

The unpleasant need of going to court

Legal options of a downstream state to bring upstream partners to action

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Integrated sediment management concept

The first Elbe management plan prepared under the WFD (2010-2015) highlights contamination as one of the most important supra-regional issues in water resources management [1]. The plan underlines that contaminated sediments are among the main reasons for the failure to meet the WFD management objectives. As a consequence, the member states in the ICPER decided to develop a sediment management concept in preparation for the management cycle from 2016 to 2021 and published it in 2014.

With the sediment management concept of the ICPER (2014) [2] Germany and the Czech Republic agreed on an approach to deal with mobile contaminated sediments in a river basin in an adequate way. It concludes with source-related recommendations for action in sub-basins based on supra-regional prioritization criteria [3].

Implementation remains challenging

But, the review in 2017 of the implementation process turned out sobering. In the Elbe and certainly in many other river basins too, notwithstanding the WFD's imperative of cause-effect consideration and cooperation at river basin scale, the planning of measures is often still dominated by sectoral political, administrative and economic interests and restrictions [4].

In the Elbe catchment, obtaining the required level of cooperation between the different Federal States and between the Federal Government and the States remains difficult. As a consequence, management decisions are often taken out solely from a single State or the federal point of view, sometimes with considerable problem shifts in the river basin.

For Hamburg, as a downstream state, the input of contaminated sediments from upstream has been a relevant issue for many years. Now Hamburg considers legal steps to push the process forward.

This in mind we'd like to raise a simple question:

Should we sue them?

The presentation gives an insight into a downstream state perspective of challenges and needs to achieve effective actions in river basins. Considering the institutional and legal circumstances [5] conclusions are drawn on the reasons impeding a more effective and sustainable acting.

References:

- [1] ICPER (Ed.) (2009) *International Management Plan for the Elbe River Basin for the period 2010 – 2015*. 136 p. Magdeburg
- [2] ICPER (Ed.) (2014) *Sediment management concept - Recommendations for a good sediment management practice in the Elbe catchment*. 202 p. Magdeburg
- [3] Heininger and Cullmann (Ed.) (2015) *Sediment matters*. 247 p. Koblenz
- [4] RBC Elbe (Ed.) (2018) *Short review of the implementation process of the Elbe sediment management concept*. 30 p. Magdeburg
- [5] Reese and Köck (2018) *River basin management in the federal state*. 252 p. Berlin/Leipzig