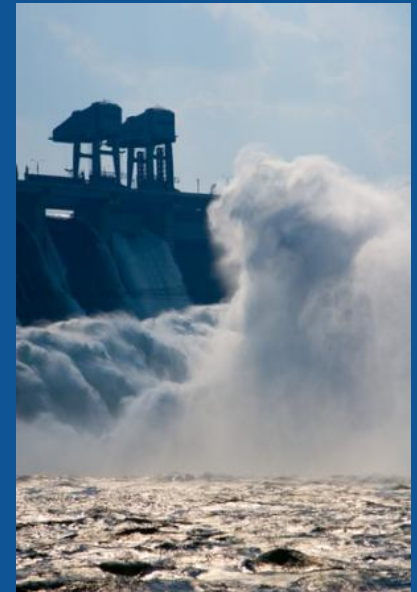


Nordic WFD meeting



Jorge Rodriguez Romero - DG ENVIRONMENT
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WFD implementation report March 2015

- Communication – main messages
 1. The need for a solid basis for Programmes of Measures – the importance of the pressure and impact analysis and of robust monitoring
 2. Gap analysis: what needs to be done to achieve the objectives?
 3. Adapting water use to the WFD environmental objectives and enforcing the changes
 4. Tackling pollution – in particular diffuse pollution
 5. Tackling quantitative aspects, including the link to quality
 6. Tackling flow and physical changes to water bodies
 7. Using economic instruments and incentives wisely
 8. Coordinating implementation to reap multiple benefits
 9. Seizing investment opportunities
- Commission Staff Working Document – more details and country specific recommendations coming out of the first cycle
- http://ec.europa.eu/environment/water/water-framework/impl_reports.htm#fourth



The WFD established quantified, binding environmental objectives for water bodies

- Court ruling C-461/13

Full ruling: <http://curia.europa.eu/juris/liste.jsf?language=en&jur=C,T,F&num=C-461/13&td=ALL>

Press release: <http://curia.europa.eu/jcms/upload/docs/application/pdf/2015-07/cp150074en.pdf>

- Binding for planning...

"43. These matters confirm the interpretation that Article 4(1)(a) of Directive 2000/60 does not simply set out, in programmatic terms, mere management-planning objectives, but has binding effects, once the ecological status of the body of water concerned has been determined, at each stage of the procedure prescribed by that directive."

- ... and binding for projects

"On those grounds, the Court (Grand Chamber) hereby rules:

1. Article 4(1)(a)(i) to (iii) of [WFD] must be interpreted as meaning that the Member States are required — unless a derogation is granted — to refuse authorisation for an individual project where it may cause a deterioration of the status of a body of surface water or where it jeopardises the attainment of good surface water status or of good ecological potential and good surface water chemical status by the date laid down by the directive."

- The ruling also clarifies the notion of deterioration of status

Making Article 4(7) operational

- Permitting authorities should be bound to ensure the conditions of Article 4(7) are met before granting permits for concrete projects
- National legal frameworks should allow for effective application
- Consider CIS policy recommendations of 2006! (e.g. strategic approach hydropower)
- What does it mean in practice?

Making Article 4(7) operational

- Article 11(3) basic measures should establish appropriate mechanisms to allow effective control of projects which are liable to have a significant impact on water bodies
- A specific appropriate ex-ante assessment of the impact of the project in the status of the affected water bodies needs to be performed in order to effectively implement this provision
- The assessment needs to be done at quality element level according to Annex V, considering as well cumulative effects with other projects
- The substantial obligations should not depend on the size, the purpose or the permitting authority: the key consideration is if the project is liable to cause deterioration or prevent the achievement of good status
- The assessment should be proportionate to the risk of impact
- Transparency is important and the assessment and conclusions needs to be documented in the RBMP
- Completing an EIA does not guarantee the fulfilment of the WFD obligations. Potential procedural synergies, though, are significant.
- National frameworks where authorities are merely asked to "take into account" the WFD objectives or can get away with generic assessments are not in line with the WFD obligations

Deterioration of status at quality element level

Status class	Inv.	Flora	Fish	Phys Chem	Hymo	RBSP	...	Global
High	X Yes! ↓						...	
Good	X	No! ↓ X		X Yes! ↓	X		...	
Moderate			X Yes! ↓	X		X	...	X
Poor			X				...	X
Bad							...	

Note: this is a simplified representation for illustration purposes. The columns Flora, Phys Chem, Hymo and RBSP are made of several parameters that are assessed individually. According to the CIS guidance on classification, Phys Chem and RBSP are only relevant from high to moderate and hymo from high to good.

Legend: Inv.: macroinvertebrates; Flora: aquatic flora; Phys Chem: Physico Chemical parameters; Hymo: hydromorphological parameters; RBSP: river basin specific pollutants; Global: overall ecological status

Measures in Heavily Modified Water Bodies

- There are thousands of HMWBs affected by e.g. existing hydropower
- Setting Good Ecological Potential should be transparent, based on clear criteria and reflect for each water body:
 - A set of mitigation measures
 - The resulting biological condition
- Status quo is not an option!
- Administrative and legal barriers: the legal and administrative framework should allow the revision of the conditions of the concession to adapt it to the new WFD environmental objectives

Hydromorphology checklist

- ☐ Inventory of pressures and risk assessment
- ☐ Assessment methods capable of detecting hydromorphological pressures (hydrological and morphological) and sufficient monitoring
- ☐ HMWB designation/GEP definition:
 - ☐ Criteria for defining significant adverse effect on water use
 - ☐ Approach to assess better environmental option
 - ☐ Catalogue of mitigation measures
- ☐ Restoration measures included in Programme of Measures
- ☐ Operational monitoring to follow the efficiency of measures

Diffuse pollution from agriculture

- Overall a widely recognised problem but...
- Need to work out the reduction needed to achieve good status
- Need to devise the measures to achieve that goal and then
- Implement the bulk of the improvement through binding/legal basic measures (both Nitrates Directive + WFD – Art 11(3)h)
- Plus coherent and targeted incentivised measures and actions under the Rural Development Programmes
- All this to be reported in the RBMPs and PoMs
- The means have to be commensurate to the problem!

Monitoring

- Essential pillar of implementation
- Avoid sticking to "what has always been done"
- Move towards risk based approach that delivers enough confidence to take well-informed decisions
- Cutting down monitoring budget is often short-sighted: monitoring is a small fraction of implementation budget but is essential to inform the right decisions on prioritisation of much larger budgets
- Insufficient information → inaction and/or wrong decisions

Reporting 22 March 2016

- Essential building block for the assessment of WFD implementation
- Data and information will inform the discussions on the 2019 WFD review
- Data and information of good quality is needed
- Guidance and tools already available: http://cdr.eionet.europa.eu/help/WFD/WFD_521_2016
- The WFD reporting guidance will be translated into all official languages
- Important new data and information to support a DPSIR assessment
 - Pressures (including drivers) and impacts at water body level
 - Status information for each water body, both global and at quality element level – essential to communicate progress towards GES
 - Quantitative indicators for pressures and measures



Thank you for your attention

<http://water.europa.eu/policy>

Jorge.Rodriguez-Romero@ec.europa.eu