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Notification pursuant to Article 3 of the Espoo Convention about the planned offshore wind farm project Baltyk I

The South Baltic Water District Authority have received the Swedish Environmental Protection Agency's request for statements about the Polish offshore wind farm project Baltyk I (NV-07646-22) located in the Polish Exclusive Economic Zone, but in direct vicinity to the Swedish Exclusive Economic Zone and hence the Swedish Natura 2000 area Hoburgs bank och Midsjöbankarna (3 km north), about 81 km north of the Polish coastline and 90 km southeast of Öland.

The area where Baltyk I is planned is placed far from the Swedish baseline where the requirements of good ecological and chemical status according to the Water Framework Directive (2000/60/EG) applies. The South Baltic Water District Authority however notes that water flows freely between the EEZ, the territorial sea and the coastal zone, why negative impact on the Swedish coast cannot be excluded.

In a first assessment, the South Baltic Water District Authority believe that the closest surface water bodies in Sweden (S Ölands kustvatten (WA41402327), Ö s Kalmarsunds kustvatten (WA32437375), S Kalmarsunds utsjövatten (WA24322694), S v s Kalmarsunds kustvatten (WA30593473), and Östra Blekinge skärgårds kustvatten (WA99727116)) might be impacted by the planned Offshore windfarms. These water bodies are classified with moderate ecological status and failing to achieve good chemical status. Good ecological status should be achieved by 2027 or 2039. Parallely should Good chemical status be achieved.

The Court of Justice of the European Union (CJEU) have via the judgement in the so-called Weser case¹ clarified how deterioration of the status should be interpreted. Deterioration of the ecological status should be interpreted "as soon as the status of at least one of the quality elements /.../ falls by one class", and, "if the quality element concerned, is already in the lowest class /.../ any deterioration of that element constitutes a 'deterioration of the status' of a body of surface water"². In situations where a quality element that is already in the lowest class will be deteriorated by a particular project, Member States are prohibited, under 'the refusal rule' from authorising the project unless a derogation under Article 4(7) can be granted.

Further, the South Baltic Water District Authority are concerned about the cumulative effects by planned offshore windfarm projects in the area. Swedish projects that are planed are e.g. Södra Victoria (RWE Renewables Sweden) and also Njord (OX2), Baltic Offshore Beta (Njordr Offshore Wind AB) and Öland (Ørsted). Other Polish projects in the direct vicinity are Baltica 1 and Sea Wind Kliwer.

The South Baltic Water District Authority can not assess Baltyk I's potential negative impact on Swedish coastal surface waters but highlights the risk for negative impact on the hydromorphological quality elements, such as tidal regime and morphological conditions, especially wave exposure respectively structure and substrate of the coastal bed.

¹ Case C 461/13

² Ibid. p. 69

This statement is decided by the Director of the South Baltic Water District Authority, Dr. Irene Bohman after a report by coordinator Dr. Matilda Valman, South Baltic Water District Authority.

Irene Bohman

Matilda Valman

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