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Legal obligations & guidance

- **Water Framework Directive - Article 4.7**
- **Habitats Directive – Article 6**
- **EU WFD guidance**
- **EU Nature guidelines**
- **Conclusions**



Water Framework Directive - 1

Overall aim:

- Achievement of good status and no deterioration of status
- For heavily modified water bodies adjusted objective (GEP)
 - If good status won't be reached without affecting the water use (e.g. navigation)
 - If no better alternative is available for the water use (e.g. navigation)
- Only HMWB designation if there is strong proof that water body is not in good status



Water Framework Directive - 2

- **Article 4.7 allows for deterioration under strict conditions:**
 - **No better environmental options**
 - **Project is of overriding public interest/outweighing water protection benefits**
 - **All mitigation measures are taken**
 - **Project and reasons are reported in RBM Plan**
 - **Other water bodies are not impacted/other objectives not impaired**



Water Framework Directive - 3

- **Article 4.7 – what do we expect:**
 - **Assessment of project on all biological quality elements**
 - **Use monitoring data Article 7 and expert judgement**
 - **Assess alternatives and describe whether there are no better environmental options (e.g. type of measure, location of measure)**
 - **Describe overriding public interest/comparison to foregone water protection benefits**
 - **Describe assessment of mitigation measures**
- > Article 4.7 assessment in early stage**



Art. 6.3/4 Habitats Directive simplified

Possible negative impact on Natura 2000 site? → yes

Nature impact assessment → If negative

Alternatives? → If no

Overriding public interest? → If yes

Compensation measures - Commission opinion (if
priority interest)



Problems Habitats 6.3

- **No or inappropriate impact assessments**
- **Negative results of assessments not respected**
- **No/insufficient alternatives considered**
- **No or inadequate mitigation / compensation measures**
- **No designation or proposal of a qualifying site: provisions apply nevertheless (for SPAs even stricter rules!)**



EU Water Directors – WFD guidance -1

- Better internalisation of environmental costs and benefits
- Planning and programming level: better coordination between different sectoral plans by:
 - SEA-directive
 - early development of common visions
 - involving all authorities and stakeholders
- Project level: better coordination between WFD and EIA
- At all levels: enhancing dialogues between competent authorities, stakeholders and experts



EU Water Directors – WFD guidance 2

Navigation and ports:

-Port development: link with Birds- and Habitats Directives

River basin management plans

- Organise and check the consistency of the measures at the appropriate scale (basin / sub-basin rather than a collection of measures targeted at individual issues)
- Suggestions for supplementary measures: application of the “no net loss principle”, introduction of sedimentary transport management approach, identification of obsolete infrastructures



EU Water Directors – WFD guidance 3

Good examples exist!

Restoration measures

See Case study paper 2006 on Circa:

http://circa.europa.eu/Public/irc/env/wfd/library?l=/framework_directive/thematic_documents/hydromorphology&vm=detailed&sb=Title

For new developments as well



Good example - 1

Reconnection of floodplains/oxbows in the Rhine RBD – the Netherlands

Aim: reduce hydromorphological pressures (bank reinforcement for navigation and floodplain aggregation)



Good example - 2

Controlling water levels in river-training projects to preserve floodplain habitats (which were cut off) – Danube - Germany



Good example - 3

**Removal of a bank reinforcement on a slip-off slope
of the Lower Rhine - Germany**



Before



After

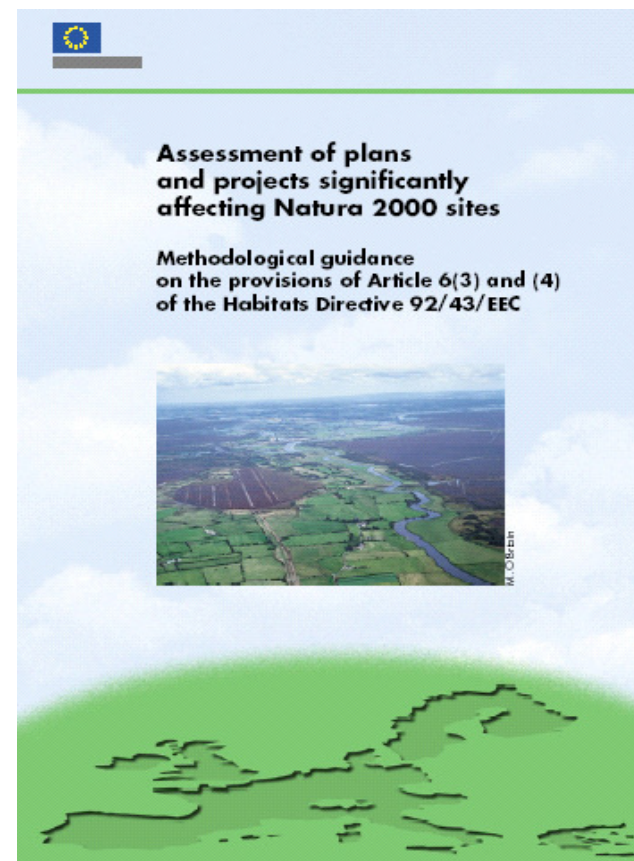
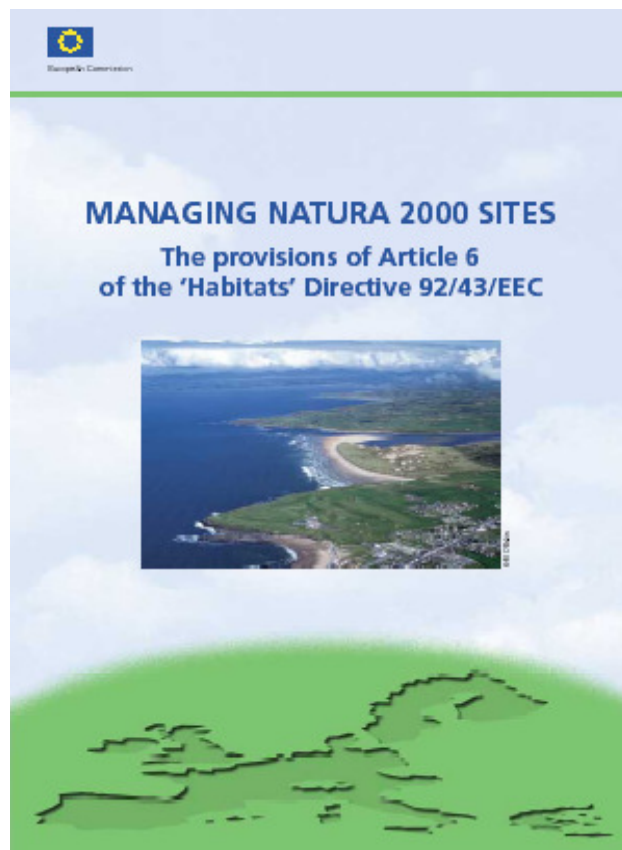


Good example - 4

Establishment of a shallow water zone protected against the impact of ship-induced waves – Moselle river - Germany



EC Guidance documents Natura2000



+ important guidance on compensation (Art. 6 (4))



Future guidelines

- European expert group on estuaries - guidelines under development, see Circa

<http://circa.europa.eu/Public/irc/env/estuary/library>

- Understand the ecosystem
 - Take climate change into account
 - Use synergies between Nature Directives and WFD
 - Benefit from public participation
- A European expert group on rivers met for the first time in February 2009 – next meeting after summer – guidance 2010



Conclusion

- There is a lot of useful material on the table
- Now integration has to be put in practice!
- When checking RBM Plans, EC will give special attention to application of WFD Article 4.7 and HWMB
- EC will further support implementation of Joint Statement

