

Key environmental requirements for Major Projects in 2014-2020 Application of Directive 2000/60/EC



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WFD objectives

Binding environmental objectives

Non-deterioration

Good ecological status/potential

WFD Timetable

Transposition into national law	Dec 2003
Analysis of characteristics, assessment of human impacts, economic analysis	Dec 2004
Monitoring programmes	Dec 2006
River basin management plans and programmes of measures	Dec 2009
Water pricing policies in place	Dec 2010
Measures operational at the latest	Dec 2012
Updated river basin management plans and programmes of measures	Dec 2015 (every 6 years)
Reporting in WISE	Mar 2016

**New hydromorphological
modifications**

**or new sustainable human
development activities**

**Deterioration of
ecological status**

or

**non-achievement of WFD
objectives**

WFD binding objectives for projects Article 4(7) exemption

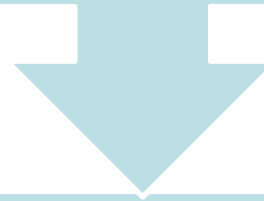
**Permitting authorities
bound to follow the
conditions of Article
4(7) when
considering whether
to grant permits for
concrete projects**

**National legal
frameworks should
allow for effective
application of this
exemption**

Article 4(7)

- New modifications preventing the achievement of good ecological status and/or leading to deterioration are allowed under the following conditions:
 - a) All practicable mitigation measures are taken
 - b) The project and the reasons for it are reported in River Basin Management Plans and hence subject to public consultation
 - c) The benefits of the development outweigh the benefits of achieving the WFD objectives / the development is of overriding public interest
 - d) There are no significant better environmental options

Assessment of the impact of the project on water body status



If Article 4(7) is deemed applicable:
ALL conditions should be met for the permit to be granted

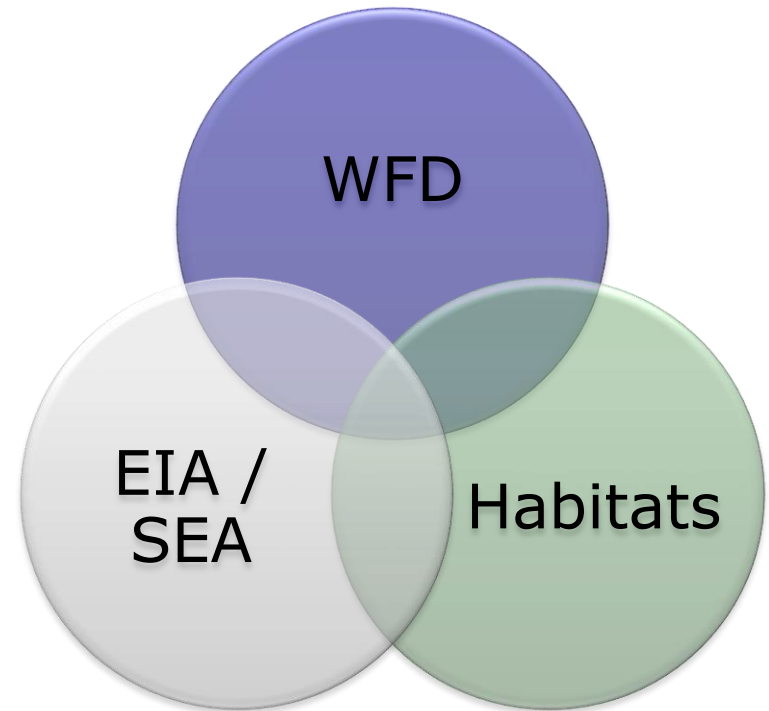
The reasons for those modifications are specifically set out and explained in the RBMP and objectives reviewed every six years

Public consultation

RBMPs should include information on:

- projects approved in the previous cycle
- projects not subject to Article 4(7)

- Completing an EIA does not guarantee the fulfilment of the WFD obligations, a specific assessment needs to be carried out
- Potential procedural synergies with EIA/SEA and Habitats Directive are significant and MS are encouraged to exploit them at national level (e.g. data collection, consultation processes)



Section F.5. Directive 2000/60/EC

- *Fulfilment of ex-ante conditionality (F.5.1)*
- *Assessment of compliance with Article 4(7) of the Water Framework Directive (F.5.2)*
- *How the project contributes to the objectives set in the River Basin Management Plan (F.5.3)*

Ex-ante conditionality – F.5.1

F.5.1. In case of non-fulfilment of the corresponding ex-ante conditionality, as per Article 19 of Regulation (EU) No 1303/2013, demonstrate link to the agreed action plan

- In sectors supported by the ERDF and the Cohesion Fund, a Member State has ensured a contribution of the different water uses to the recovery of the costs of water services by sector consistent with the first indent of Article 9(1) of Directive 2000/60/EC...
- The adoption of a river basin management plan for the river basin district with a justified concentration of investments consistent with Article 13 of Directive 2000/60/EC

Assessment of Article 4(7) WFD – F.5.2

F.5.2. Does the project involve a new modification to the physical characteristics of a surface water body or alterations to the level of bodies of groundwater which deteriorate the status of a water body or cause failure to achieve good water status/ potential?

- Assessment of the impact of the project on the status of the water body: deterioration or non-achievement of WFD objectives?
- Analysis at quality element level
- Permanent impact
- Consider cumulative impacts

F.5.2.1 - If the reply is 'Yes', please provide the assessment of the impacts on the water body and a detailed explanation of how all the conditions under Article 4.7 of the Water Framework Directive were/are to be fulfilled.

ALL conditions of Article 4(7) should be met:

- Overriding public interest / benefits of the project vs. benefits of achieving WFD objective
- Absence of better environmental option
- Mitigation measures
- Include justification of the project in the RBMP

F.5.2.1 - Indicate also whether the project results from a national/regional strategy in relation to the relevant sector and/ or from a river basin management plan, which takes into account all relevant factors (e.g. a better environmental option, cumulative effects, etc.)? If so, please provide full details.

- Relevant national plans and strategies for development of specific sectors
- Framework for strategic planning

Indicate the relevant section in the RBMP, and background documents with the assessment of compliance with all conditions laid down in the Article 4(7).

F.5.2.2 - If the reply is 'No', please attach a completed Appendix 2 declaration filled in by the competent authority. For a non-infrastructure major project (e.g. purchase of equipment), this should be duly explained below and, in that case, it is not obligatory to attach such a declaration.

The 'water declaration' should be filled in by the competent authorities and, if not the same authority, should be coordinated with the water authorities responsible for water management and RBMPs.

Appendix 2

DECLARATION BY COMPETENT AUTHORITY RESPONSIBLE FOR WATER MANAGEMENT

Responsible Authority.....

Having examined the project application.....

For the project to be located at.....

Declares that the project does not deteriorate the status of the water body or cause failure to achieve good water status/ potential on the following grounds:

Date (dd/mm/yyyy):.....

Signed:.....

Name:.....

Position:.....

Organisation:.....

(Competent Authority identified in accordance with Article 3(2) of the Water Framework Directive)

Official Seal:

The assessment concerned the possible impact of dredging and disposal of sediments at sea. The analysis covered the uniform water bodies involved, in particular the coastal water body A (Southeast open stony coast) and the [REDACTED] (very shallow brownish water lake with low water hardness, and the status of heavily modified water body due to port activities).

The potential impacts of dredging works and deposition of dredged material at sea were assessed as follows:

- during the dredging works and deposition of dredged material at sea impact on fish resources:
 - the expected changes of the transparency will be local and only during the dredging works, in water body A. The loss to fish resources caused by the turbidity during the dredging works will be local and in accordance with [REDACTED] legislation be assessed and compensated. The compensation of losses to fish resources is assessed as economically feasible solution in comparison to the short term impact to ecological parameters in water body A. The preconditions of the project implementation issued by the responsible authority regarding the compensation of fish resources are followed and project foresees all necessary activities, including monitoring.
 - no permanent or long lasting changes or influences to ecological status of water body A and water body [REDACTED] are foreseen.
- during the dredging works in [REDACTED] there might be some minor changes in the water flow /quantity and dynamics of the flow:
 - the expected changes of the water flow /quantity and dynamics of the flow will be minor and only during the dredging works, no permanent or long lasting changes or influences are foreseen. The water flow /quantity and dynamics of the flow will not affect the ecological status of the coastal water body A and water body [REDACTED]. The technical preconditions of the project issued by the responsible body – [REDACTED] do not foresee this as threat to the ecological status of the affected water bodies.
- the quality of dredged sediments might have an impact to the water body A
 - in order to control the quality of sediments that might have impact on the coastal water body A monitoring is performed at the sea disposal site. There is already ongoing monitoring in reference station and at the sea disposal site in order to follow the quality of disposed sediments. The monitoring program is approved by the [REDACTED].

Contribution to WFD objectives – F.5.3

F.5.3. Please explain how the project fits with the River Basin Management Plan's objectives which have been established for the relevant water bodies.

The inclusion of all relevant projects in the RBMP allows for appropriate water planning at the river basin level. This will in turn ensure that legitimate uses of water contribute to the achievement of the objectives set under the RBMPs.

Main references

Water Framework Directive

CIS Guidance number 20 on Exemptions

Policy paper on recommendations for better policy integration with focus on hydropower, navigation and flood protection

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