

The German guidance on EIA for waterway projects

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Content

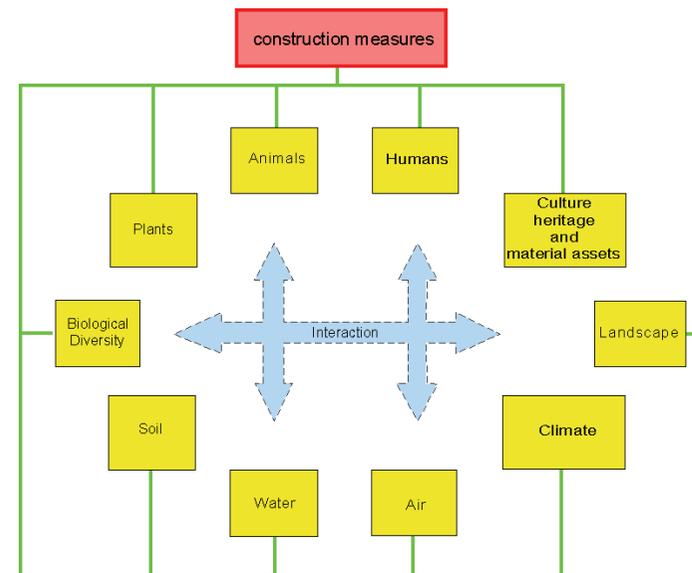
1. European directives and national legislation of environmental concern
2. Project planning and approval procedure for waterways
3. Lessons learnt on optimal proceeding in waterway projects

European directives and national legislation of environmental concern

Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment (EIA Directive)

transferred into the Federal Act on EIA (*UVPG*)

Objective: to ensure that the environmental implications of decisions are taken into account before the decisions are made



European directives and national legislation of environmental concern

Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (Habitats Directive) transferred into the Federal Act on Nature Conservation (*BNatSchG*)

Objectives:

1. Natura 2000 network: protection of habitats and species in special conservation areas including the special protection areas for birds
2. strict protection of listed species (Annex IV) within the entire territory (distribution area)

European directives and national legislation of environmental concern

Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for the Community action in the field of water policy (EC Water Framework Directive)

transferred into the Federal Water Act (*WHG*)

Objective: to protect inland surface waters, transitional waters, coastal waters and groundwater and to achieve good ecological status respectively good ecological potential of all surface water bodies

European directives and national legislation of environmental concern



Federal Act on Nature Conservation (*BNatSchG*):

Objective (inter alia): identify the dimension of impacts by projects and determine appropriate measures to compensate impacts of the ecosystem and the landscape scenery

European directives and national legislation of environmental concern



The common principle of all environmental regulation is:

1. to avoid
2. to reduce
3. to remedy

significant adverse effects on the environment and its essentials

Planning and approval procedure



The planning and approval process thus has to incorporate not as many as five different regulations:

- > the entire abiotic and biotic environment including human beings and artefacts (EIA)
- > the aquatic ecosystems (WFD)
- > protected areas for species incl. birds and habitats (Natura 2000 network) and others (e.g. water protection areas, nature protection areas)
- > strictly protected European species (Habitats Directive)
- > the entire ecosystem in order to compensate impacts (via plan of compensation measures „*Landschaftspflegerischer Begleitplan*“)

Planning and approval procedure

... on EIA of waterways



... on compatibility assessment of Natura 2000 sites



... on strictly protected European species



... on plan of compensation measures
(*Landschaftspflegerischer Begleitplan*)



Guidelines ...

Get the guidelines: www.bafg.de/U1 | Arbeitsbereiche | Arbeitshilfen für die WSV

Download:

www.bafg.de/cln_007/nn_230076/U1/DE/03__Arbeitsbereiche/02__Arbeitshilfen/arbeitshilfen_node.html

PLATINA Workshop of ICPDR, 15./16.9.2009, Ruse - Bulgaria

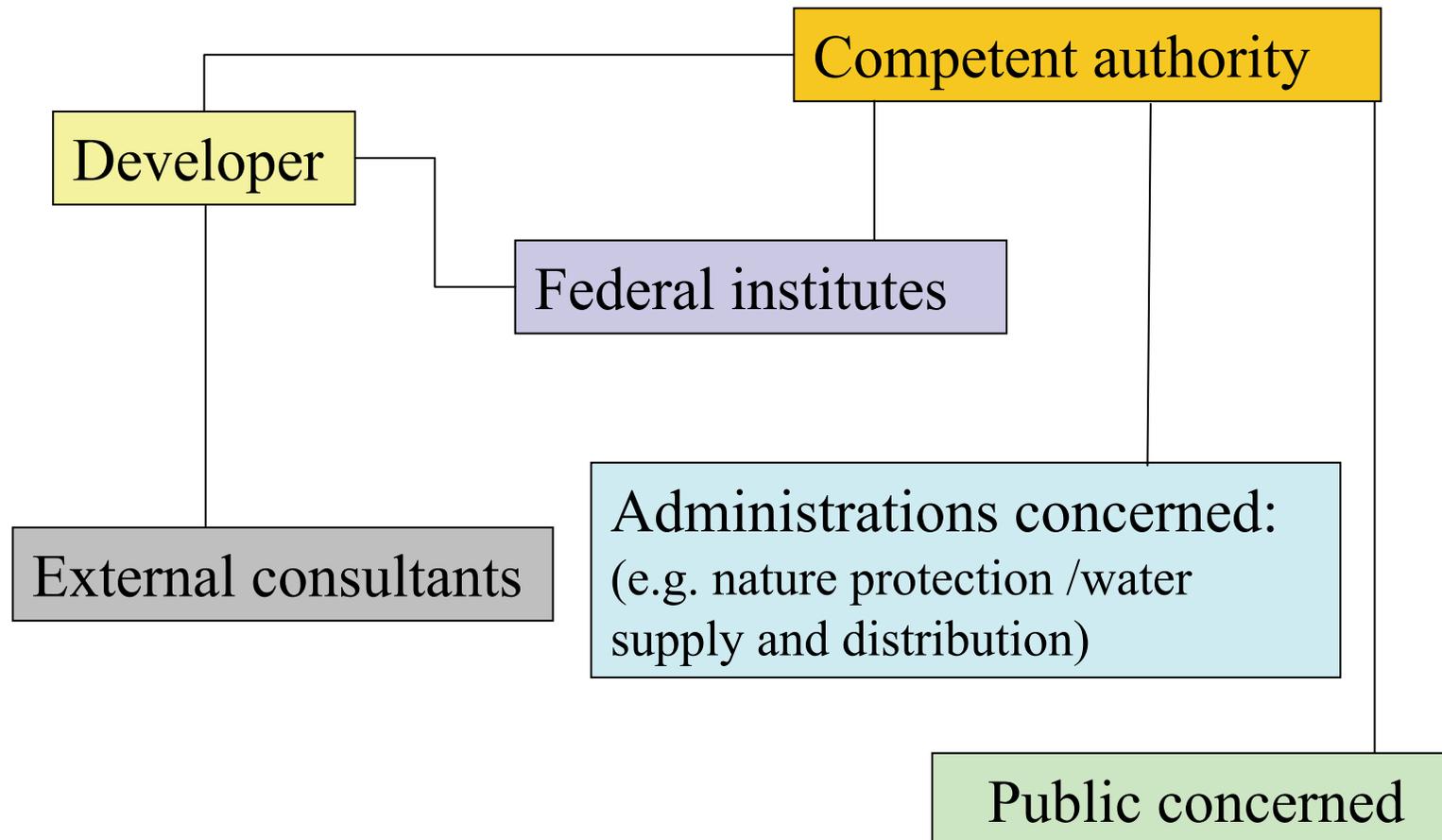
Planning and approval procedure



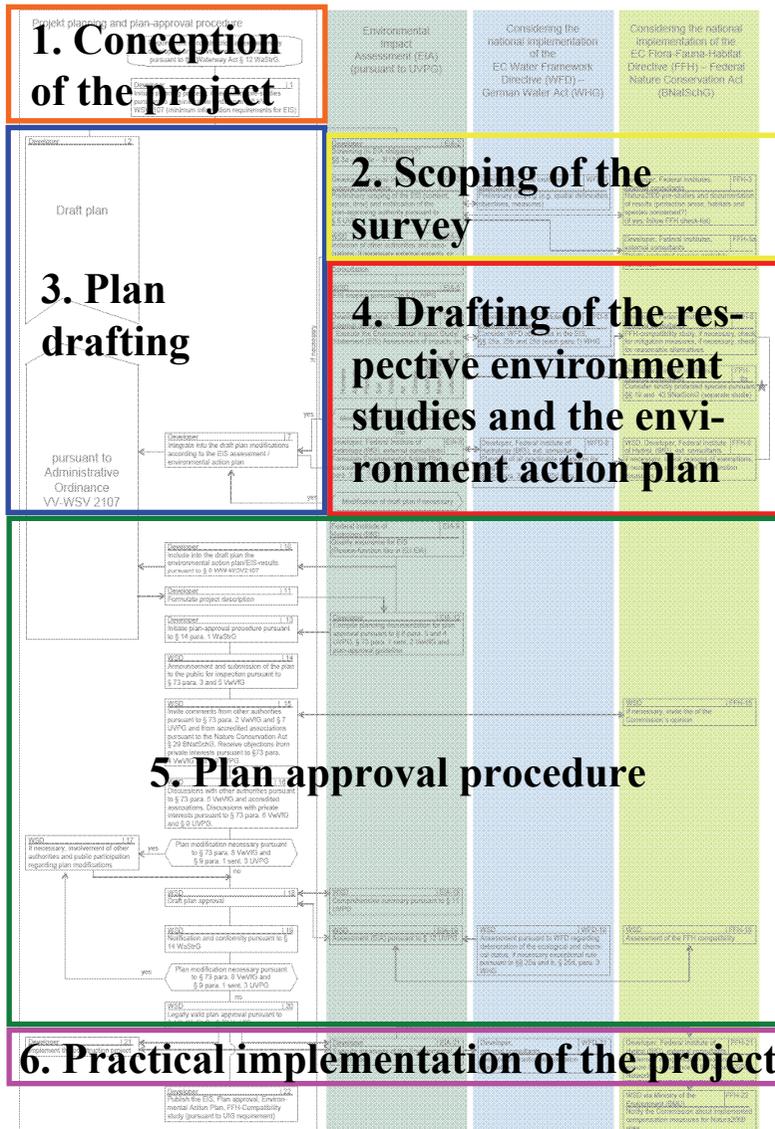
German waterway projects are processed in a special plan-approval procedure which integrates all relevant concerns (technical, environmental and administrative concerns, land uses and interests of private property) and the participation of all stakeholders

Planning and approval procedure

players/stakeholders



Planning and approval procedure



Flowchart of EIA integrating other environment-related requirements

The 6 steps of the Planning and Approval Procedure

Planning and approval procedure

1. Conception of the project

Project planning and plan-approval procedure

Environmental
Impact
Assessment (EIA)
(pursuant to UVPG)

Considering the
national implementation
of the
EC Water Framework
Directive (WFD) –
German Water Act (WHG)

Considering the national
implementation of the
EC Flora-Fauna-Habitat
Directive (FFH) – Federal
Nature Conservation Act
(BNatSchG)

What will I build?

Why is it necessary?

Are there different solutions thinkable?

The preliminary draft has to be so detailed
that effects on the environment can be detected
as exhaustive as possible in the next step!

2. Scoping of the survey

Project planning and plan-approval procedure

Environmental
Impact
Assessment (EIA)
(pursuant to UVPG)

Considering the
national implementation
of the
EC Water Framework
Directive (WFD) –
German Water Act
(WHG)

Considering the
national implementation
of the
EC Flora-Fauna-Habitat
Directive (FFH) –
Federal Nature
Conservation Act
(BNatSchG)

What are the effects of the project?

Which protected assets, areas and water bodies
are affected?

What is the spatial dimension of the
respective effects?

The scoping process includes a conference,
where all players should be involved!

Planning and approval procedure

3. Plan drafting

Project planning and plan-approval procedure

Environmental
Impact
Assessment (EIA)
(pursuant to UVPG)

Considering the
national implementation
of the
EC Water Framework
Directive (WFD) –
German Water Act (WHG)

Considering the national
implementation of the
EC Flora-Fauna-Habitat
Directive (FFH) – Federal
Nature Conservation Act
(BNatSchG)

Design of an adequate technical solution
considering the environmental requirements
provided by the respective environment
studies!

Planning and approval procedure

4. Drafting of the respective environment studies and the environment action plan

Project planning and plan-approval procedure	Environmental Impact Assessment (EIA) (pursuant to UVPG)	Considering the national implementation of the EC Water Framework Directive (WFD) German Water Act (WVG)	Considering the national implementation of the EC Flora-Fauna-Habitat Directive (FFH) – Federal Nature Conservation Act (BNatSchG)
<p>How are protected assets, areas and water bodies affected in detail?</p> <p>The environment-related objectives, are they significantly affected or not?</p> <p>How to avoid, to reduce and to remedy impacts?</p> <p>If prevention is not possible: are there any alternatives to be considered?</p>			

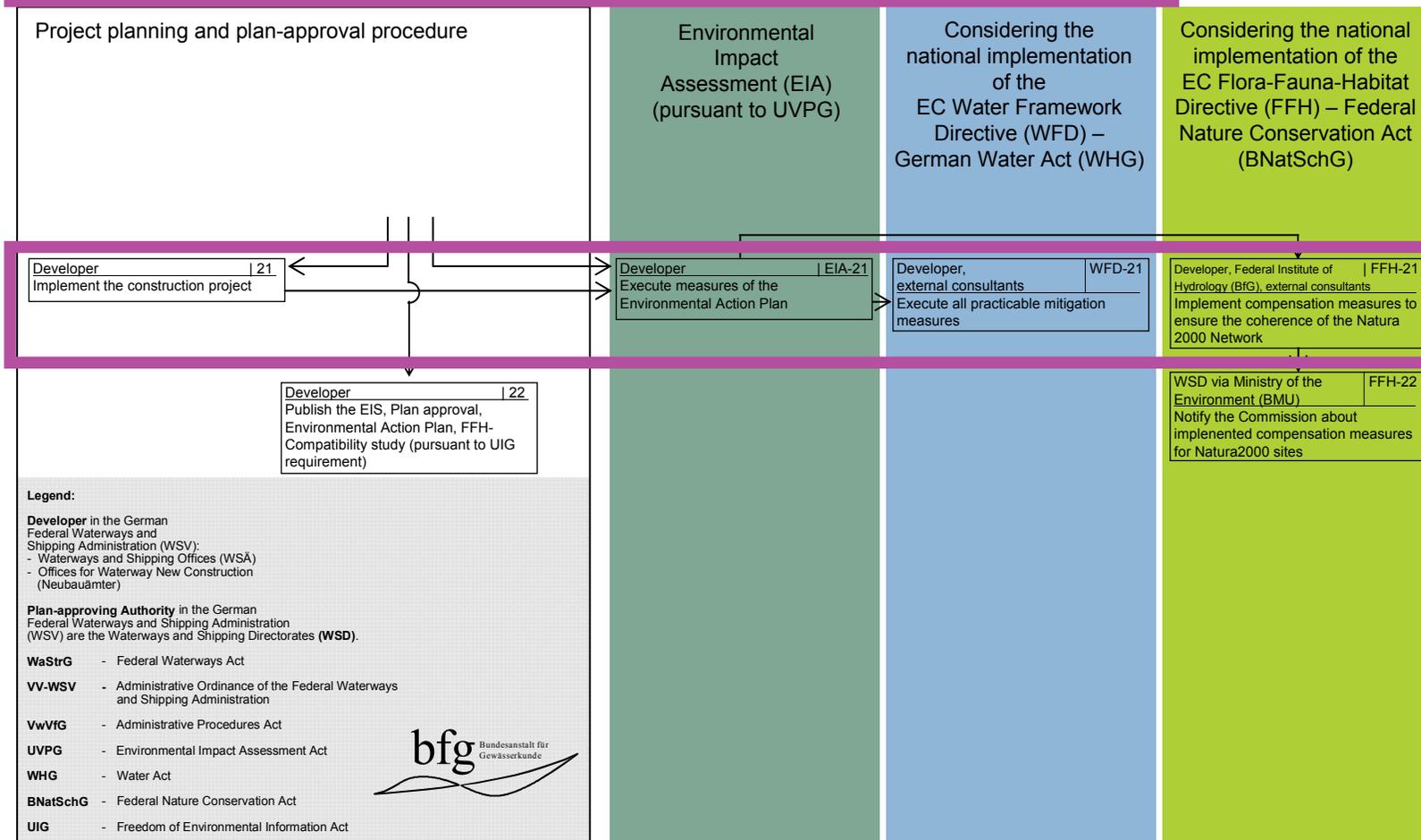
Planning and approval procedure

5. Plan approval procedure

Project planning and plan-approval procedure	Environmental Impact Assessment (EIA) (pursuant to UVPG)	Considering the national implementation of the EC Water Framework Directive (WFD) – German Water Act (WHG)	Considering the national implementation of the EC Flora-Fauna-Habitat Directive (FFH) – Federal Nature Conservation Act (BNatSchG)
<ul style="list-style-type: none">> Announcement of the plan and submission to the public for inspection> Invite comments from other authorities concerned and from accredited associations pursuant to the Nature Conservation Act. Receive objections from private interests that have to be considered.> Discussions with other authorities and accredited associations about their comments and with private interests about their objections.			

Planning and approval procedure

6. Practical implementation of the project

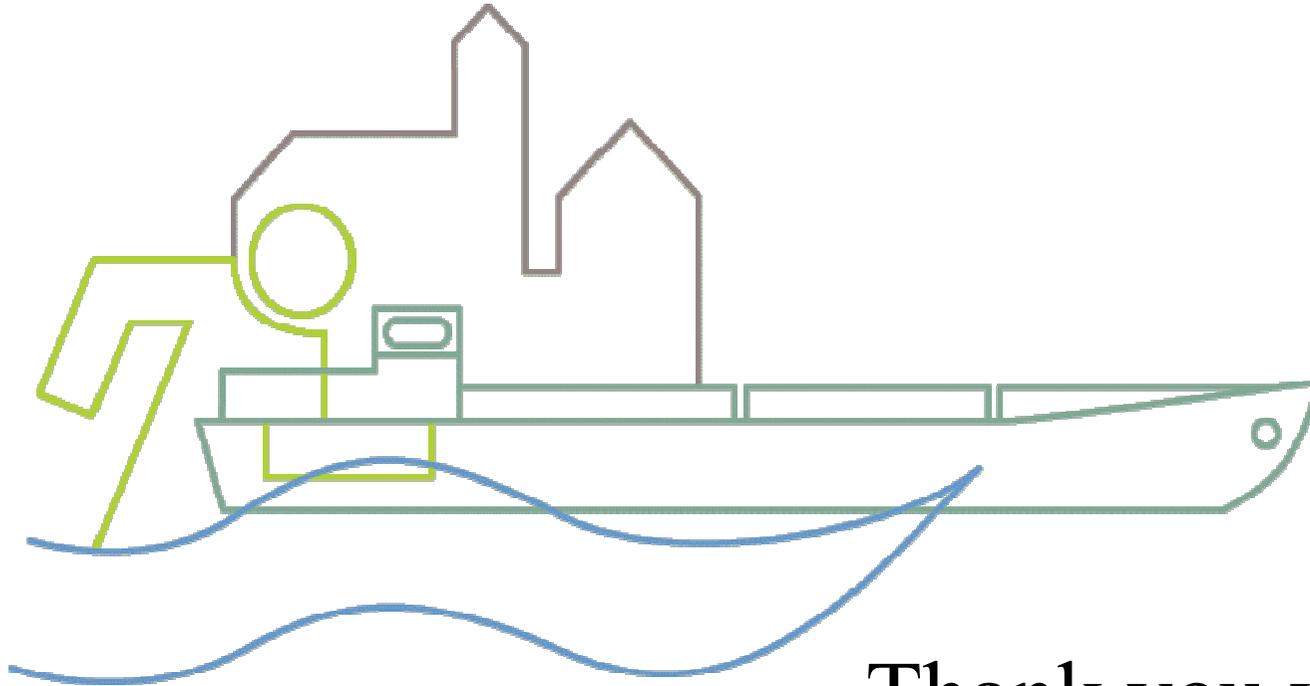


Lessons learnt for an optimal proceeding in waterway projects

1. Procedures on environmental assessment should be incorporated in the respective planning and approval procedure
2. Thoroughly scoping is essential to ensure the efficiency of the survey and helps to avoid redundant work
3. Good scoping and coordination guarantees good quality of the results and helps to avoid delay of approval

Lessons learnt for an optimal proceeding in waterway projects

4. Working together from the beginning helps to minimize impacts on the ecosystem.
5. Participation helps to minimize conflicts.
6. In practical work project-type specific guidance (instead of general guidance) is urgently required.
7. Participation of users in the formulation of guidelines improves the acceptance and facilitates the implementation.



Thank you very much
for your attention

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