstream to achieve the amendments claimed at court in an out-of-court agreement. (minimization of impacts, better monitoring, compensation and maintenance)

Negotiations ended up in a joint agreement at the 23.April 2010  
Between Nord Stream, BUND and WWF  
Law cases were dropped



## Status before the agreement

- The compensation measures cover only 38% of the stated damage (costs app. 7,2 Mio €)
- further compensation is not regarded as feasible
  - instead a compensation payment is part of the permission (3,6 Mio) which shall come up for 60% of the damage.
- negative impacts outside Germany and in international waters are not taken into account
  - no compensation for damages , e.g. Explosion of mines, Nutrient release of 12.000 t P and 53.000 t N into the Baltic Sea.





## What has been achieved? I

- Minimization of impacts:
- **On benthos, birds and fish: reduction of dump sites by using sediment on land (maerl )**
- Fisheries ban for stock recovery (10 days no gillnets in the peak herring season 2011)
- Barrels in the GOF remain untouched





## What has been achieved? II

- Improved Monitoring and surveillance:
  - upgraded monitoring concept
  - neutral review procedure and risk fund
- Additional surveys (Harbour Porpoise, seals)
- 10 Mio € additional compensation measures in GER
- app. 10 Mio € for 35 yrs maintenance of compensation
- compensation for international waters secured but still talks ongoing





# Conclusions (NGO-influence)

- The Espoo Convention opens options to claim high quality EIAs across boundaries and gives access to consultations in all countries of origin
- Joint positioning of NGOs supported more transparent and higher quality EIA procedures, as well as joint standards
- However, decisions are taken by the states and NGO influence is limited
- Legal action in time can only be taken on the basis of national laws
- The NGO intervention allowed to adjust insufficient authorities decisions
- Legal action was necessary to underpin seriousness, but no guarantee for according court ruling.



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Thanks  
for your attention!