

Convention on the Conservation of European Wildlife and Natural Habitats



Standing Committee

Recommendation No. 107 (2003) on the Odelouca Dam (Portugal)

(adopted by the Standing Committee on 4 December 2003)

The Standing Committee of the Convention on the Conservation of European Wildlife and Natural Habitats, acting under the terms of Article 14 of the Convention,

Having regard to the aims of the Convention to conserve wild flora and fauna and their natural habitats;

Recalling that under Article 1, paragraph 2 the Parties agree to give particular emphasis to endangered and vulnerable species, including endangered and vulnerable migratory species;

Referring to the other Convention provisions regarding the protection of habitats and conservation of species;

Recalling its own recommendations on protection of the lynx in particular and its action plans;

Referring also to Committee of Ministers Resolution N° (77) 7 on the protection of threatened mammals in Europe;

Recalling that the Iberian lynx is one of the strictly protected species listed in Appendix II to the Convention;

Considering that this is one of the most threatened carnivore species in Europe, and the most endangered feline species in the world;

Having regard to the situation of the Iberian lynx, which is on the verge of extinction throughout Portuguese territory as a whole;

Acknowledging that, although no lynx have actually been detected in recent years in the areas affected by the project, this cannot in any case be considered as evidence of the species' absence from these areas, especially since a series of assumptions, still to be confirmed, tends to indicate that it has recently been present on an occasional basis;

Recalling that, in application of the Convention, it is appropriate in all cases to maintain this animal's habitat with a view to facilitating recolonisation or reintroducing the species;

Noting that the proposed dam on the Odeluca river is located inside a special conservation area identified by the Portuguese authorities in application of the "Habitats" Directive, specifically on account of the value of this area for the Iberian lynx;

Noting also that this project is motivated by a wish to satisfy a public interest, in this case the domestic water consumption needs in the Algarve region;

Aware that there will be direct consequences on the habitat of the Iberian lynx and on other species, especially aquatic species listed in Appendix II to the Convention which are present in the waterway;

Noting the lack of consensus between the local players with regard to predictions about how water needs will develop;

Noting the statutory difficulties that would arise from application of European Union law, and which would prevent the use of the alternative water resources which are available in the region, both above and under ground, since they are of insufficient quality for domestic consumption;

Noting that, at the date of the expert's visit, the construction project had reached an advanced stage, but that its impact on the natural environment was not however considered crippling;

Taking into consideration the latter's report, drawn up after his visit to the site [document T-PVS/Files (2003) 16];

Having taken cognisance of additional information supplied by the Portuguese authorities following receipt of the expert's report,

Regrets that it was not informed earlier about the project, given that the Convention imposes this obligation on the Contracting Parties, and taking into account the infringement procedure opened by the European Commission,

Recommends that the Government of Portugal:

1. ensure the sustainable management of water resources in the Algarve region;
2. take steps to ensure that the size of the dam is related to water needs for domestic consumption; re-examine, if necessary, the construction's design, size and features, in such a way that its impact on the natural habitats, fauna and flora is reduced as much as possible and takes account of the presence in the water channel of aquatic species which are listed in Appendix II to the Convention; to this end, the maintenance of a sufficient reserve flow downstream from the dam should be insisted upon, and completion of the project should be made subject to the introduction of a pilot programme of integrated measures to maintain biological and landscape diversity;
3. pursue dialogue and an active partnership with all NGOs which have the necessary knowledge and skills;
4. compensate fully for the impact of the dam's construction, in particular the loss of the valley's corridor function, by carrying out landscaping work in accordance with the objectives of the national plan for conservation of the Iberian lynx; an ambitious impact-reduction programme should be launched;
5. implement, as a matter of urgency, this national action plan, in accordance with the Standing Committee's Recommendations N° 82 (2000) and N° 94 (2002);
6. co-operate with the Spanish authorities whose territory is home to a population of Iberian lynx, with a view to reintroduction of the species.