|  |  |
| --- | --- |
| **European Parliament**2014-2019 |  |

*<*Commission*>{PETI}Committee on Petitions</*Commission*>*

29/06/2018}02.07.2018

**DRAFT MISSION REPORT AND**

**RECOMMENDATIONS**

following the Fact Finding Visit to Lusatia, Germany
14-16 February 2018

Committee on Petitions

Members of the mission:

Pál Csáky (PPE) (Leader of the mission)

Margrete Auken (Verts/ALE)

Tatjana Ždanoka (Verts/ALE)

**1. Introduction**

The fact-finding visit to Potsdam and the region of Lusatia (Germany) on 14 - 16 February 2018 was organised by the Petitions Committee under the terms of Article 216 a of the Rules of Procedure of the European Parliament and authorised by the Bureau of Parliament on 13 November 2017. The purpose of the fact-finding visit was to examine the impact of lignite-mining and coal-fired power stations in the Lusatia region on the Sorb community (a Slavic minority) as well as the pollution of the river Spree and the adjacent waters as consequence of the lignite-mining industry.

*Petition 0709/2015 on the protection of the area inhabited by the Wends/Sorbs in the Lausitz*

The petitioner calls for legal and political protection for the Sorbs, a Slavic minority living in Lusatia in north-eastern Germany, in the states of Saxony and Brandenburg. Since 2014, their customs and traditions have been recognised as part of the Intangible Cultural Heritage. However, the area in which they live is largely characterised by mines and coal-fired power stations. As a result, they are being endangered by loss of land, soil erosion, pollution of surface and ground water and air pollution caused by micro particles and heavy metals. A large proportion of the population is suffering from serious diseases as a result.

The petitioner is concerned at the refusal of the states of Saxony and Brandenburg to abandon coal as an energy source, although it would be perfectly possible for them to do so without sustaining any significant economic damage. Finally, a Swedish mining company in the area is seeking to expand its operations there, notwithstanding the environmental impact thereof, with the risk that, if it subsequently moves away, local residents will be left to foot the bill for cleaning up. The petitioner calls on the European Parliament to ensure that the two German states guarantee the protection of this minority group and take the necessary decisions regarding the future of mining operations in the region, and to assist them with the conservation of the Sorb language and culture. He calls on it to urge the two provinces to move from coal-fired plant to renewables and to make the Swedish mining company accountable for environmental pollution caused by it so that local residents are not left to pick up the bill. In addition, he urges it to ensure fair competition in the energy sector in this area and to raise general awareness of the problems faced by the Sorb community that endanger its very existence.

*Petition 1012/2017 on water pollution of the river Spree and adjacent waters caused by the coal mining industry in Lusatia*

The petitioner is of the opinion that the objective of the Water Framework Directive for the provision of sufficient supply of good quality surface water and groundwater is not reachable in the German region of Lusatia because of its coal mining industry. He deems the operator responsible for a massive and large-scale pollution of the river Spree and the adjacent waters. Sulphate and iron hydroxide worsen the ecological status of the Spree. Settlement structures as well as nature and landscape are being destroyed due to the coal mining. In addition, groundwater subsidence and rinsing of pollutants result in significant quantitative and qualitative burdens on groundwater and surface waters and thus on the overall water balance. In the Lusatia lignite mining area, the oxidation of soil-borne iron-sulphur minerals such as pyrite and marcasite, caused by groundwater subsidence, leads to the so-called oozing of the Spree by iron oxides and, when the groundwater rises again, by the oxidation of sulphides to an increased sulphate in groundwater and in the connected surface water. The petitioner calls on the European Parliament to take appropriate measures to improve the water quality of the river Spree and to oblige the operator to remedy the damage and avoid any future pollution.

**3. Summary account of meetings**

Wednesday, 14 February 2018

*Meeting with representatives of the Ministry for Economic Affairs and Energy of the Land Brandenburg and of the Ministry for Rural Development, Environment and Agriculture of the Land Brandenburg*

Hendrik Fischer, State Secretary and Representative for the Lusatia region, started the meeting by giving a short introduction of energy policy in the Land Brandenburg. The Lusatia region was the main energy region in the former German Democratic Republic that supplied energy to the Republic. In the early 1990s, 100 000 people in the region were employed in the energy economy. In the 1990s, a profound deindustrialisation caused a structural change that was severe for the inhabitants of the region. During the transformation period after reunification, numerous power plants and mines were decommissioned. Nowadays, less than 10 000 people work directly in the sector. Today’s remaining challenge is to find a viable economic and social solution for the region.

The state authorities were aware of the major interference in peoples’ lives due to the lignite mining activities. The major political challenge was to balance the interests and to come to a solution to ensure that relevant procedures were put in place so that as many people as possible in Lusatia have a decent standard of living.

As to the subject of petition 1012/2017, Mr Fischer stated that leaching and the increase of iron values into the river Spree were a relatively new issue for the state authorities that emerged in 2008/2009. The authorities had responded swiftly and took emergency measures to tackle the problem and to ensure that iron based pollutants were curbed. They succeeded to partly reduce the level. In addition, in the years 2008-2013, there was an increase in the pollution level of the river Spree. The State Secretary confirmed, that treating sulphate pollution was much more difficult than treating the iron pollution. In the end, both issues required a holistic plan of treatment rather than punctual and swift answers. The state parliament of the Land Brandenburg commissioned the state authorities to present a plan for tackling the problem during the current parliamentary term.

Klaus Freytag, Head of department ‘Energy and raw materials’, gave a brief presentation to outline the state of affairs. He added that there had been 150 years of mining traditions in Lusatia. First discovered mines of lignite already existed in 1850. However, it was initially a farming region that had been become industrialised suddenly due to mining. Almost 200 million tonnes were produced at the end of the 1980s while today, the mining does not exceed 65 million tonnes. While 40 million tonnes come from mines in the state of Brandenburg, the state of Saxony has two mines that account for 20 million tonnes of lignite. The two states had always worked closely together as all mines were part of the Lusatia region situated in both states. There was no focus on the state border when dealing with planning and permissions. Lignite mining was still the backbone of the economy in the region. People employed in the industry had good working representations and a fair wage. In the early 90s, there were major social problems, partly caused by an unemployment rate of 25 to 30 %. That is why the regional government today is very keen to ensure that the energy transition does not lead to such a disruptive shift in employment figures. Mr Freytag further mentioned the resettlement of the village of Horno in the 1990s to the city of Forst due to mining activities of the opencast Jänschwalde. The village was resettled within the ancestral settlement area of the Sorb community. In all its plans and procedures the state government had tried to ensure that it worked with the minority and ensured their protection. A final decision about the new extractions of the open cast Welzow-Süd, where the new operator has put an option, will be taken by the year 2020 taking into account energy transition and energy prices. Rules for the protection of the Sorb minority exist in the state constitution of the Land Brandenburg and are also stipulated by the lignite extraction law.

Regarding water pollution, Mr Freytag added that its impact on the river Spree in Berlin and on drinking water reservoirs in Berlin and Frankfurt/Oder were evident. In order to guarantee a safe supply of drinking water there has to be a system of reservoirs and dams established in the form of a strategic plan. This plan is going through the parliamentary process and will then be implemented in a strategic way.

Mr Freytag further explained that after switching off from the nuclear power production in Germany in 2022, the need for more energy from coal (lignite and hard coal) would increase. He said that the wind-generated power had shown its limits and the Brandenburg region was at the forefront when it comes to the transition to renewable energy sources.

Mr Fischer confirmed that at this stage there is no set date for when coal fired power plants will no longer exist. There is however an overall mining plan for the region. According to this plan the last mine and power plant will be shut down by 2040.

On the question by Mrs Auken on access to data and transparency, the representatives confirmed that all reports and opinions drawn up, any future planning document and any expertise would be published and accessible. The representatives said that the ministries were as transparent as possible and would make any information available. Institutes were asked to collect data and independent experts would draw up studies based on the data. The state authorities stood behind this data and trust it.

According to the current plans no further resettlement in the state of Brandenburg will take place. However, should the opencast Welzow-Süd be expanded, people living in the Proschim settlement attached to the city of Welzow, would have to be resettled. Here, the business side would have to take the first step which is currently not the case. The LEAG plans presented in March 2017 would lead to a partial resettlement of roughly 200 people in the Mühlrose settlement, situated in the state of Saxony. Until two years ago, due to plans for the opencast Nochten (also situated in the state of Saxony) people had prepared for the prospect of resettlement. Agreements were signed, contracts were signed and compensation amounts were agreed. When the current operator presented its plan for mining activities at the beginning of March 2017, people protested because they had prepared for the resettlement.

Both states, Brandenburg and Saxony, had set themselves very high social requirements regarding resettlement. There were generation gaps: older people did not want to leave but younger were willing to do this.

On the question of state subsidising for coal mining, the representatives answered that there were no subsidies for lignite but for black coal. There were attempts to interpret information from different sources and to claim that subsidies were granted. But the term of subsidies was clearly defined at EU level and under that definition there were no subsidies.

The representatives confirmed that a huge amount of money will be spent during the entire time frame of the active mining and the rehabilitation of the area. The state authorities wanted to ensure that no cost would have to be picked up by the society. This was one reason why they aim for a planned phasing out of lignite mining rather than for a disruptive shift. They were in close dialogue with stakeholders who were represented at the committee for lignite mining.

Mrs Schilde, State Secretary in the Ministry for Rural Development, Environment and Agriculture, added that the state authorities identified iron hydroxide as affecting the water supply and the ecological situation of the water ways. With regard to sulphate, there were no formal threshold limits. In 2009, a plan had been established to prevent the nature reserve Spreewald, situated very closely to the zone of mining activities, from any leaching from iron hydroxide. Following a recent study, 70 % of the leaching of iron hydroxides would come from the decommissioned mines and 6 % from the active mining.

The State Secretary underlined, that the state authorities met the requirements laid down in the Water Framework Directive. In active mining, this was also ensured at the first stage of planning by determining what will happen to the relevant side after the mining activities were concluded. The state authorities currently work on management decisions based on scientific data in order to establish thresholds for sulphate and other minerals. With regard to sulphate, the process should be finalised by the end of 2018, for iron hydroxides the work is expected to conclude by 2019.

*Meeting with representatives of the Ministry of Science, Research and Culture of the Land Brandenburg (in presence of the representatives of the previous meeting)*

In the meeting, Ulrike Gutheil, the State Secretary at the Ministry of Science, Research and Culture of the Land Brandenburg, was replaced by Mr Keseberg, Head of Department Central Affairs, and by Mr Neumann, Head of Division for Sorbian/Wendish issues.

In the state constitution of Brandenburg from 1992, the rights of the Sorb minority and its cultural identity were protected. Furthermore, the Sorbian Wendish Act lays down different freedoms for the self-identification of the Sorb minority. Also in the 1990s, the Council of Sorbs and Wends was established within the parliamentary structure of the state. The council comprises of five members of the Sorbian community. The members are directly elected, due to an amendment in the Sorbian Wendish Act. All members of the community could cast their ballot. The direct election strengthened the legitimacy of the council and triggered greater interest in the work of the council. It was consulted at every parliamentary level of decision making. Furthermore, it advised all committees in the state parliament. The council also organises regular meetings with representatives of the Ministries which ensured exchange of information on issues between the administration and the Sorbian community.

Mrs Gutheil, the State Secretary in the Ministry of Research, Science and Culture is also representative for Sorb affairs and was on the ground very frequently. The city of Cottbus and the administrative district Spree-Neiße also had full-time representatives to deal with Sorbian rights. There are plans to nominate representatives in other administrative districts with a Sorbian population.

In 2014, the Sorbian Wendish Act was amended, especially concerning the redefinition of the settlement areas of the minority. In the past, the settlement areas were clearly delineated and defined as areas with cultural and linguistic traditions. However, it became clear that there were settlement areas outside the identified zones. Hence, the legal definition of the settlement area was changed to areas with cultural or linguistic traditions. Following that, many areas self-identified as settlement areas due to the change of definition. The representatives admitted that there was also some resistance amongst the local residents in the municipalities. There were some complaints against affiliations of municipalities. All costs linked to provisions for bilingual road signs were covered by the Ministry.

Other defined rights for the Sorbian minority were access to information in public administration as well as official communication in the Sorbian language. In the field of education there were many special guarantees. The Lower Sorbian Secondary School in Cottbus was established. However, it was a challenge for the region, as the Sorbian population is scattered, to offer area-wide opportunities to learn the language from nursery onwards.

The Foundation for Sorbian people, situated in Bautzen (Saxony), was set up in 1999 by both states, Brandenburg and Saxony. It coordinated and funded many activities in the educational and cultural fields with EUR 18.6 million per year. Also European structural funds were used to fund cultural activities of the Sorb community.

There were linguistic differences between the Sorbian communities, the Upper Sorbian and the Lower Sorbian. In addition, there were structural differences. In the Upper Sorbian area, the settlement pattern was more compact, whereas in the Lower Sorbian area the settlement pattern is more scattered. One of the reasons for this fact was the resettlement due to lignite mining. In the opinion of Mr Keseberg, the cooperation between both states, Brandenburg and Saxony, was very intensive. Both states would have joint funding programmes. At the university in Leipzig (Saxony), there was a professorship on Sorbian studies which was co-financed by Brandenburg. In addition, there were a variety of common cultural activities (e.g. theatre).

The problem of assimilation concerned Sorbs in the past and had been very serious. Many people identified themselves as Sorbs and may have traces of traditions in their families such as garbs, poems or a few phrases. Languages were actively promoted, for instance in the Lower Sorbian Secondary School in Cottbus, a school that was also very popular for pupils without any Sorbian knowledge. The Witaj-project for bilingual education started from nursery level. Again a challenge was the scattered settlement of the Sorbian population. There were often only small groups of children requiring tuition in Sorbian. The Ministry invested a lot in order to implement positive measures to promote the Sorbian language and minority.

On the practice of resettlement and how it has affected people in the settlement area, Mr Freytag added that you have to draw a line between resettlement carried out until 1990 and that afterwards. Until 1990 entire villages were wiped out as a result of opencast lignite mining. People living in village structures were rehoused in modern housing blocks. It was unusual to see elderly people in traditional clothes in the modern housing blocks. The old resettlement practice was no longer feasible and could not be maintained against the background of the minority rights enshrined in the constitution. Today, it is a socially responsible policy of resettlement and any resettlement was only possible within the settlement and linguistic area and if absolutely necessary. Examples for the new practice of resettlement are Neu Horno, Neu Haidemühl or Neu Kausche where the idea of maintaining neighbouring relations is kept. However, in order to learn about the emotional process it is necessary to talk to people concerned.

On the impact of current mining activities, Mr Freytag pointed again to the fact that, except for decision on the expansion of the opencast Welzow-Süd which will be taken in 2020, there will be no further resettlement in the Sorbian settlement area in Brandenburg. Former resettlements of the above mentioned villages were completed. There had always been a clear recognition of the fact that lignite mining had an impact on the Sorbian community, both before 1990 and after 1990. One example of dealing with the past was the documentation centre in Neu Horno. Similar places of encounters existed in other villages. Mining companies also made huge financial contributions to the communities to support the Sorbian culture.

Regarding teacher training in Leipzig and the complaint of cuts in financing of teacher training, Mr Neumann stated that it was not the case that there were cuts. Funding for the teacher training at the University of Leipzig had increased. Following a cooperation agreement between Brandenburg and Saxony, the state of Brandenburg made a financial contribution to teacher for tuition of Lower Sorbian. The agreement had been amended two years ago to significantly increase the contribution from Brandenburg. In this way, it should be made possible to establish a teaching professorship in order to ensure high quality studies. In addition, other support measures were in place, for example teachers of other subjects could retrain to become teachers of Sorbian language.

*Meeting with Hans-Georg Thiem, President of the Regional State Office of Coal Mining, Geology and Resources (Landesamt für Bergbau, Geologie und Rohstoffe LBGR) of the Land Brandenburg*

Mr Thiem gave a short presentation of the structure and responsibilities of the Regional State Office of Coal Mining, Geology and Resources. The state office was subordinate to the Ministry for Economic Affairs and Energy of the Land Brandenburg and funded by the state of Brandenburg. The office dealt with approval and monitoring of exploration, extraction, preparation and refining of raw materials, with occupational health of workers. It was responsible for the protection of the environment from the effects of mining up to the recovery of the land used. It was also an enforcement body which exercised supervision of the mining companies, including approval procedures within the companies’ operational planning.

Mr Thiem presented the landscape in the Lusatia region of currently active opencast mines and of decommissioned mines that were operated in the former GDR.

He explained that the level of ground water in the surroundings of the mines had dropped significantly in the past and was now raising again. A specificity of the soil in the region was that it contained iron sulphate which was generally found in ground water. Due to the drop of ground water as a result of mining it came to an oxidation of the pyrite. When the level of water rose again this pyrite was brought up with the water and flew into the water bodies. This process had caused the discoloration of the water.

Mr Thiem gave a short overview of the measures adopted to counter the problem. They had focussed on two areas in Brandenburg, the northern part of the Spreewald region and the part south of the Spreewald. The state office coordinated the leaching works and carried out regular monitoring work. In 2015, the state parliament decided on the development of a strategic masterplan on avoidance and protection of Spree river system from mining related waste material in which immediate measures already implemented in the past should be further developed.

Mr Thiem pointed to the two mining companies in the region. The *Lausitzer und Mitteldeutsche Bergbauverwaltungsgesellschaft mbH (LMBV)* set up by the federal government also had to behave in the same way as private business and the *Lausitz Energie Bergbau AG and Lausitz Energie Kraftwerke AG (LEAG).* The LBGR state office authorised activities in particular of the LEAG with the necessary requirements guaranteed by the federal mining law as the main legal provisions.

On the question of independence of the LBGR, Mr Thiem gave the example of the planning procedure which would be initiated for a new opencast mine or an extension of a mine to be requested at the LBGR. The administrative courts could control the authorisation or non-authorisation given. In the opinion of Mr Thiem, this guaranteed the independence of the state office. Administrative proceedings are today used more and more frequently.

There were challenges linked to the type of mining in the former GDR and to the type of current mining. When a company received an authorisation from the state office it came with a list of requirements to be monitored. There was a large net of monitoring points and of independent specialists consulted.

*Meeting with petitioners*

The participants of the meeting were the petitioners Hannes Wilhelm-Kell and Oliver Powalla; Thomas Burchardt, a representative of the Sorb community in the lignite commission of Land Brandenburg; Axel Kruschat, a member of the BUND Friends of the Earth Germany association of Land Brandenburg; Silke Milius, Edith and Christian Penk, representatives of the Sorb minority. At the beginning of the meeting, Mr Csaky gave a short feedback on the previous meetings with the state authorities, followed by presentations from the petitioners and guests.

Mr Kell gave a short overview on his petition adding some more information and giving some examples. The state government would set political objectives on the future of energy policy. In both states, Saxony and Brandenburg, there was no commitment to set an end date for phasing out coal power generation and the government planned to continue lignite-mining activities until 2040. The state authorities implemented the energy policy objectives within the political framework given. During the process of authorising lignite-mining activities, the state authorities had to weigh up interests between the public will on one the hand and the interests of energy policy on the other.

An example from the opencast Nochten showed impacts on the biosphere due to inaccurate data as basis of permits. The mining activities were handled with a certain flexibility that was not part of the strategic planning. They had progressed faster than initially planned and were one year ahead. That led to endangered species not being respected and removed. Hence, the biosphere was disrupted. It was a general trend that endangered species, some of them being on the red list, were left to destruction.

Mr Powalla referred to the petition and to the answer of the Commission and gave additional information. In his opinion, there was a breach of the ban of deterioration laid down in the Water Framework Directive.

Firstly, the concentration of sulphate in the river Spree was at a critical level and a real risk for the supply of drinking water from the Spree in Berlin. The sulphate value was closed to the limit value and it was expected, that the values would rise further. New sources like the “Cottbuser Ostsee”, flooded with water from the Spree, were built with contaminated water. A serious deterioration could be expected in the upcoming years. Following the government there were counter measures planned to be implemented but the petitioner could not see any systematic evidence of that fact. There was no systemic approach by the current state government.

Secondly, Mr Powalla believed that there were concealed subsidies made available to the mining industry. Mining in Brandenburg was economically viable partly because of allowances received in the approval procedure when it comes to water. The mining business would not have to comply with the water values and would not have to ensure a good ecological status of the water was maintained. This fact was justified by saying that it was just a lowering of the ground water level and that there were no chemical components coming into the water. However, the oxidation and leaching out of pyrite was a clear deterioration of the water. Such an exemption should not be tolerated under the Water Framework Directive.

The representatives also referred to the, in their opinion, difficult communication with the state authorities, and gave some examples. The representative for Sorbian affairs in the Ministry of Science, Research and Culture answered on all of the matters, even if they concerned internal politics. The Sorb minority was reduced to its cultural and folkloristic assets. In addition, there was no answer from the representative for Sorbian affairs on a letter concerning planned elections for a Sorbian parliament. 10 years ago, the inhabitants of a concerned area for resettlement due to the opencast Jänschwalde-Nord did not receive direct information about the plans of resettlement. After 10 years of battle by the concerned citizens, the plan of the opencast was cancelled. The inhabitants were informed about this change with a copy of the letter to the mining company.

Mr Kruschat stated that the relations with the authorities were tense. The BUND regularly measured different values and came to different results than the authorities. In addition, measuring points from the authorities to measure iron hydroxide were moved. Values of metals like uranium and arsenic were well over the limits established in relevant provisions in Brandenburg. Legal requirements were breached when it comes to sludge. The sludge was removed but not properly disposed of. In Mr Kruschats opinion, the pollution problem was systematically underestimated.

Furthermore, the volume model used to justify the lignite mining were inaccurately calculated. The lignite demand was in the recent years much lower than stated in the authorisation procedures. The volume model was used to justify the derogations from the Water Framework Directive. However, if the grounds used to apply for derogations were not correct, it was a breach of the directive.

On the question on whether the projects for regeneration were successful, Mr Kell stated that successful projects were rare. Environmental projects on resettlements of endangered species often lacked result checking. The authorities focussed a lot on tourism regarding rehabilitated areas. However, artificial lakes are often of bad water quality and not recommended for swimming. 30 000 ha of the regenerated area was closed again after opening because the soil was unstable due to rising ground water.

On the question of relations amongst citizens, Mr Kell pointed out that a petition at regional level identical to petition 1012/2017 asking to stop further mining activities in the region had gathered more than 120 000 signatures. At the same time, the lignite mining industry launched an initiative to maintain the status quo on the mining activities. This initiative, although it received financial support and was promoted by the coal mining sector and even in public bodies, only received up to 60 000 signatures. In the petitioner’s opinion, this fact showed that the will of the people was quite clear. There were other citizen initiatives looking at the future of the Lusatia region that currently come together under one roof called “Lausitzer Perspektiven” (perspectives of Lusatia). However, the chances of implementing the initiatives’ ideas were weak. According to the petitioners, more involvement of citizens and local authorities at parliamentary level was needed in order to make the ideas of these initiatives a success. Mr Powalla added that inhabitants in the surrounding areas of mines and power stations worked in or for the mines and that there was support for the lignite mining activities. However this was a minority under the influence of a strong industrial lobby. This lobby also had full control of the state government in Brandenburg. Berlin had decided to phase out coal mining but also imported a lot of energy from lignite mining in Brandenburg. Due to common land use planning of the states of Berlin and Brandenburg, Berlin had the chance to put pressure on Brandenburg for phasing out from lignite. However, Berlin has opted not to do so.

Furthermore, the petitioner was surprised by the reaction of the Minister-Presidents of both states, Saxony and Brandenburg to the plan by the Swedish Vattenfall company of selling the mining company. They had travelled to Sweden and asked to continue the mining activities in the region in order to protect the jobs above all. However, in comparison with other industries, the coal sector was no longer the leading employer in the region.

Germany was once at the forefront of the renewable energies’ sector. With the introduction of the German Renewable Energy Sources Act, stipulated a tax if a person produced its own renewable energy and used this power for his own purposes. This regulation had put on hold further developments of new technologies in the sector. Scientific data would prove that it was possible to have an energy mix with 80 % of renewable energies. The state of Brandenburg had established its climate targets. However, in the opinion of Mr Kruschat, these objectives would not be achievable at state level. In order to achieve the targets, a full phasing out from lignite mining was needed.

In the course of revising the energy strategy, the state of Brandenburg commissioned a prognoses’ report. Scientific institutes participating in the study largely agreed that a structural change in the Lusatia region due to phasing out lignite mining would not take place until 2038. In fact, demographic changes would secure the situation and no enforced redundancy was needed. When talking about structural change it was necessary to look to the next generation.

On the cooperation between the Sorb community and authorities and the community’s future, Mr Kell stated that the Council of Sorb Affairs was only a consultative body that had no veto right or real power. Members of the council worked on a voluntary basis. The election to the Council was very democratic. However, the Council had raised awareness of certain minority issues to the public and had tried to soften some decisions of the regional government such as fragmentation of settlement areas due to the district reform.

Thursday, 15 February 2018

*Meeting with representatives of the Lausitz Energie Bergbau AG and Lausitz Energie Kraftwerke AG (LEAG) and tour of the power station Schwarze Pumpe*

After a one-hour-tour through the power plant Schwarze Pumpe, Mr Rolland introduced the company. From a regional point of view, it was a traditional and old company. In the Lusatia region, mining has a tradition of over 150 years. For a period of 12 years (until October 2016), the Swedish company Vattenfall owned the company. One and a half years ago, Vattenfall decided to remove lignite mining from its portfolio. The two new owners of the company are two Czech companies, EPH and PPF investments. The company has coal mines in Brandenburg and Saxony, three power plants in Lusatia, two blocks in Lippendorf near the city of Leipzig, two small gas power plants and processing on side. According to Mr. Rolland, LEAG produces 8 % of the conventional electricity generated in Germany which is equal to about 10 % of all electricity used in Germany. LEAG currently has 8 000 members of staff. The sale of the company to the Czech investor did not lead to a loss of jobs but to additional jobs. In 2007, Vattenfall produced a long-term plan until the year 2050. With the political environment changing, LEAG set new thresholds after the sale and produced in March 2017 a new plan for the region for next 25 to 30 years. They made a clear step backwards from what was planned by Vattenfall. Two earlier planned new mines will not be operated and the power plants Jänschwalde and Nochten reduced their coal output. In 25 to 30 years there would probably not be any new mines in the regions and no new power plants will be build. Hence, 25 to 30 years would also be the lifespan of the company. During this period the company will be restructured together with the staff. According to Mr. Rolland, this period would also be the timespan for the region to plan for alternatives to coal mining which generates 1.4 billion Euro each year. There would be a shortage of guaranteed conventional energy in 2020/2023 in Germany. These years would be a peak demand period and electricity would have to be imported from abroad. Mr Rolland further states that the company is ahead of the climate targets set both at national and at EU level.

On the question of whether LEAG contributes to the costs of regenerating old lignite mines, Mr. Rolland answered that there are two companies in the mining sector in the region, LEAG and LMBV. The German Federal Government took on environmental liabilities after the reunification in 1990. The LMBV, established in 1994, has to deal with the old facilities from the former GDR over which they had to take the territorial responsibility. LEAG is legally obliged to fund itself the regeneration work of the new mines after active mining is finished. The commercial law stipulated provisions that LEAG has to make reserves in order to regenerate the land on annual basis. The representatives gave the example of a former mine operated by LEAG near the city of Cottbus that is currently transformed into a lake. LEAG fully paid for the regeneration costs of 250 million Euro. Mr Penk added that institutions in Brandenburg and Saxony established masterplans for lignite mining and their implementation. These plans contained information on the type of surface area that has to be regenerated following the type of activity that took place in the area before mining activities. Framework plans at lower level set out in more detail special planning arrangements such as a timeframe.

Mrs Auken requested figures of the CO2emissions caused by the LEAG lignite business. Mr Rolland answered that the LEAG has already today achieved the target set by Germany to reduce CO2emissions by 40 % by 2020. Lignite mining would at present play a necessary role to the energy mix. LEAG had to report emissions data including total concentration, absolute amount on an annual basis to the Ministry for Rural Development, Environment and Agriculture of the Land Brandenburg. The company would aim to use the lignite in the most effective way. It sees itself as support for renewable energies. In times when enough wind power was generated, units of LEAG power plants would even go offline. LEAG also tried to establish the Carbon capture and storage (CCS) system but did unfortunately not succeed.

On Mrs Auken’s question about measures undertaken in order to stabilise non-access areas, LEAG representatives reiterated that since 1994 the LMBV had to control these areas. Many open-casts from the former GDR were closed overnight without any proper clean up in place. The LMBV have had to deal with several problems caused by degraded soil and experienced some set-backs over the past ten years. LEAG learned from the experiences made by the LMBV and tried to avoid these effects when regenerating their open-casts. The company will change the system in order to seal off the ground.

Mrs Auken also asked to confirm that the burden of proof in the case of house damage lies with the house owner. LEAG confirmed that following German law the house owner has to prove that the damage of the house was caused by the mining. This is the case for opencast mining and the reason for this is that there are no houses above the mines and no direct impact of the mines. The only real risk which could cause damages was ground water. Damages would not be the rule but an exception.

The LEAG representatives also mentioned the accusation of moving measuring points and explained that measuring points were part of the operating plan and the licencing procedure. The company would not move the points and the accusations were also checked by the authorities.

*Meeting with representatives of the Lausitzer und Mitteldeutsche Bergbauverwaltungs-gesellschaft mbH (LMBV GmbH)*

The meeting started with a very comprehensive technical presentation by the representatives of the LMBV giving a general overview of the company. In the presentation, the representative further explained the causes of the problem of large-scale pollution of the river Spree and adjacent rivers as pointed out in petition 1012/2017 as well as the measures undertaken by the company to solve the problem.

The company was set up in 1994. It has 653 staff members working in three different premises. The area under LMBV responsibility is 1 310 km² of land. The owner of the LMBV is the Federal Republic of Germany, represented by the Federal Ministry of Finance. The company is financed based on an agreement between federal and regional level. In the first five years of its existence, the LMBV was responsible for phasing out active lignite mines dating from the former GDR. These mines ceased operation in 1999. Since then, the company has concentrated its activities on the remediation of former lignite mining areas such as the conversion of the land to new and constructive use.

Mrs Auken asked if there was still a risk that active lignite mining creates the same problem. LMBV confirmed that current mining activities might bring up comparable problems in the upcoming years. However, the problem of water quality that LMBV had to deal with was caused by the mines of the former GDR which were decommissioned and where no action was taken to prevent the problems. Current operators like LEAG have the advantage to be able to look at measures undertaken by the LMBV and to prepare in the upcoming years to avoid such problem. One example for a consequence was the fact that LEAG does not pump all the water into the river Spree but distributes it into different rivers. LMBV also closely cooperated with LEAG on research projects and LEAG financially participated in such projects.

Furthermore, the representatives stated that they work in close cooperation with all stakeholders including citizen’s initiatives. The company organises regular consultations and meets experts on the matter. It also cooperates with the Technical University in Cottbus on research for possible treatments. The company was member of the International Mine Water Association. The association was an opportunity to debate on the right approach to solve the problem. The exchange has shown that no one had found better methods. LMBV worked in a very transparent way and uploaded all documents on its homepage. The company also undertakes various PR activities.

On the question if LEAG co-financed LMBV measures as they benefit from them for their future, the representatives reconfirmed that the current operator is liable for any damages caused by active mining activities. LEAG co-financed several pilot projects and research projects in cooperation with the LMBV.

The representatives of LMBV also explained that derogation from the Water Framework Directive’s requirements was requested when it comes to the water quality of the rivers but not for the artificial lakes.

LMBV also had to note that clean-up strategies to regenerate land until the year 2010 have not been successful to ensure stability of the land also because of a geo-technological phenomenon. Since 2011, LMBV works intensively on the matter and established an advisory council to see how stability can be ensured. LEAG is also a member of the advisory council in order to be able to react quicker to the problem of instability of land.

Mrs Auken asked the question of the quality and diversity of the re-cultivated land. As an answer, LMBV confirmed that the quality of soil would be improved by fertilisation. Land would be returned into woodland, farmland and nature reserves. Some areas would be left as fellow land and left for nature to develop. Some acid lakes were left intact in order to observe how they develop. A study in 2017 on the natural development of former mining regions confirmed that in the last 20 years species that had disappeared found habitat in this area.

Mr Csaky asked how much of the area of former mines has been rehabilitated. LMBV stated that despite of some challenges regarding stability 80 % of the work was completed when it comes to achieving a basic public safety. 10 - 15 % of open pits are completely converted. In 2030-35 the re-cultivation of the area under LMBV responsibility would be more or less finished. Long-term monitoring would then have to be carried out.

*Meeting with the mayor and representatives of the city of Cottbus*

The Mayor of Cottbus welcomed the delegation and gave some facts about the city of Cottbus. Cottbus is the 2nd largest city of the land Brandenburg. It has today 100 000 inhabitants and an unemployment rate of 6.3 % (compared to an unemployment rate of roughly 30 % in 1990s). Cottbus is also the largest bilingual city in Germany. It is also one of the heaviest indebted towns in the region of the former GDR with Euro 250 million in debt.

Further, the mayor confirmed that there is currently a major debate ongoing about the city’s economic situation. Lignite mining is significant for the region being the sector with the few high quality jobs. However, one cannot hide away from the fact that lignite mining will be phased out one day, although the transition will take time. It took almost 30 years for the unemployment rate to drop significantly. The big majority of people would not work anymore in the job they were originally trained for. The concerns and worries about the phasing out have to be taken seriously. A balanced approach is needed to avoid a sudden shock.

Another challenge is the fact 4.3 % of the population of the Land Brandenburg live in Cottbus compared to 15 % of refugees housed in Cottbus. This situation has led to conflicts among the local population. In order to overcome this tension, the mayor asked for help from the regional government.

On the question of perspectives for creating a sustainable future, the mayor answered that the types of industry that can settle in the region are being examined. Soon, the city will have one of the largest artificial lakes. It is planned to use the lake also for economic purposes. At present, a study is being drawn up on the potential of heat pumps to distribute heat to households in the city.

Mr Csaky asked the mayor if health problems like lung cancer or chronical bronchitis were generated by the lignite industry. The mayor cannot confirm reports of such illnesses at present. Decent environmental protection measures after the reunification have led to improvements of environmental protection and to the fact that there is no health risk anymore.

Mrs Zdanoka asked the question if the neighbouring language is used. Mrs Kossatz-Kosel confirmed that the Sorbian language is at risk and that the city and the region has special ties with its neighbours and implement projects on cultural and language matters. Examples are contacts with the museums for instance in Zielona Gora in Poland but also with museums in Czech Republic. The language is also promoted in the city itself. Specific language skills in Sorbian are demanded in job offers of the administration. Since 2016, a youth coordinator works at the Lower Sorbian Secondary School. The city tries in many ways to allow people to use and maintain the Sorbian language mostly as a cultural asset. The Sorbian language was not a driver for the economy. Mrs Kossatz-Kosel reported that text books and teaching material in the Sorbian language are of great concern, especially at secondary level. Their production was challenging also because the Sorbian language has no homeland like other regional or minority languages. Access to various programmes to protect regional and minority languages would be appreciated. The city collected signatures for the citizen’s initiative *Minority Safe Pack - one million signatures for diversity in Europe*.

In addition, young people assimilated to the Sorbian language. Some of them also studied the language at university in Leipzig. Young children can register in two nursery schools in the city that run in Sorb. The percentage of native speakers in these nursery schools is 10 %.

*Meeting with the mayor of Welzow and representatives of Proschim, district of Welzow*

The mayor presented the city of Welzow and gave some data on it. The city has 3 500 inhabitants and is surrounded by opencast mines. The city suffers from consequences of lignite mining like air and noise pollution. In 2009, the city has had a budgetary deficit of EUR 3.9 million. Since 2007, the plans of the operator of lignite mining are of concern for the citizens. The city signed a framework agreement with the former operator Vattenfall that covered specific funds to support the local community. The agreement made it possible to fund infrastructure projects which had a major impact on the city. The Mayor wished for a stronger commitment from the current lignite mining operator, the LEAG. In 2018, LEAG voluntary funds EUR 530 000. In 2011, there was a clear signal for resettlement of parts of the town’s territory. The city started to prepare for the relocation both within the city boundaries and outside them. The Mayor confirmed that the resettlement affects all sectors of daily life and has an impact that can only be partially compensated.

Consequently, three representatives of the district of Proschim gave statements on the situation from their points of view. They reported from their life-time experiences with the lignite mining activities around the city and from the challenges they face today.

*Meeting with the Managing Director of Domowina association of Lower Lusatia (Domowina Regionalverband Niederlausitz e.V.)*

Since 2015, Mr Koinzer is managing director of the Domowina in Lower Lusatia. He stated that in 2014, Brandenburg revised the law of protecting the Sorb/Wendish minority. As part of the revision, the Domowina was recognised as the body representing the interests of the minority. However, there was still much to be done to ensure that Domowina was consulted and heard.

Mr Koinzer gave some information about the general state of affairs for Sorbs in the Land Brandenburg: from a historical point of view the number of Sorbian inhabitants was far higher than today. In 1988, an academic visited all of the villages and assessed the linguistic capabilities of the people. At that time, in villages around Cottbus, between 90 and 97 % of inhabitants spoke Sorbian. However, since 1981, the state of affairs had deteriorated for political reasons. Since the reunification in 1990, some progress was made. It was ensured that the Sorbian language was taught in some day care facilities and nurseries in the region. During the times of the GDR this was unfortunately not possible. For political and religious reasons the language had dropped off in families and was no longer passed on from parent to child. That led to today’s situation where grandparents or great grand parents can speak Sorbian with their grandchildren but the generation between grandparents and grandchildren cannot speak Sorbian.

The Domowina was an umbrella organisation with several regional association and a total of 7 600 members. Its structure was determined by the fact that there were Sorbian people in both federal states, Brandenburg and Saxony and that they were gathered in different municipalities. Currently, there are 60 000 members of the Sorbian minority, 40 000 in Saxony and 20000 in Brandenburg. To ensure that contacts between those championing the Sorbian interests and the administration were maintained, the internal structure of the association was adapted. In 1991, the existing four regional associations in Brandenburg were merged in order to better unite the forces and speak with one voice. The Lower Lusatia Domowina was a registered association that belonged to a number of umbrella organisations. There were Domowina groups in each village and the regional association was the legal representation of these groups. In 2009, the Lower Lusatia Domowina association consisted of 1 800 members, today there were over 2 400 members. This shows that the membership in the last 10 years has slowly but gradually increased but it does not necessarily mean that the number of people speaking Sorbian has increased. However, far more people identify as Sorbian and they want to reclaim their Sorbian traditions and roots and to express their identity by joining the Domowina.

On the question of challenges linked to digitalisation, Mr Koinzer answered that there is a real opportunity for minority languages because minorities can harness the new technologies. Sorbian people who were scattered through Germany during their studies could stay in touch and communicate in Sorbian. Mr Koinzer himself who studied in Leipzig could listen to the Sorbian radio for one hour a day. There is a real problem for any minority language especially if it does not have a motherland. Whenever new media is developed, the minority languages are only considered later on when the technology is outdated. That was the case for DVDs and the Sorbian community faces this problem in many areas. The state of Saxony had run the programme to digitise the Upper Sorbian language. Only two years ago, a spelling programme was made available for Sorbian. Challenges include the question of rights as well as lack of human resources. In addition, there is a risk that young people do not see the use of the language.

Mr Koinzer saw that the most important step was the office set up in 2015 in the Ministry of Science, Research and Culture. The unit deals with religious issues and with Sorb/Wend issues. It was a real qualitative step to have the right contact person at the right level. The responsible person was very pro-active.

In 2016, the state parliament adopted a plan of measures to preserve the Sorbian language. According to Mr Koinzer, some parts of the plan could be more detailed. However he also said that it was the first of its kind and with the best of will you could achieve a lot. Some measures are also backed up with funding. A bilingual childcare facility can apply to act as an advisory nursery for other day care facilities in the area. It can cooperate with other nurseries and encourage learning material to be produced. This specific initiative is funded with EUR 12 000 per year.

The city of Cottbus was the best example in Lower Lusatia for the use of Sorbian in the general public. 90 to 95 % of the street signs were bilingual. However, it is important to see each specific area in life as a linguistic environment. Mr Koinzer gave the example of the local zoo were Sorbian was ignored but explanatory signs were installed in German, English and Polish.

On the question by Mr Csaky on how Sorbian fits into the education system, Mr Koinzer answered that the Sorbian nursery opened in Cottbus in 1998 was a great step forward. However, at school teaching services in subjects with a lot of communication like history are only available in German. Six primary schools run bilingual curricula but there is not a uniform approach to bilingual subjects. In secondary school, other subjects are taught bilingual. This also has to do with the teaching staff available. Continuity is needed and would lead to greater efficiency. Another challenge was the teaching material. It took up to two years until a textbook was translated and the content was by then partly outdated.

A question was asked on how the younger generation assimilated to the language. The older generation still spoke the language at home but struggled with the young generation because the language taught in school was a bit different. With the old style language spoken at home you could easily recognise the village the person comes from. In order to protect and revitalise the language, one standard dialect was needed. Mr Koinzer confirmed, that there was a growing acceptance for this idea. More and more young people who finish school are very committed to the language. They studied the language and got involved in the Domowina. There were many young representatives in the managing board of the Domowina. Young people are increasingly aware of the language.

In 2007, an agreement was signed between the Domowina and the then lignite-mining operator, Vattenfall with the justification that anyone making profit by using raw material in a region has a responsibility in cultural and social matters. The current operator continued the agreement. The state government stipulated that the owner of the mines had to bare responsibility vis a vis the Sorb community. It was hoped that the commitment will be met and that the government monitors to what degree the obligations are met. The Domowina meets with representatives from the LEAG two times a year to discuss relevant matters. These discussions have been difficult and sometimes depressing but would offer a frank exchange of views.

*Meeting with Mr Stahlberg, expert and advisor on minig-related issues of the municipality of Schenkendöbern*

Mr Stahlberg works in Schenkendöbern, a small community at the German side of the border with Poland. He is also member of the local legislative assembly and member of the lignite mining commission of the Land Brandenburg.

In his presentation, he focussed on how EU directives were implemented when it comes to mining activities.

Schenkendöbern consists of 16 villages with a municipality area of 214 km2. It is the 77th largest municipality in German. Yet, it has only 3 700 inhabitants. The main activities are farming and forestry but also many natural assets such as sustainable tourism. Schenkendöbern is a municipality against mining. In 2007, the assembly adopted a resolution that it would do everything possible to prevent future mining activities on its land. The commitment was confirmed in 2014.

The opencast Jänschwalde that was active since 1976 encroached on the municipality area. In 2002, a regional lignite plan was agreed upon. Following latest comments from the company the Jänschwalde side will be closed in 2023. EU legislation foresees strategic environmental assessments (SEA) for plans and programmes including lignite plans. However, the SEA directive had not yet been transposed in national law at the time when the regional lignite plan was agreed. That is why no assessment was carried out.

In September 2007, citizens of the municipality heard on the radio that Vattenfall was planning a new pit. The planning phase for it was due to run up to 2017. In March 2017, citizens heard from the new company LEAG that this plan was no longer going to be pursued. The plan was officially shut down in September 2017. This meant ten years of struggling for three villages that would have been relocated due to the plan and for five villages around the perimeter that would have been affected. 900 inhabitants would have been affected by resettlement. This planned mine would have needed a SEA. The municipality campaigned hard and according to Mr Stahlberg, the active engagement was one of the reasons that led to put the plan on hold.

Another problem on the municipality’s doorstep was the planning of a very large mining operation by the partially state owned PEG, a Polish company, in the neighbour community Gubin situated on the polish side. 15 to 16 villages with more than 2 000 inhabitants would be affected by that plan. In order to put that plan into practice, in 2011, the Polish regional government agreed on a development plan that started in 2017. Because of the cross border impacts of the planned operation, a strategic impact assessment had to be carried out. The municipality of Schenkendöbern was actively involved in that plan. In parallel, in 2015-2016, the Polish mining company had carried out a cross border consultation under the European Impact Assessment (EIA). Because of the major impact expected on the municipality, it made its views heard again. In the opinion of Mr Stahlberg, thanks to the municipality’s engagement the application was shelved in 2016 on the request of the mining operator. However, the plans were due to be submitted in the first quarter of 2019.

Mr Stahlberg also commented on the question of what the active mine Jänschwalde meant for the municipality of Schenkendöbern. The mine had an impact on the ground water level which lowered by 2 m. In the many woodlands and marshlands that were protected areas under Natura 2000, just few centimetres of change in the water table could lead to dramatic consequences. Parts of the area were protected by the Birds Directive. Mr Stahlberg gave some detailed examples of impact on certain lakes, inter alia the Pastlingsee.

The question of who was liable was discussed behind closed doors between the mining operator and mining and environmental authorities. The people affected and the municipality, as the owner of the area, did not get a say let alone the general public. Following Mr Stahlberg it was a positive signal when in March 2017 the Ministry for Rural Development, Environment and Agriculture discovered that there had been significant influence of lignite mining on one of the lakes. However, there was still no obligation and clear responsibility for the mining operator. The mining authority had argued that the exact level of responsibility still needed to be defined.

Another problem for the municipality was the shelving of the opencast Jänschwalde Nord. In the rehabilitation, one large artificial lake was planned in that area. In a new proposal put forward for regeneration there were three artificial lakes foreseen. The municipality of Schenkendöbern thought that these were significant changes, that the lignite plan ought to be amended and that an EIA would be required. However, the state planning authority of Berlin/Brandenburg ruled out this kind of interpretation and was seeking to implement the plan in a different way in which an EIA would no longer have to be carried out. The argument for the decision was, that the surface area did not change. In Mr Stahlberg’s opinion, there was a conflict of interests as the mining authority worked under the responsibility of the Ministry for Economic Affairs and Energy.

On the question of access to data, Mr Stahlberg stated that any mandatory data was available. However they often lacked details. The detailed and not mandatory environmental data would only be secured from the authority but not from the mine operator. The state government could demand data and made available them available. Unfortunately, they do not demand it. The requirements on the mine operator, on which data had to be made available came from the mining authority.

Friday, 16 February 2018

*Meeting with representatives of the Lower Sorbian Secondary School (Niedersorbisches Gymnasium) in Cottbus*

The delegation was traditionally welcomed by pupils wearing garbs and offering bread and salt as well as by the school’s choir singing some Sorbian songs. Subsequently, the Head of School, Mrs Hille-Sickert, gave a short presentation of the school, a Lower Sorbian grammar school of a special type. Pupils learned the Lower Sorbian language from day one. They entered school with a wide range of standards. Some of them spoke no Sorbian at all, some learned it in primary school, and others learned it from nursery onwards and were bilingual.

Pupils were taught in different classes and groups depending on their previous knowledge. Different subjects were taught in Sorbian. Teachers had to be trained accordingly in order to be ready for qualified teaching at secondary level. It was a challenge to find appropriate and qualified teachers for bilingual teaching in the last few years of secondary level. The school had a whole range of Sorbian/Wendish cultural activities such as a choir, dancing groups, and theatre and school bands. The Foundation for Sorbian people helped funding the activities. For example, the director of the choir was made available to the school by the foundation situated in Bautzen.

The Head of school mentioned an Erasmus+ project in which the school participated and which focussed on regional culture and minority community. The pupils had interesting talks with the Norwegian partner coming from the Sami community about options for participation of minorities in different European states. The pupils of the Lower Sorbian Secondary School would see themselves as multifaceted. They were proud of being European but they were also global citizens as well as Germans coming from Brandenburg and Sorbian people. They had a very divers and enriching sense of identity. Pupils learned how to shape their future and would take back their skills to their hometowns and villages where they could be pro-active.

In the meeting, the participants were Mrs Komolka, chair of the school conference, Mr Geis as teacher, Mrs Voskamp representing the parents association, and the pupils Dennis Groth and Maja Schramm. They all briefly presented themselves.

Mrs Hille-Sickert stated that it was a challenge to motivate people of learning Sorbian due to the fact that it is a minority language without a motherland. Learning the language was an additional task and work. Motivation depended a lot on how much the Sorbian culture was promoted in primary school. In this sense, Mrs Hille-Sickert was not very satisfied. The diverse educational system offered many alternatives. That is why the Lower Sorbian Secondary School had to advertise the school. They often felt very much alone and not supported by the state authorities. The school was not always able to get a group of 25 pupils in order to get a class that is deemed viable.

Ms Schramm underlined the importance to learn Sorbian and to return to the roots. The fact that she learned Sorbian made the family proud. The language would also open doors to Poland and the Czech Republic.

According to Mrs Auken, learning the Sorbian language should not be a nostalgic movement and modernisation was alo needed. The representatives stated that they tried to keep the traditions alive by wearing garbs for instance. But there were also indicatioins of modernisation, for example rock and pop bands that revived traditions by playing traditional Sorbian instruments for modern music. Modernisation and development would also take place through social media. Online platforms were used to send message in Sorbian language.

The representatives also pointed to the Sorbian/Wendish School Regulation that was currently discussed at ministerial level. Based on the latest draft from October last year only children with prior knowledge of Sorbian would be able to attend the relevant schools. However, 60 to 80 % of potential students would lack prior knowledge but no longer be able to access Sorbian language teaching. An adoption of the draft regulation would have a dramatic impact on the Lower Sorbian Secondary School and was a real threat to the Sorbian language. Parents should have guarantees that children will have access to the language education.

Following Mrs Komolka, the future of the language is contingent on the future of the pupils. Prospect for the future were needed so that children could preserve the language. One important issue in this connection was the lack of leisure time activities for older children. Teenagers needed opportunities to use the language outside the classroom. The representatives would like to see the Sorbian language more prominent in public services. In the current year, 80 graduates spoke Sorbian fluently. Only a few of them might have some prospect in the region.

*Meeting with the President of the Council of Sorb and Wendish affairs of the Land Brandenburg*

Mr Mack presented himself as President of the Council for Sorb and Wendish affairs of the Land Brandenburg. The Council fulfilled an advisory function and checked any draft and bill that goes through the state Parliament in order to see if there is an impact on the Sorbian community. Article 25 of the constitution of the Land Brandenburg laid down the rights of the Sorbian people in the state of Brandenburg. It clearly stated the right for protection and maintenance of the Sorbian/Wendish identity and its settlement area. According to Mr Mack the Sorbian community was heavily affected by lignite mining. 150 settlements of the minority were lost due to mining activities, many of them being centres of Sorbian language and culture. The minority could not afford to lose another of its settlements. In his opinion the Sorbian interest were only marginally affected in the existing lignite plan. Article 25 constituted a constitutional obligation and is very important in the legal hierarchy. Following the constitution, different rights and obligations have to be weighing up. However, he feels that weighing up of the interest and the obligations was not being done correctly in the lignite plan drawn up by the government.

The European Union had in some way helped when the state authorities tabled the Sorb/Wend report last month and referred to the EU and to recommendations that had not been fully implemented. This was a critical approach and showed that work has to be done. Furthermore, Mr Mack confirmed the fact that fossil fuels will at some point be exhausted and this industry must be put to an end. Some of the lignite businesses were already in red figures. Following this, a structural change will have to take place in the region. Any possible social shock resulting from the change had to be cushioned. A target date for phasing out of lignite was needed.

A look at the then ongoing negotiations for a new coalition agreement at federal level gave the impression that Germany was turning back the clock. Many of the targets earlier set were softened or even thrown out when it comes to the climate change objectives. In Mr Mack’s opinion it was probably because of the outcome of the coalition talks in Germany that the LEAG decided to expand the open mine Welzow II that would affect the Sorbian community in Proschim. Lignite mining would no longer be economically viable and that opencast mining is not a modern technology.

Mrs Zdanoka referred to the response letter by Minister Ulrike Gutheil from January 2017 in which she denied in principle all accusations in petition 079/2015. In Mr Mack’s opinion Mrs Gutheil was right on the point on the Sorbian language and the cultural development. She herself was very active and committed to the rights of the Sorbian minority. The economic development of the Lusatia region and the contaminated water of the river Spree and adjacent waters was another issue. The water had been red for years, but only when the red water ran through the natural reserve Spreewald state authorities started to take interest in the matter. The matter ought to be taken seriously when it came to the self-contamination of the drinking water in Berlin and the request to clean the water up. Mr Mack disagreed with the response by Minister Gutheil in the letter on that point.

On the question by Mrs Zdanoka about the legitimacy of the lignite activities, Mr Mack referred to Article 25 of the constitution and the official complaint by the community of Horno whether or not this Article was a legal basis in order to prevent the demolition of the resettlement. At the time, Article 25 was interpreted in a looser way than the drafting of the Article would suggest. As a result, the constitution was downgraded and the demolition of the village of Horno could go ahead. This aspect has to be taken into account. In Mr Mack’s personal opinion the lignite plans were not entirely legitimate because the constitutional objective was not fully respected.

Mr Csaky referred to the meeting with the Mayor of Welzow and the representatives from Proschim. In this meeting it became clear that the question of lignite mining was a very emotional question. Different positions on how to continue with the activities and whether to open new mines were brought forward in this and in other meetings. Mr Csaky asked for Mr Mack’s personal opinion and the opinion of the council.

Following Mr Mack, Proschim was prepared for its destruction regardless of it being considered a Sorbian settlement or not. The mine operator owned one half of the village. The other half of citizens had been living off their land for hundreds of years and used everything the land could give. The village could be self-efficient in electricity. The idea of destroying this village was a great political error and it would send out wrong signals. There was also a high proportion of Sorbian ethnic people who want to revive the language in the village. It was a great threat for the community to be lost because of lignite mining.

Everybody had to ask the question if lignite was still needed as you could see that the technology is no longer profitable. The main company itself was no longer interested for economic reasons. Plans for the opencast Jänschwalde Nord were cut as a result. The only power plant that would remain online was Schwarze Pumpe. Taking into account the future perspective and the life cycle of this power plant one had to think about the fuels and to avoid further open cast mines. With a resettlement of Proschim sustainable jobs built on structural change would be lost.

**4. New political developments since the Fact Finding Visit**

One point of the German coalition agreement signed on 12 March 2018 is the launch of a coal commission. The commission consists of 42 members and met for the first time on 26 June 2018.

**5. Conclusions and recommendations**

The issue of lignite mining in the Lusatia region is a very serious and complex matter. It has a big impact on the environment and on the citizens in the region, amongst them the Sorb community.

Despite of open discussions in Potsdam with representatives of three Ministries of the state of Brandenburg involved in all matters raised in the petitions there are still questions unsolved. The delegation concluded that it should examine the question how the federal government sees the future of brown coal technology in both states, Brandenburg and Saxony. According to the representatives of the Ministries, phasing out of lignite is foreseen by 2040, when the last lignite mines will be closed.

The delegation learned that lignite mining is the dominant industry in Lusatia and concluded that a clear strategy for the economic restructuring of the region after phasing out lignite mining is missing. Concrete measures for regional development are urgently needed.

In general, lignite mining is not the most modern technology. It became evident during the visit that lignite mining has strong influences on the environment (destruction of the landscape, water and air pollution). Lignite-mining industry, due to its CO2 emissions, is one of the factors that hinders Germany to reach its climate reduction commitments.

The situation of the Sorbian minority in the Lusatia region is also a very complex and serious issue. The language and culture of the minority are very important for the characteristic of the Lusatia region and for the cultural diversity within the European Union. However, Sorbs are facing threats to their cultural identity, and they fear that continuation of lignite mining is menacing their future. The Sorb community is concerned about resettlement, loss of land, absence of cultivated areas and high environmental pollution, to mention the most recurrent.

It is the responsibility of stakeholders at all levels to support the Sorbian community. The delegation appreciates the efforts undertaken by the authorities to include the community into the decision-making process, e.g. through Council of Sorb affairs. The establishment of Sorbian representatives at local level in municipalities with a Sorbian community is also a step in the right direction.

The lack of communication between the state authorities and NGOs and other stakeholders is a major issue of concern. Authorities do not openly communicate relevant data, especially environmental information stemming from European legislation. Regarding the pollution of the Spree River, authorities should implement measures to improve the water quality and to monitor the pollution levels.

In view of the above findings, the Committee on Petitions makes the following recommendations to the competent national authorities and the European Commission:

1. Notes that the issue of lignite mining is very complex and sensitive and has a huge impact on the environment in the Lusatia region and on the life of the citizens, in particular on the people directly affected by opencast mines through resettlement plans;

2. Requests information from the federal government on the tasks and responsibilities of the newly established commission on lignite mining; asks the responsible representative at federal level for information on a possible timetable of phasing out of the lignite mining industry and on measures foreseen to meet the challenges of the structural change, especially in the Lusatia region;

3. Invites the authorities at federal and regional level to come up with a concrete plan for economic restructuring and with measures for regional development in the Lusatia region;

4. Points to the new renewable energy target for the EU for 2030 of 32% as agreed on 14 June 2018 in negotiations on further renewable energy development in the EU between the Commission, the European Parliament and the Council; considers it necessary to give fair and equal chances to all energy sectors, being it energy from conventional sources or renewable energies;

5. Requests the Commission to assess the compliance with the Water Framework Directive the Drinking Water Directive and the Groundwater Directive in the state of Brandenburg, specifically in the Lusatia region;

6. Calls on the state governments of Brandenburg and Saxony to provide information on the exemptions granted to mining companies based on state law on water; further asks the state governments to inform about further plans for expansion of active mines and new mines and on further resettlement plans;

7. Calls on the state authorities to ensure that the mining companies set aside a sufficient amount of money dedicated to the regeneration and conversion of mining sites and rectification of any potential pollution resulting from lignite mining;

8. Stresses the importance of participation of members of the Sorb community in decision-making processes at all levels when its rights are affected; believes that the Council for Sorb affairs has to be granted more rights in order to ensure its active participation;

9. Calls on the state governments of Brandenburg and Saxony to support the Sorbian language in every possible way; welcomes the measures implemented to promote the Sorbian language, notes with satisfaction that in the Lusatia region road signs are bilingual, recommends to widen the linguistic environment of the Sorbian language, inter alia through announcements in public transport or explanatory signs in public spaces like museums, parks and zoos;

10. Points to the fact that tuition of Sorbian language is essential for the existence of the Sorbian language; is concerned by ongoing reformations of the Sorb school regulation in the state of Brandenburg that hinder continuous tuition; qualitative teachers at all levels of school education are needed;

11. Commits to monitoring citizens’ calls as regards future developments in the Lusatia region.