



**EUROPEAN COMMISSION**

DIRECTORATE-GENERAL  
REGIONAL AND URBAN POLICY  
Administrative Capacity Building and Programmes Implementation II  
E.2 Romania

Brussels,  
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**Subject: Observations on the Colibița and other Flood Protection Projects (Large Infrastructure Operational Programme “LIOP”, priority axis 5.1.)**

Dear Mr. Gheran,

The development of flood protection projects has been brought to our attention since the LIOP Monitoring Committee in January 2019. We have been informed that the proposed projects may contain parts that are not compliant with EU nature legislation and that they may be developed in a way that is not in accordance with the requirements stipulated in the LIOP which are based on the prevalence of nature-based solutions over structural grey measures.

Therefore, we have entered into discussions with your services and the beneficiary (National Agency of the Romanian Waters). We appreciated the openness of the beneficiary, which presented the pipeline of the flood protection projects, and the opportunity to join you in the fact-finding mission on the Colibița project on 11 April 2019.

The beneficiary as well as the county authorities expressed their strong interest in a smooth and fast approval of the above-mentioned project. The beneficiary has already started lowering the water level in the Colibița Lake according to the proposed time-schedule that foresees works to start early next year.

The project has been submitted only very recently to the JASPERS advisory service. However, the concept of the project has been already discussed and approved by the Romanian Government<sup>1</sup>.

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<sup>1</sup> HOTĂRĂRE nr. 175 din 29 martie 2019 privind aprobarea obiectivului de investiții „Mărirea gradului de siguranța a Acumulării Colibița, județul Bistrița-Năsăud”, precum și a caracteristicilor principale și indicatorilor tehnico-economici aferenți acestuia, MONITORUL OFICIAL nr. 263 din 5 aprilie 2019.

From the discussions and the data presented during the site visit, it is possible to make some preliminary observations on the project:

1. From a general technical perspective, the project does not seem to be mature enough. It is not easy to grasp the context of the project because no needs assessment has been presented to date. The protection of inhabitants was mentioned in general as an objective as well as avoiding extensive turbidity of the water in the Bistrița River that is to be treated for drinking purposes. However, it is not clear how risks have been addressed and what options have been considered when defining the measures that were presented to us.

The key part of the project, as it was presented, is the Colibița dam. It is necessary to restore its bitumen mask and to repair its non-functional gates and other components. The malfunction of the gates is seen as a real threat if floods wave would come.

The obvious lack of maintenance appears to be a problem. Therefore, the actions foreseen to ensure future technical and financial support in this respect should be part of the project. As the dam does not serve only the flood prevention and water accumulation purposes, but also power generation, it is of the utmost importance that the beneficiary provides proper maintenance in the future. The power generation is a revenue generating activity that should accumulate sufficient funds at least for everyday maintenance of the dam.

2. From a more specific environmental perspective, the issues at stake appear to be more complex.

The project consists of measures in the Bistrița River that cover the area from the dam up to and beyond the Bistrița town. Similar ones are planned on the Bârgău River. It should also be mentioned that these two river courses up to their confluence (including the Colibița Lake and dam) are included in Natura 2000 (ROSCI0051 Cușma).

The measures presented during the site visit are mostly grey ones adjusting the watercourses and intending to reduce erosion and to protect houses and other infrastructure in the neighbourhood (bridges, roads). Insufficient capacity of the riverbeds to withstand excessive water flows should be mentioned, especially in the upper parts of Natura 2000 protected areas.

The necessity to apply grey measures was explained by a high velocity of the water flow that prevents possible green measures. This approach would be difficult to be accepted. Without slowing down the water flow, the erosion will just be transferred to other places.

In fact, we have observed a clear divergent approach in flood risk governance between this project and the current trend within the European Union. While the European Union moves from exclusive focus on flood defence to “making space for the water” (floodplains, wetlands) this project is based almost entirely on barriers and dykes, a classical concept, which is usually insufficient and detrimental for the river and its environment.

On top of that, the ability of the Colibița dam and the Colibița water reservoir to regulate the water flow and to prevent possible floods on the connected rivers should be assessed prior to proposing measures below the dam’s area. Therefore, the national authorities should consider the possibilities of slowing down the water flow. In addition, doubts can be raised on whether these grey measures could improve the quality of the water in the river.

It should be stressed that substantial parts of the measures on the Bistrița River and its tributary, the Bârgău River, are inside Natura 2000. Therefore, the project should be subject to an appropriate assessment of its implications for the Natura 2000 site in view of the site’s

conservation objectives<sup>2</sup>. The site's SDF indicates that it has been designated, among others, for three fish species, two of which should be present in both the Bistrița and the Bârgău Rivers.

The project, respectively its predecessor, was subject to the appropriate assessment<sup>3</sup> in 2016 whose conclusion was that there would be significant negative effects on the fish species and EU priority habitat 91E0\*<sup>4</sup>. Therefore Art 6.4. of the Habitats Directive should have been applied. Instead, the project has been revised several times while the appropriate assessment has never been adjusted.

The project precedes a regional water/waste water project for Bistrița-Nasaud County. As there are two abstraction points on the Bistrița river (one directly under the dam and another in the Bistrița town), maintaining water quality should be considered a high priority and different options for drinking water abstraction for the town and for the county should be assessed. In this sense, we observe insufficient protection of this important water source. From the Romanian media we understand that hotels and houses around the Colibița Lake discharged sewages directly into the lake. This was confirmed when the lowering of the water level in the lake started<sup>5</sup>.

In conclusion, although the Commission does not possess all comprehensive data, the project seems at this stage not yet mature for implementation. Therefore, we recommend the beneficiary to cooperate closely with the MA and JASPERS to develop it in such a way to serve its purposes and at the same time to comply with EU legislation and with the objectives of the Priority Axis 5 of the LIOP.

Similar attention should be paid to any other flood prevention projects, especially those that are to be implemented in Natura 2000 areas or that provide for drinking water resources. We stand ready to continue working closely with you and all the involved stakeholders and provide all the necessary support.

Yours sincerely,

Carsten Rasmussen  
Head of Unit  
(*e-signed*)

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<sup>2</sup> As stipulated in Art 6(3) of the Council Directive 92/43/EEC of 20 May 1992 on the conservation of natural habitats and wild fauna and flora (the "Habitat Directive")

<sup>3</sup> STUDIU DE EVALUARE ADECVATĂ pentru proiectul „Mărirea gradului de siguranță a acumulării Colibița, județul Bistrița – Năsăud”, SC. GREENENVIRO SRL, CLUJ-NAPOCA, 2016

<sup>4</sup> Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior*. (Alno-Padion, Alnion incanae, Salicion albae)

<sup>5</sup> <https://stirileprotv.ro/stiri/travel/secarea-lacului-colibita-pentru-a-consolida-barajul-a-dus-la-o-descoperire-socanta.html>