

New national guidance

HMWB, EP and exemptions



Katarina Vartia

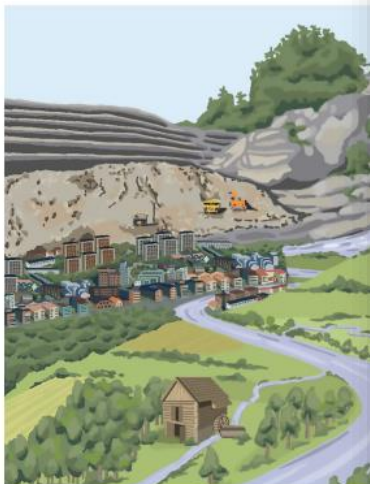
Swedish Agency
for Marine and
Water Management

Background

- » The overall aim for all water bodies is **good status or potential 2015**
- » Some water bodies may not achieve this objective.
 - Designation of HMWB. Article 4(3).
 - Extension of deadline (2027). Article 4(4)
 - Less stringent objectives. Article 4(5)
- » Guidance Document No. 4, 20 etc.
- » New Swedish Guidances.



Vägledning om kraftigt modifierat vatten och ekologisk potential



Rapport 2023:12

Vägledning för bedömning av kraftigt modifierat vatten (KMV)



Rapport 2024:3

Vägledning om förlängd tillämpning av stränga krav

Undantag enligt 4 kap. 9–10 §§ vattenförvaltningsförordningen



Rapport 2023:14

och Vatten
myndigheten

Vägledning om behov av utvärdering av nyttor av vatten eller potential



Rapport 2024:6

Vägledning om gräns för orimliga kostnader

Enligt 4 kap. vattenförvaltningsförordningen

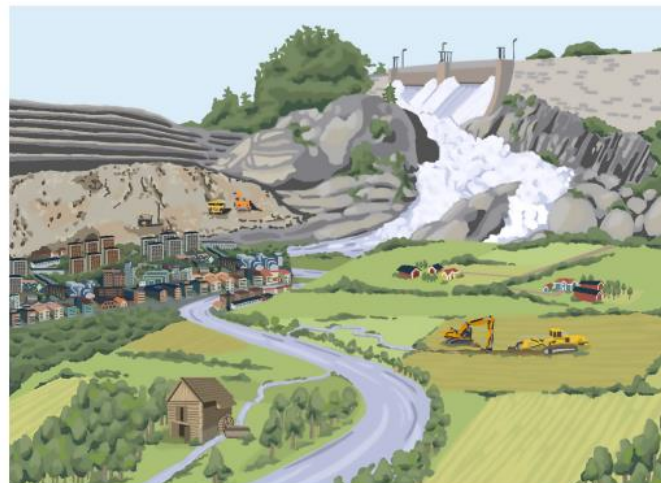


Rapport 2024:13

Havs
och Vatten
myndigheten

- [Miljökvalitetsnormer för ytvatten - Vattenförvaltning - Planering, förvaltning och samverkan - Havs- och vattenmyndigheten \(havochvatten.se\)](https://havochvatten.se/miljokvalitetsnormer-for-ytvatten)
- [Kraftigt modifierat vatten och ekologisk potential - Vattenförvaltning - Planering, förvaltning och samverkan - Havs- och vattenmyndigheten \(havochvatten.se\)](https://havochvatten.se/kraftigt-modifierat-vatten-och-ekologisk-potential)

Vägledning om kraftigt modifierat vatten (KMV) och ekologisk potential

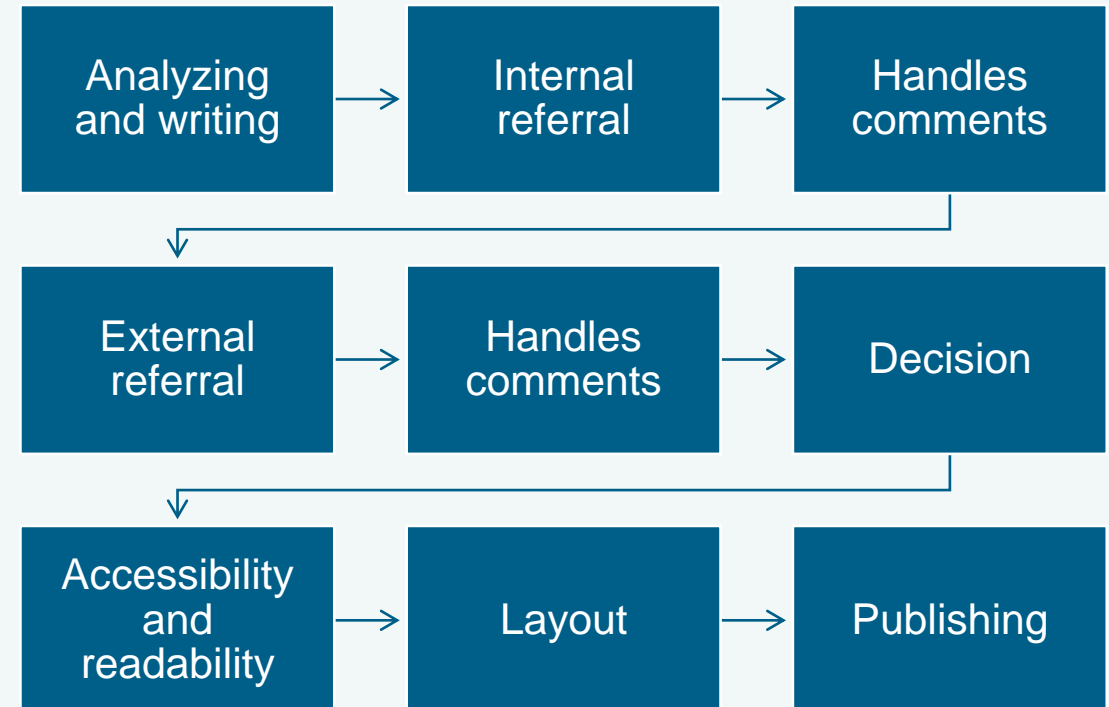


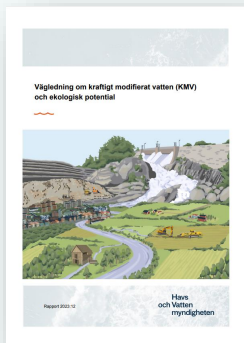
Rapport 2023:12

Havs
och Vatten
myndigheten

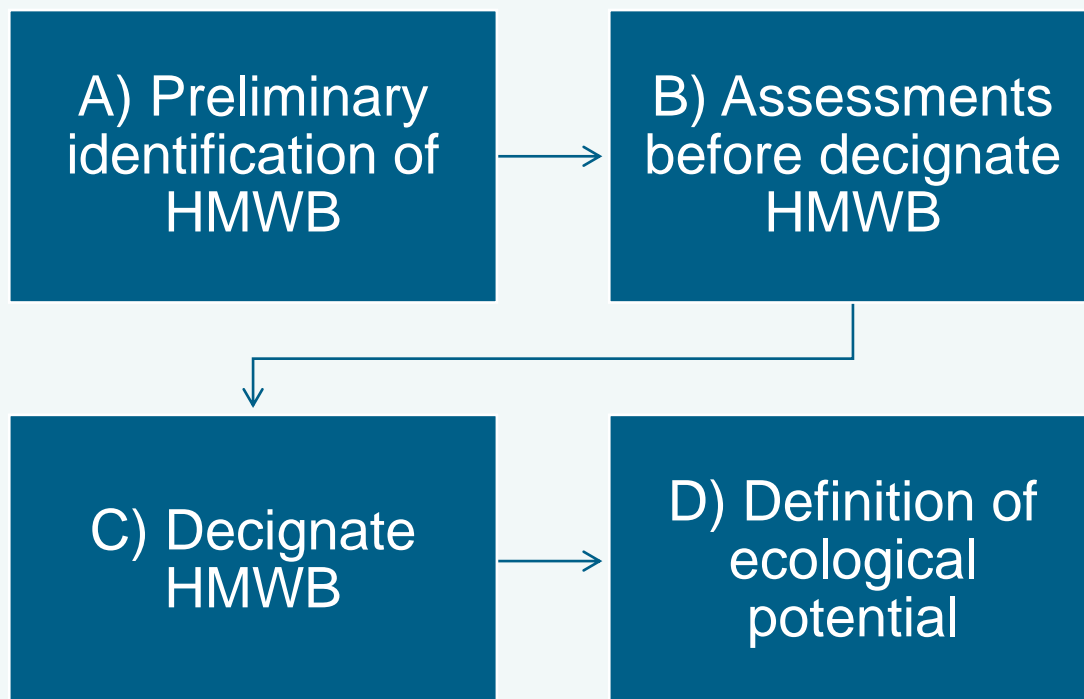
This is how we work

- National legislation, e.g.
 - the Environmental Code,
 - the Water Management Ordinance and
 - the regulations from SwAM and SGU.
- WFD, e.g.
 - when national legislation refers to it or
 - to obtain further interpretation
- European and national rulings
- Other, e.g.
 - CIS guidance documents,
 - CIS technical documents and
 - Toolboxes

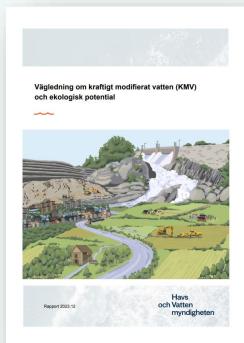




HMWB and definition of EP

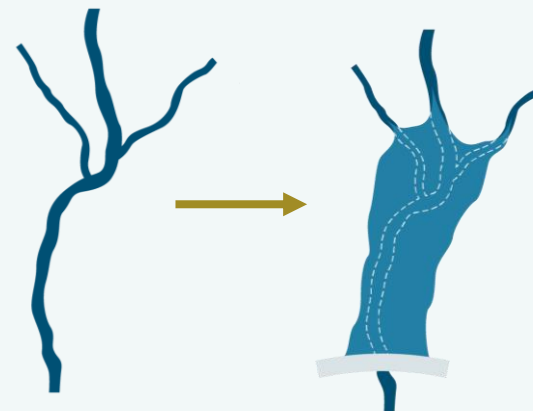


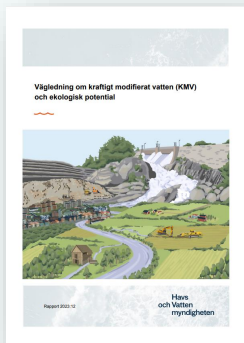
- » The analysis method is based on CIS, mainly no. 4 and 37 but are slightly modified.
- » In-depth description of some parts, e.g.
 - substantially changed in character
 - legal definition of ecological potential



What is substantial change in character?

- » A **physical change** of the water body (enough to fail GES).
- » Big enough that it leads to a **substantial change in character** not only a significant change.





What is the legal definition of EP?

- » Ecological potential is **defined** in table 1.2.5 of Annex V
- » Guidance Document No. 37 describe a **method** with steps for **defining** ecological potential
- » The Swedish guidance clarifies both

| 1.2.5. Definitions for maximum, good and moderate ecological potential for heavily modified or artificial water bodies | | | |
|--|---|---|---|
| Element | Maximum ecological potential | Good ecological potential | Moderate ecological potential |
| Biological quality elements | The values of the relevant biological quality elements reflect, as far as possible, those associated with the closest comparable surface water body type, given the physical conditions which result from the artificial or heavily modified characteristics of the water body. | There are slight changes in the values of the relevant biological quality elements as compared to the values found at maximum ecological potential. | There are moderate changes in the values of the relevant biological quality elements as compared to the values found at maximum ecological potential. These values are significantly more distorted than those found under good quality. |
| Hydromorphological elements | The hydromorphological conditions are consistent with the only impacts on the surface water body being those resulting from the artificial or heavily modified characteristics of the water body once all mitigation measures have been taken to ensure the best approximation to ecological continuum, in particular with respect to migration of fauna and appropriate spawning and breeding grounds. | Conditions consistent with the achievement of the values specified above for the biological quality elements. | Conditions consistent with the achievement of the values specified above for the biological quality elements. |
| Physico-chemical elements | | | |
| General conditions | Physico-chemical elements correspond totally or nearly totally to the undisturbed conditions associated with the surface water body type most closely comparable to the artificial or heavily modified body concerned. Nutrient concentrations remain within the range normally associated with such undisturbed conditions. The levels of temperature, oxygen balance and pH are consistent with the those found in the most closely comparable surface water body types under undisturbed conditions. | The values for physico-chemical elements are within the ranges established so as to ensure the functioning of the ecosystem and the achievement of the values specified above for the biological quality elements. Temperature and pH do not reach levels outside the ranges established so as to ensure the functioning of the ecosystem and the achievement of the values specified above for the biological quality elements. Nutrient concentrations do not exceed the levels established so as to ensure the functioning of the ecosystem and the achievement of the values specified above for the biological quality elements. | Conditions consistent with the achievement of the values specified above for the biological quality elements. |

Vägledning om förlängd tidsfrist och mindre stränga krav



Undantag enligt 4 kap. 9–10 §§ vattenförvaltningsförordningen

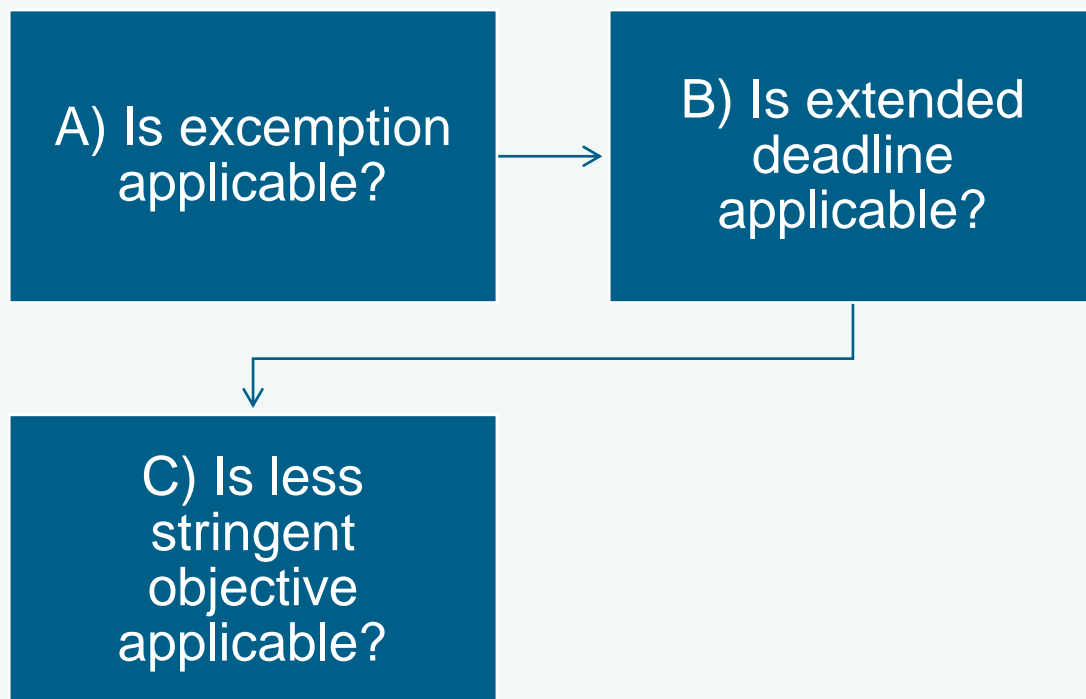


Rapport 2023:14

Havs
och Vatten
myndigheten



Extended deadline and less stringent objective

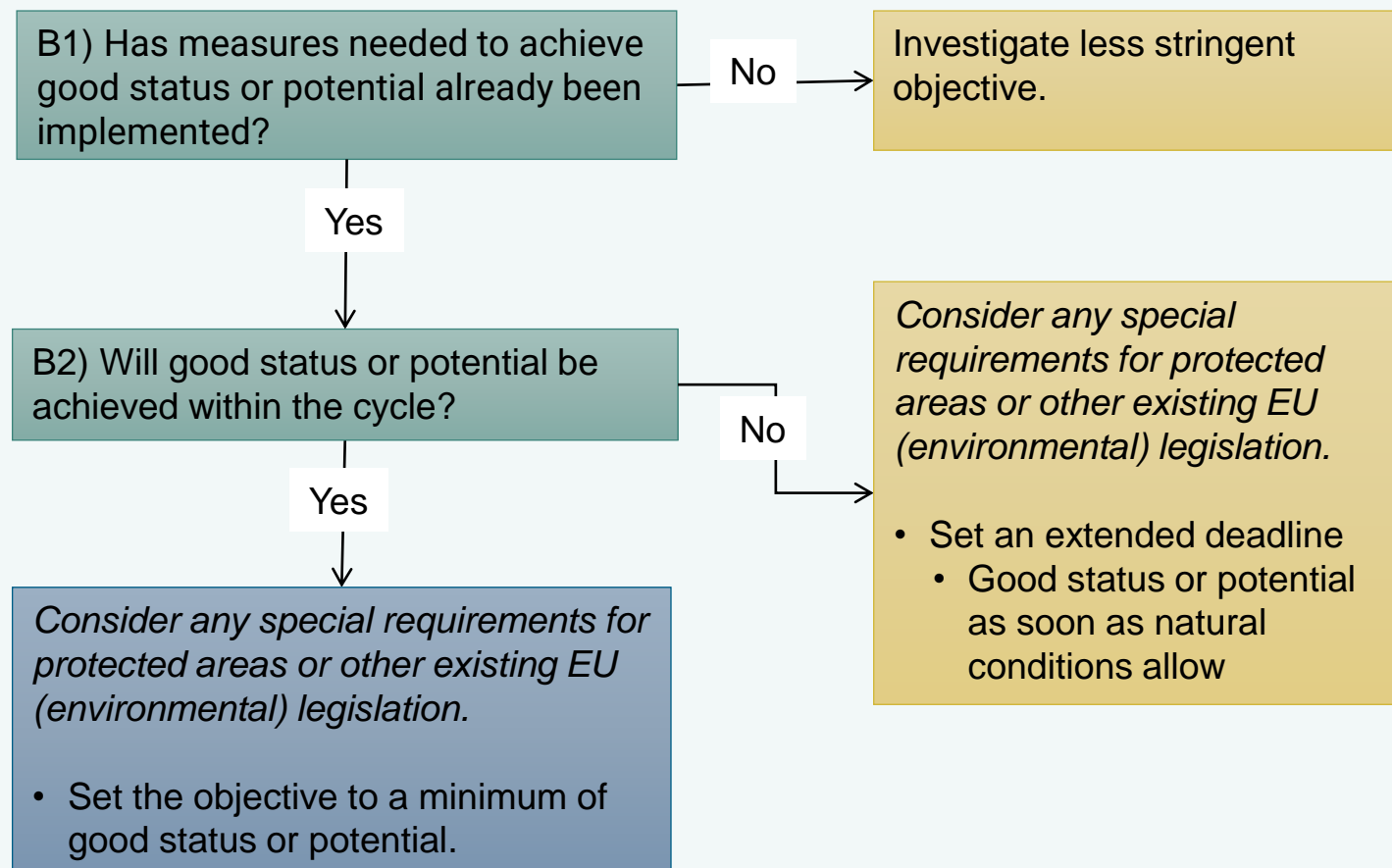


- » The analysis method is based on CIS, mainly no. 20 and 1 but are slightly modified.
- » In-depth description of some parts, e.g.
 - what happens after 2027
 - disproportionately expensive.



What happens after 2027?

- » It is not possible to extend deadline after 2027, except due to natural conditions.
- » The objective is either:
 - god status/potential or
 - less stringent objective.
- » (Can also be god after 2027 due to natural conditions. But only if measures have already been implemented and the effect is pending.)





Why are we talking about “disproportionately expensive”?

- » Less stringent objectives is possible if it **disproportionately** expensive to reach good status or potential.
- » Guidance Document No. 1 and No. 20.
- » Given the **uncertainty around estimates of costs and benefits**, one should bear in mind that:
 - Disproportionality should **not begin at the point** where measured costs simply exceed quantifiable benefits;
 - The assessment of costs and benefits will have to include **qualitative** costs and benefits as well as **quantitative**;
 - The **margin** by which costs exceed benefits should be **appreciable** and have a **high level of confidence**.
- » This can be expressed as:
 - $N_{\max} \times 2 \leq K_{\min}$
(The maximum benefit of reaching good times 2 is smaller or equal to the lowest cost of reaching good)
 - $K_{\min} \geq N_{\max} \times 2$

The background of the slide is a dark blue, textured image showing ripples on water, creating a sense of movement and depth. The ripples are more pronounced in the upper and lower portions of the slide, framing the central white area.

Thank you!

Swedish Agency
for Marine and
Water Management