



When the legal confronts the social: the competent authorities, the golden algae and the 2022 ecological disaster in the transboundary Oder River

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Oder River International River Basin District: 2022 ecological disaster



- Fragmentation? -> reasons?
- Cooperation problems? -> reasons?
- EU law obligations: principle of sincere cooperation (Article 4(3) TEU)
- EU organisational requirements in environmental water-related EU secondary law?
- Harmonisation of EU law versus national institutional autonomy?
- Theories of non-implementation
- Institutional theories? (institutional change? Institutional adaptation pressure?)
- National identity?
- -> Actor-Network Theory



Ice Age, Iron Curtain, Water Framework Directive...



- 20,000 years ago: Weichsel glacial period
- Oder River: 854 kilometres long
- 1989-1993: first non-communist Polish government, reunification of Germany, Czechoslovakia divided -> Czech Republic
- Catchment: 116,050 km²
- PL: ca. 87%, DE 7%, CZ: 6 %



Oder: 1989-2000

- Oder: highly polluted but transboundary
- Pollution -> International agreement: International Commission for the Protection of the Oder River against Pollution
- Management of water in border rivers, including Oder -> three international 'Border Commissions' (1992 DE-PL, 1995 DE-CZ, 1958/2015 PL-CZ)
- National environmental water authorities: path dependency with changes in internal organisation

2000 Water Framework Directive



- River Basin: area of land from which all surface run-off flows through a sequence of streams, rivers and, possibly, lakes into the sea at a single river mouth, estuary or delta
- (International) River Basin District = management units
- Identification of 'appropriate administrative arrangements'
- How many competent authorities?
- 'Existing structures stemming from international agreements' -> ICPO: changes in distribution of working groups
- PL, CZ accession to the EU in 2004

Oder 2000-2022



2004	2010 (ICPO RBMP)	2015-2021 (ICPO RBMP-A)	2021 - 2027 (IPCO RBMP-A)
Ministry of the Environment	President of the National Water Management Authority	President of the National Water Management Authority	Ministry of Infrastructure
	Ministry of the Environment		State Water Management - Polish Waters National Water Management Board
			Polish Waters, Regional Water Management Board (RZGW) in Wrocław)
			RZGW in Poznań
			RZGW in Szczecin
			RZGW in Gliwice
			RZGW in Bydgoszcz

- ➔ Fragmentation due to national policy preferences, constitutional setting, natural conditions (sub-basins, golden algae)
- ➔ Scope of EU intervention: changes in internal organisation
- ➔ Authorities actually in charge not necessarily 'competent authorities', which have been pre-identified under the Water Framework Directive
- ➔ Cooperation hardships: different understanding and modes of cooperation, lack of political will, lack of formal infringement procedure open