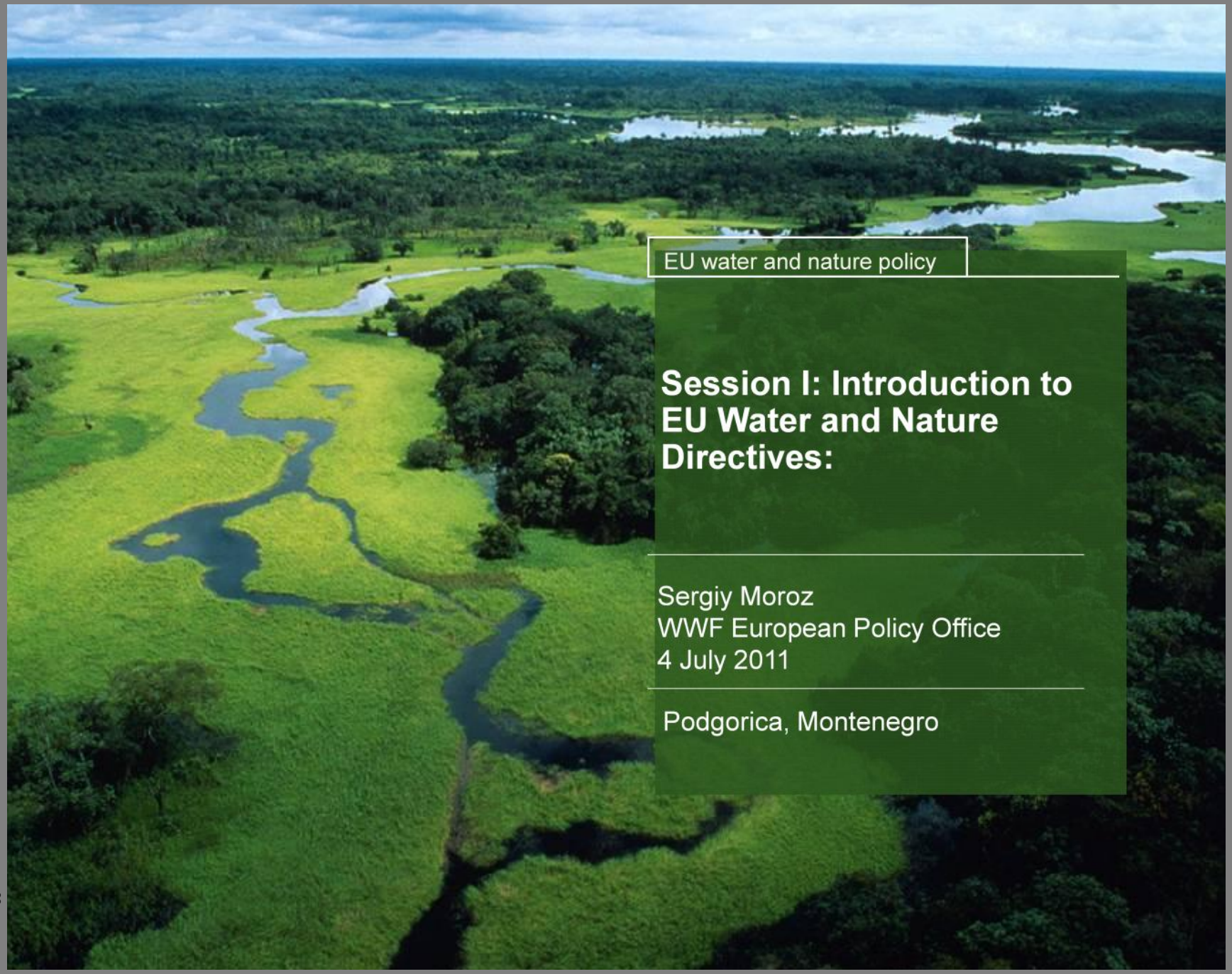


EU water and nature policy

Session I: Introduction to EU Water and Nature Directives:

Sergiy Moroz
WWF European Policy Office
4 July 2011

Podgorica, Montenegro

Contents

– Freshwater ecosystems under pressure

– Overview of the EU Birds and Habitats Directives and current state of play

– Overview of the Water Framework Directive and current state of play

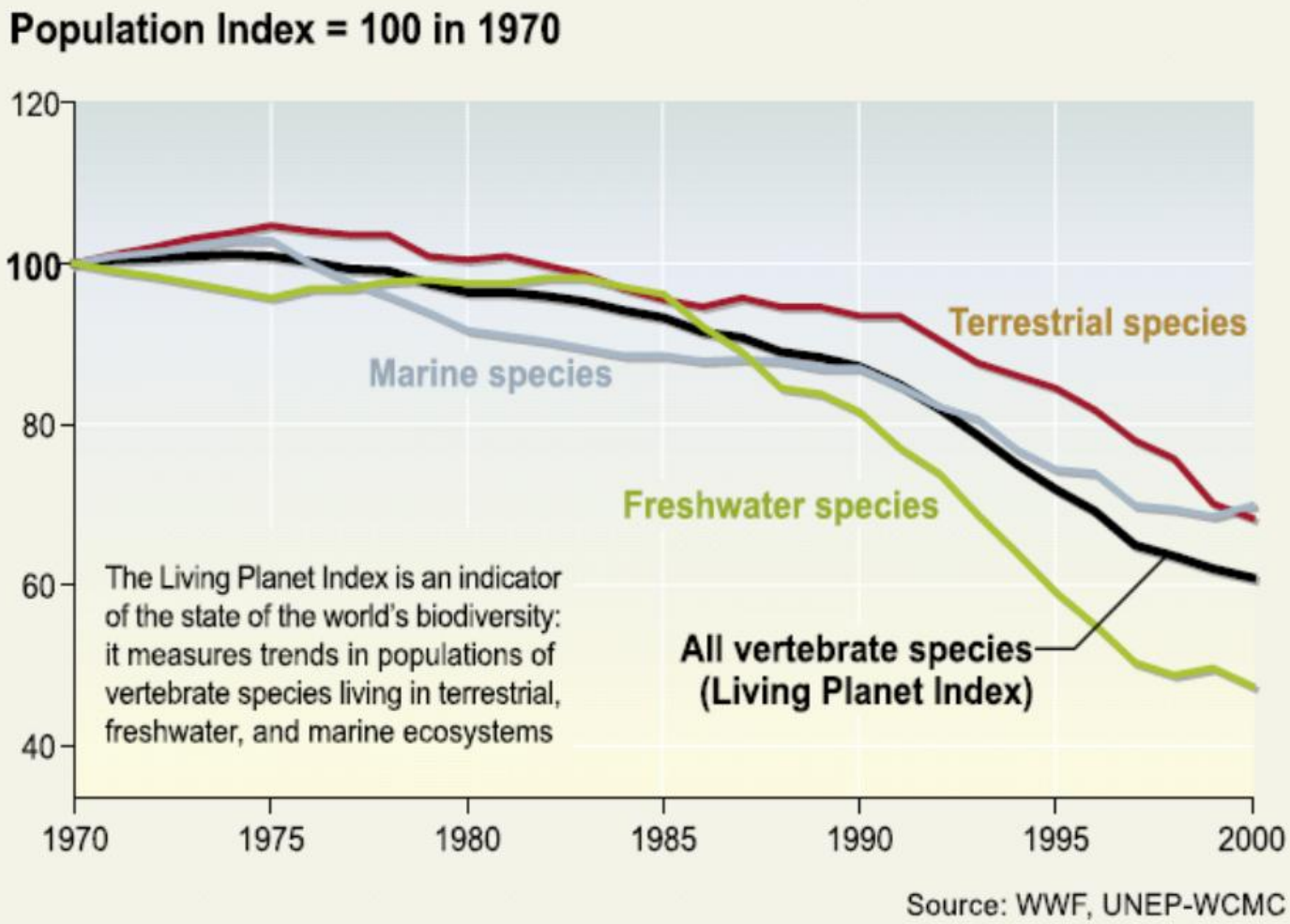
– General conclusions on the similarities and differences of the 2 policies

Freshwater ecosystems under pressure

Freshwater ecosystems …

- Cover only 0.8% of the Earth's surface
- Support the livelihood of billions of people in both developed and developing countries
- Account for more than 10% of all animal species (about 126,000)
- Represent more than 35% of all vertebrate species (about 20,000)

… most threatened



European vertebrate species extinct since 1700

Terrestrial

Prolagus sardus about 1800
Haematopus meadewaldoi about 1940

Freshwater (12 spp)

Romanogobio antipai
Alburnus danubicus
Gasterosteus crenobiontus
Coregonus oxyrinchus
Coregonus bezola
Coregonus fera
Coregonus hiemalis
Coregonus restrictus
Coregonus gutturosus
Salmo schiefermuelleri
Salvelinus neocomensis
Salvelinus profundus
..... more

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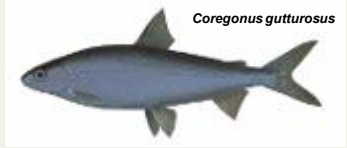

© J. Freyhof

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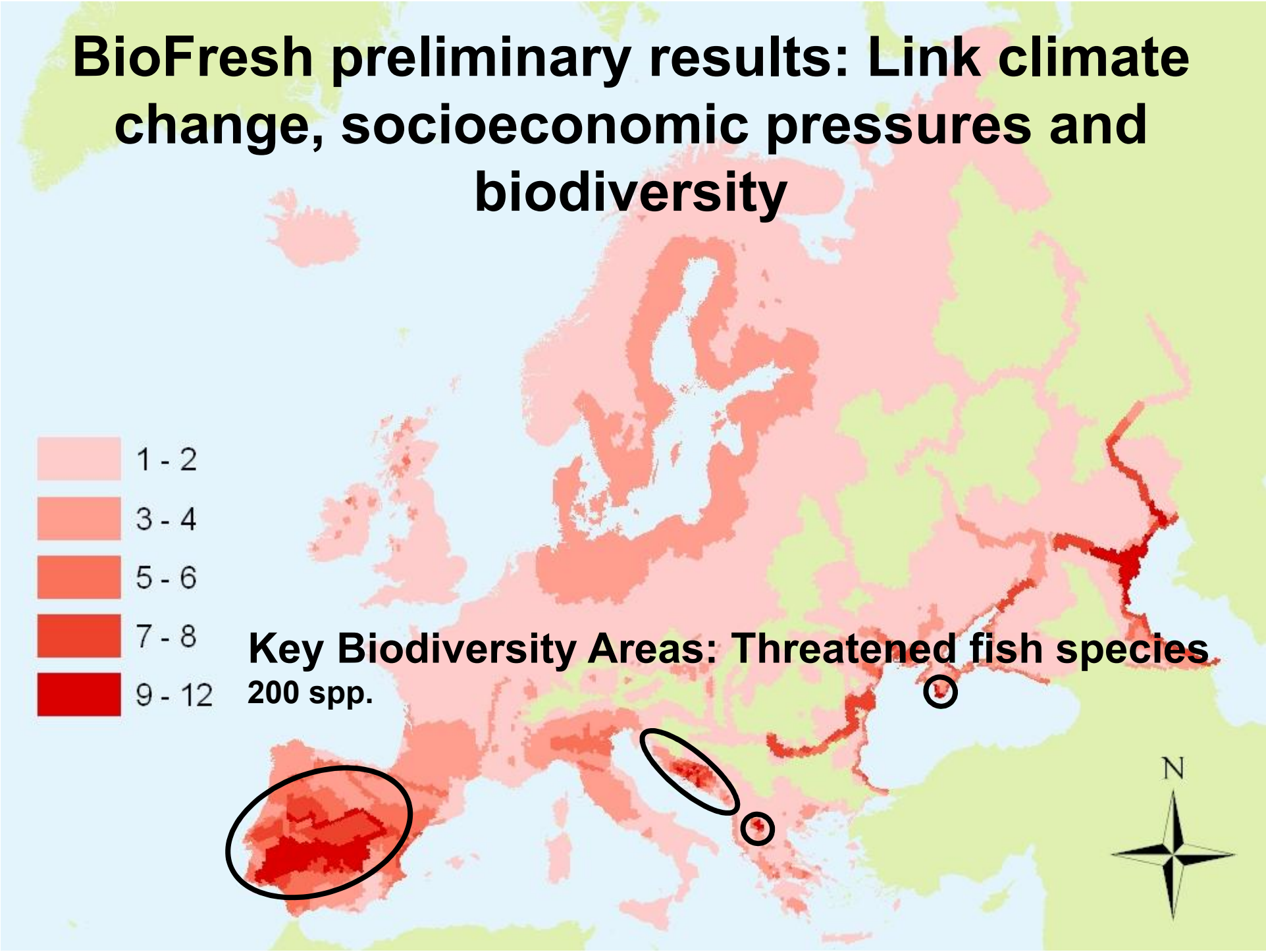
Marine: ***Pinguinus impennis***

BioFresh preliminary results: Link climate change, socioeconomic pressures and biodiversity



Overview EU Birds and Habitats Directives

Biodiversity & the EU

- Halting the loss of Europe's biodiversity is on the agenda, failure to do so is recognised

- Environmental legislation and Natura 2000 are key tools for halting biodiversity loss in the EU.

- New 2050 vision and 2020 targets adopted but specific actions still to be worked on.

Long-term vision by 2050:

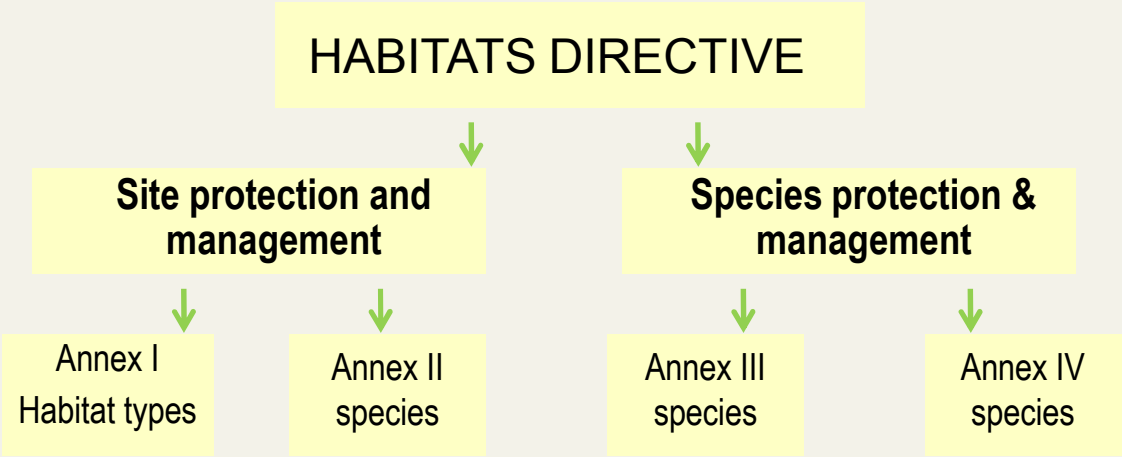
Biodiversity in the European Union and the ecosystem services it provides are protected, valued and appropriately restored…

2020 Headline target:

“Halting the loss of biodiversity and the degradation of ecosystem services in the EU by 2020, and restoring them in so far as feasible, while stepping up the EU contribution to averting global biodiversity loss “

The Habitats Directive (92/43/EEC)

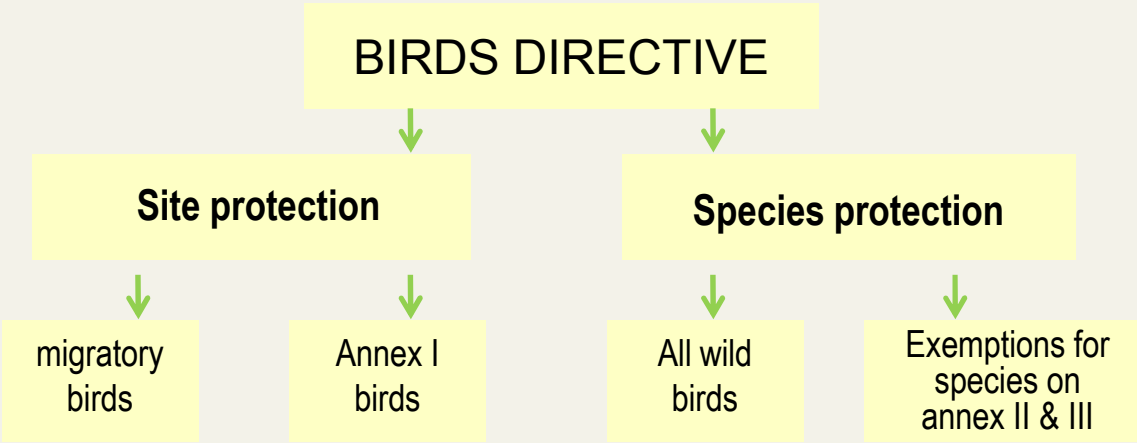
- **Protects** 1000+ threatened plants and animals and ca 230 habitat types
- **Overall objective is** to ensure that these species and habitat types are maintained at, or restored to, a *'favourable conservation status'.*



The Birds Directive (79/409/EEC)

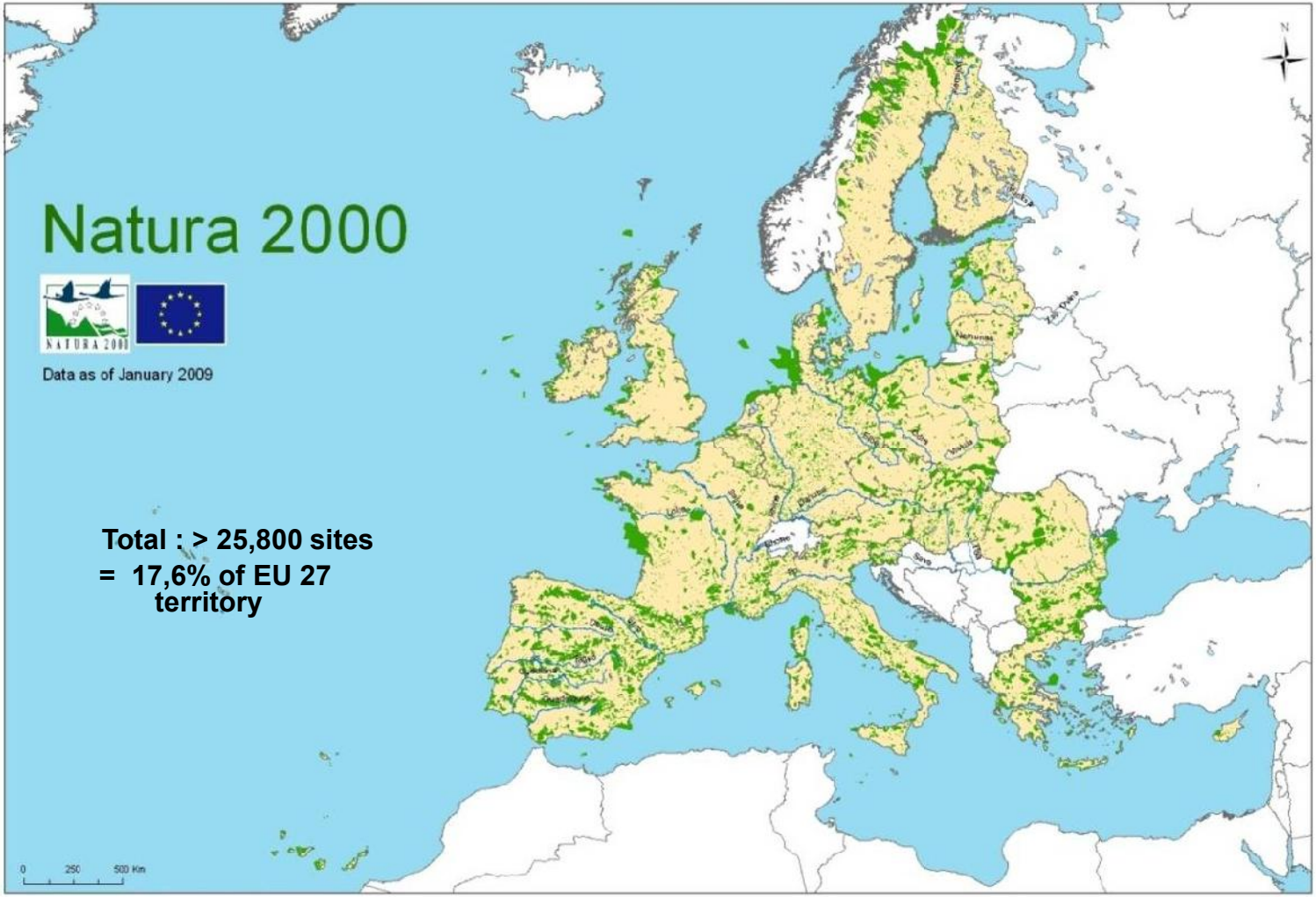
- **Protects all** species of naturally occurring **birds** in the wild state in the EU

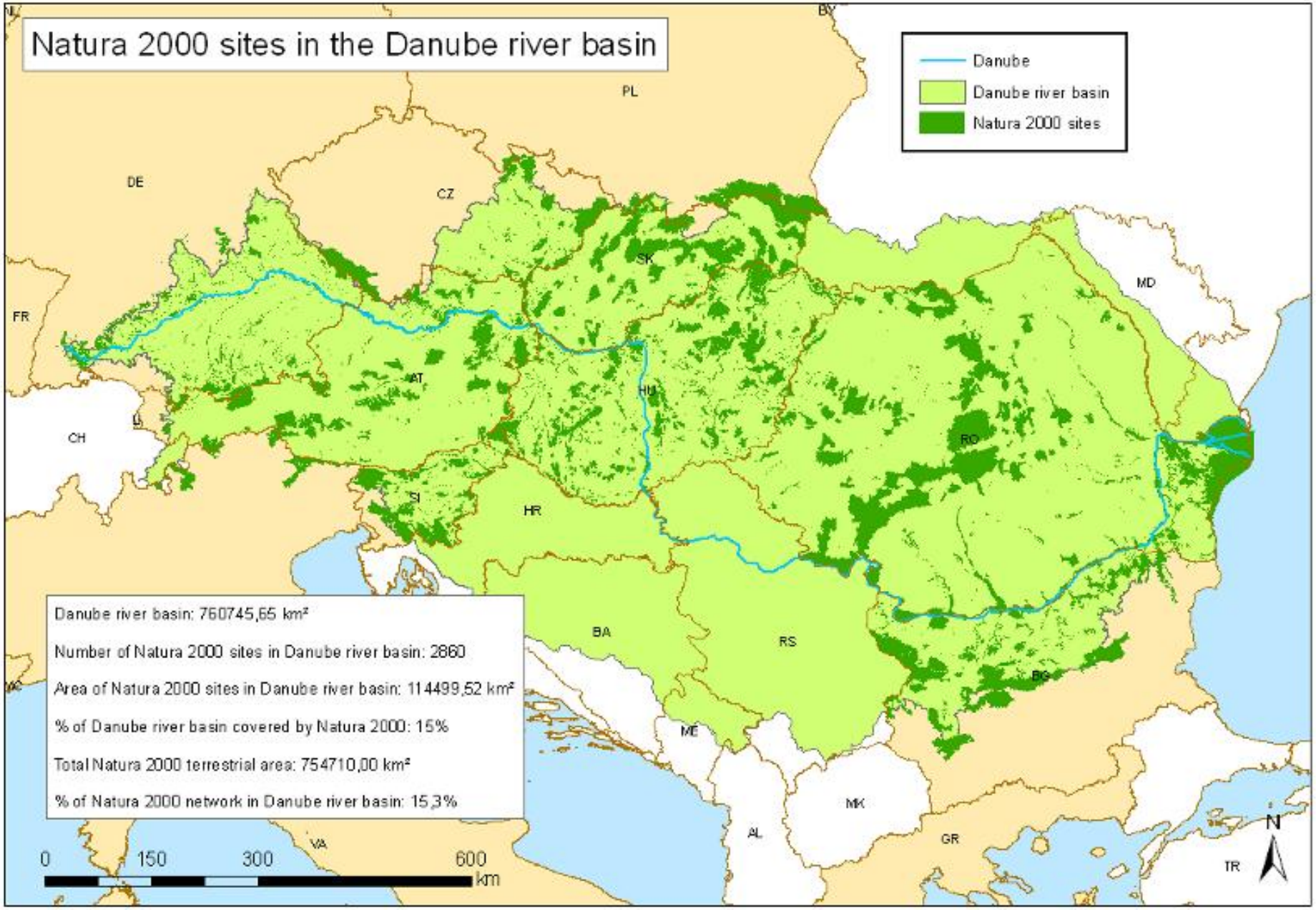
- **Overall objective is** to maintain the populations of all wild bird species in the EU at a level which *corresponds to their ecological, scientific and cultural requirements, or to adapt the population of these species to that level.*



The Natura 2000 Network

The largest co-ordinated network of conservation areas in the world




Natura 2000 sites in the Danube river basin
Danube
Danube river basin
Natura 2000 sites
Danube river basin: 760745,65 km²
Number of Natura 2000 sites in Danube river basin: 2860
Area of Natura 2000 sites in Danube river basin: 114499,52 km²
% of Danube river basin covered by Natura 2000: 15%
Total Natura 2000 terrestrial area: 754710,00 km²
% of Natura 2000 network in Danube river basin: 15,3%
0
150
300
600
km
N
PL
DE
CZ
SK
MD
FR
AT
HU
CH
LI
RO
SI
HR
BA
RS
BG
ME
MK
AL
GR
TR
VA

Natura 2000 = Conservation = Sustainable development

- Measures are designed to maintain or restore, at **favourable conservation status** natural habitats and species of wild fauna and flora of Community interest.

- “This Directive makes a contribution to the general objective of sustainable development”

- “Measures taken pursuant to this Directive shall take account of economic, social and cultural requirements and regional and local characteristics”

Management of Natura 2000

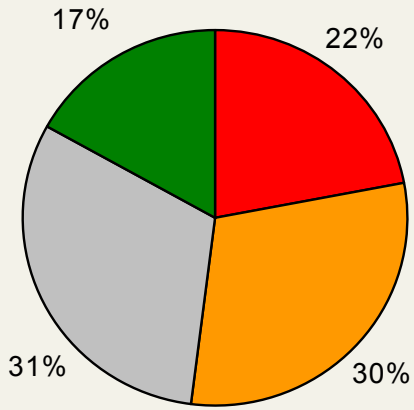
- Designation of SCIs as SACs at the national level
- Setting Conservation objectives and measures (e.g. management plans)
- Adopting legal, statutory or contractual arrangements
- Engaging stakeholders
- Natura 2000 management expert group

The job is far from done!

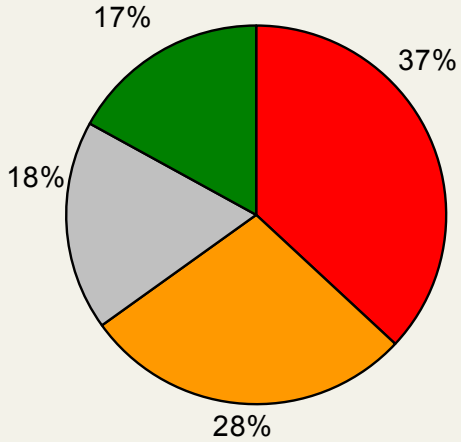
- EU composite report or 'Health Check' of the conservation status of habitats and species, June 09

Key findings:

- *Only 17% deemed to be in favourable conservation status*
- *Grasslands, wetlands & coastal habitats most under pressure*
- *Habitats associated with agriculture show worse conservation status*
- *Positive development of many target species*
- *Need second report for trends analysis*



Habitats Assessments



Species Assessments

A Challenging Context

- Natura 2000 network still not completed, in particular in marine
- In several MS, poor protection of the sites,
- Values of Natura 2000 still poorly understood and communicated
- Poor integration in wider countryside and other EU policies
- Insufficient administrative and financial resources
- Pressures for simplification of EU environmental legislation
- Climate Change

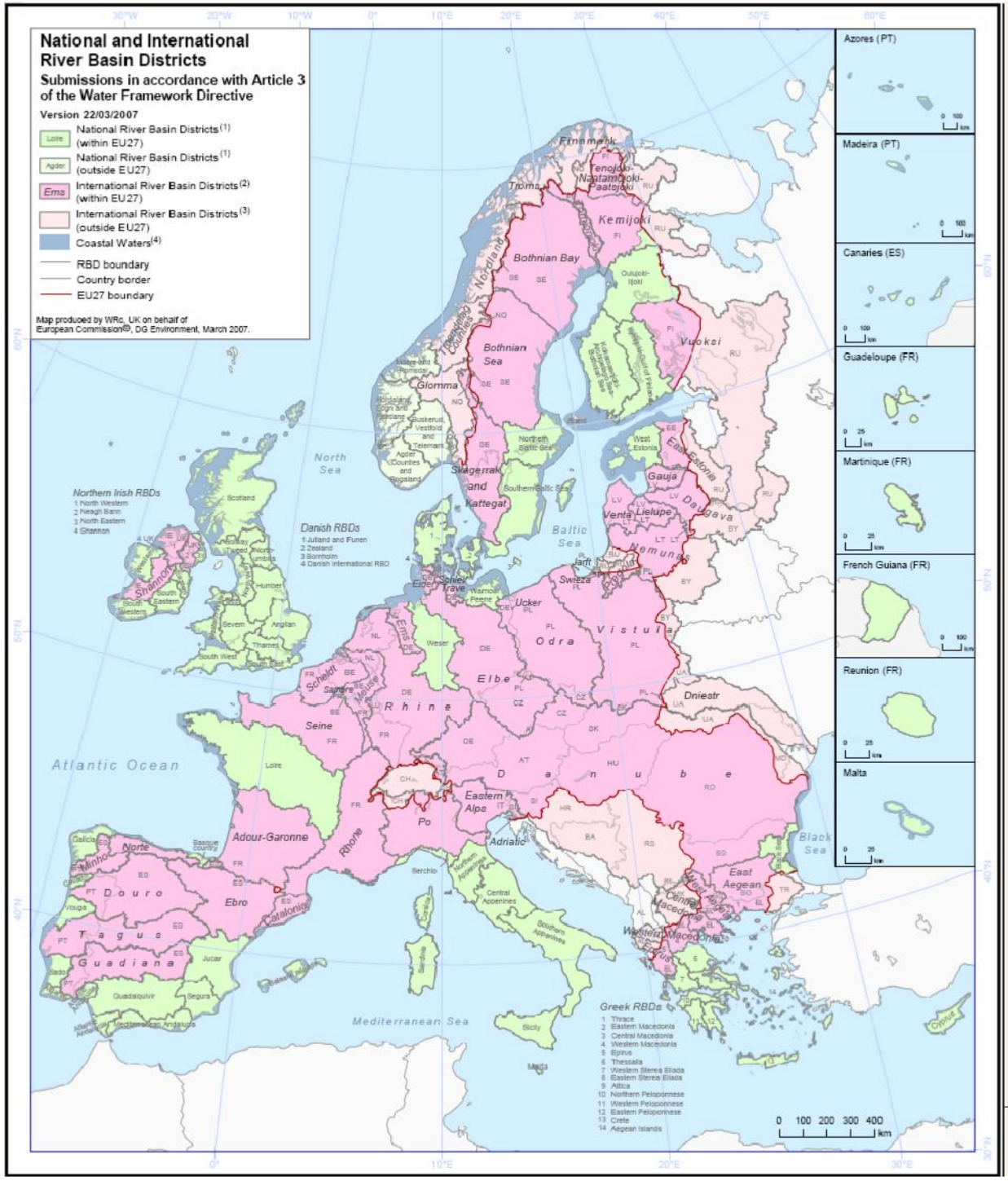
Next steps

- Finalising the establishment of the NATURA 2000 network
- Ensuring effective protection of NATURA 2000 sites;
- Establishment of positive management measures for Natura 2000;
- Financing of NATURA 2000;
- Promoting public understanding & acceptance

Overview EU Water Framework Directive

Water Framework Directive
- the backbone of EU Water Policy

- Introducing the river basin approach
- Protecting all water bodies, including transitional waters and coastal waters
- Covering all impacts on waters
- Achievement of good status in all water bodies and no deterioration of status



River basin districts

- diversity of river basins
- many transboundary rivers


CLOUDS & WATER VAPOR
RADIATIVE EXCHANGE
TRANSPORT
PRECIPITATION
EVAPOTRANSPIRATION
EVAPORATION
OCEAN
RIVER DISCHARGE

What is WFD all about…

GES,

Better Environmental Option

ARTICLE 4.7,

Significant Adverse Affect

GEP,

Disproportionate Cost,

HMWB,

Technical Infeasibility,

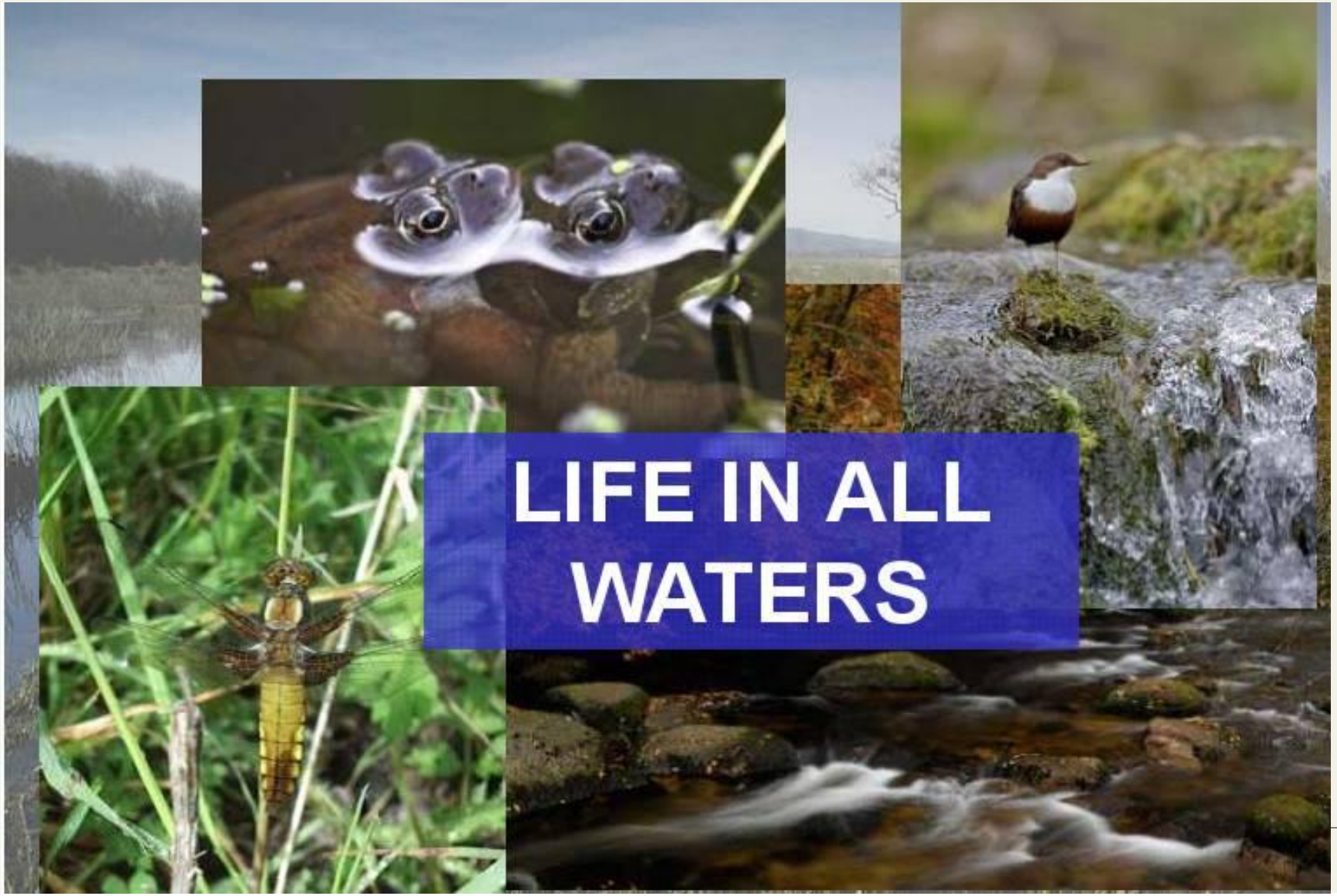
Less Stringent Objective

AWB,

Quality Elements

POMS

What it is actually about is



WFD - Main objectives and elements

- **Good status in 2015**
  - Ecological status
  - Chemical status
  - Quantitative status (ground water)
  - No deterioration

- **Key elements**
  - Water quality defined in terms of biology, chemistry and morphology
  - Objectives set in river basin management plans
  - Programme of measures to achieve objectives (part of plans)
  - Attention paid to socio-economic impacts through a process of duly justified exemptions

  - **Other water-related EU legislation is contributing to these objectives**

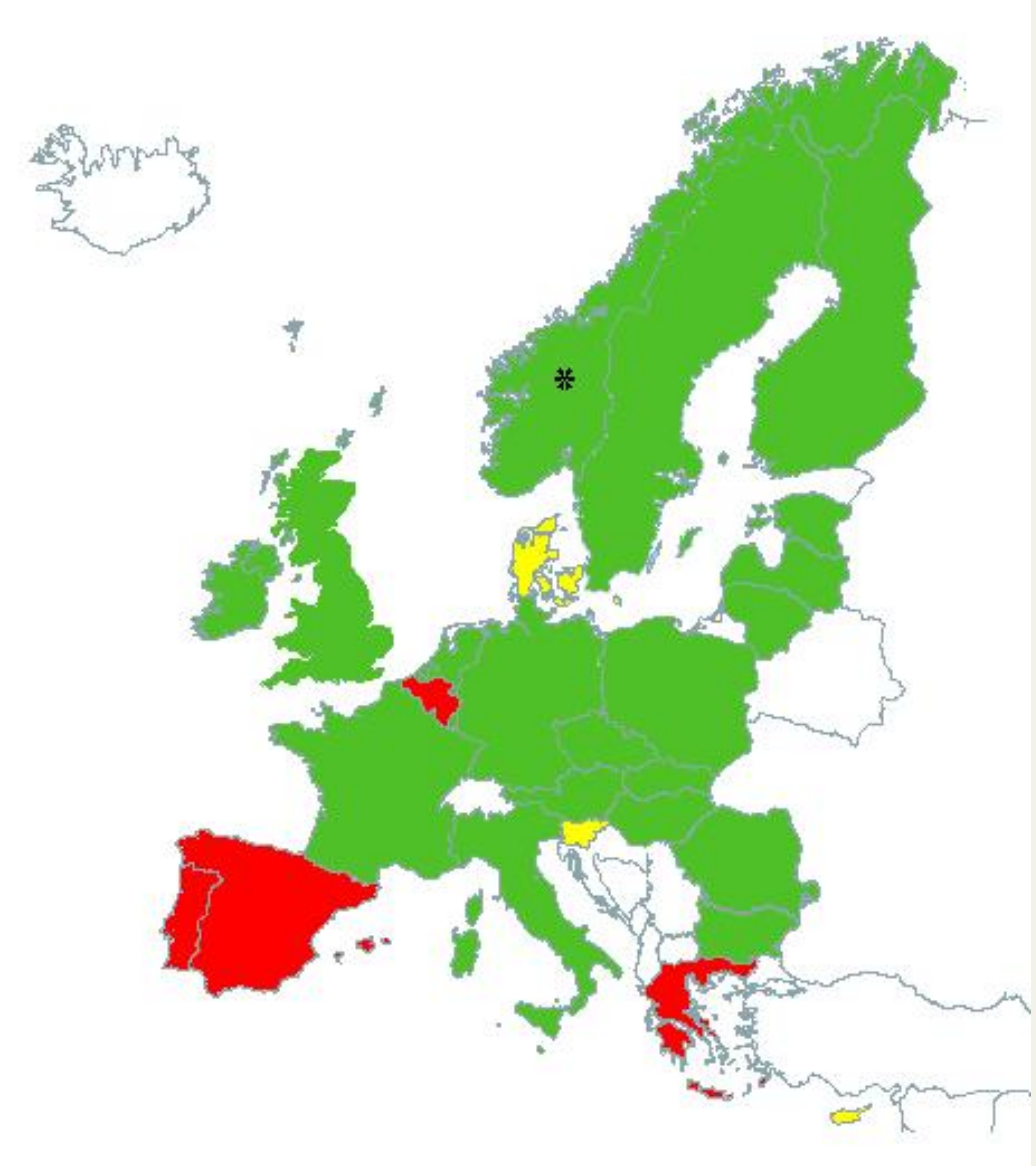
River Basin Management Plans

RBMP adopted (20)

Consultation finalised, awaiting adoption (3)

Consultation on-going or not started (4)

More then 80% of territory and population covered



Why are the plans not finalised in 10 Member States?

- Delays in the technical work
- Difficulties in getting the new river basin authorities operational
- Difficulties to agree measures regarding specific sectors
- Political conflict between regions and/or the central government
- Lack of political priority

Key issues for implementation and risks

- A solid technical basis

Risk: reduced monitoring, status quo objectives for HMWB

- An effective administrative set-up

Risk: Superimposing existing structures, unworkable complexity

- International coordination that delivers

Risk: Coordination on paper

- Integration: get the right balance

Risk: RBMP developed in isolation, other priorities deemed over-riding

- Smart use of economic incentives

Risk: Narrow application, failure to target most important water users

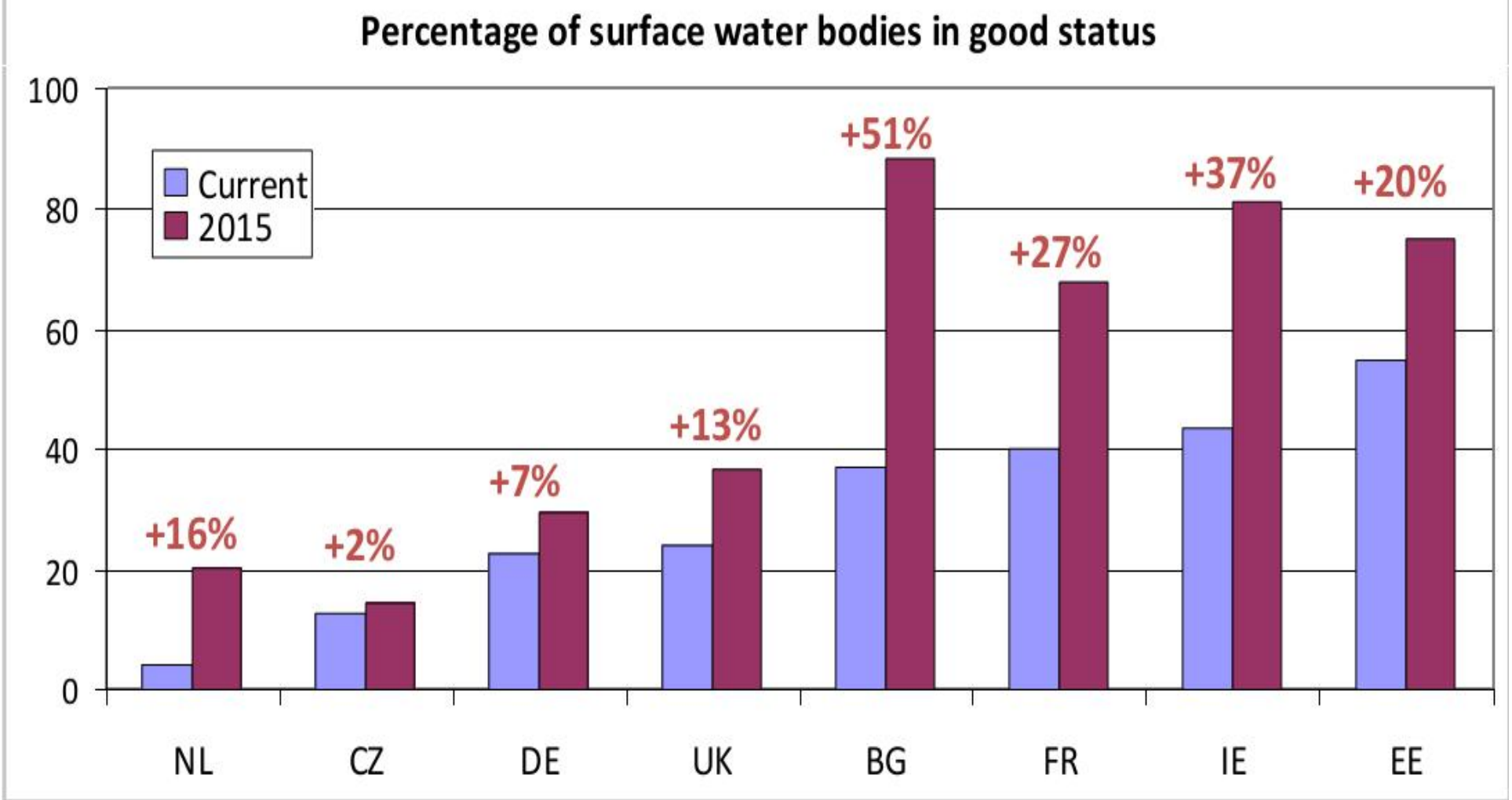
- Active public participation

Risk: We know what we are doing, bureaucratic tick box exercise

- Political support / ambition

Risk: Crisis leading to cuts / exemptions due to public budget cuts

Is this enough?



EC conference document, 2nd European Water Conference

Next steps

- Assessment of the River Basin Management Plans
- Review of EU water scarcity and drought policy
- Asessment vulnerability of water resources and ecosystem to climate change
- Fitness check of relevance, efficiency and effectiveness of EU water policy
- Blueprint to Safeguard EU's waters by end 2012 (incl new legislation)
- Financing and mainstreaming with other policies

General Conclusions: Differences and similarities of the directives

Links between WFD and the Birds and the Habitats Directive

- Purpose → Example: HD: ensuring biodiversity
- Scope → Example: HD: habitats and species of wild fauna and flora of
- Environmental objectives → Example: HD: maintain or restore at favourable conservation status
- Assessments of status
- Monitoring requirements
- Management plans → Example: HD: management measures
- Exemptions/derogations → Example: WFD: management plan, integrate protected areas, more stringent objective prevails
- Dealing with new developments
- Public participation

many communalities but also differences …

… and this has raised questions, e.g.

- How do the environmental objectives of the Water Framework Directive and the Birds and Habitats Directives relate to each other?
- What is the difference between WFD's good ecological status and the favourable conservation status under HD?
- How can river basin management plans enhance the situation of protected species and habitats?
- Can conflicts arise between the implementation of these directives?
- Can the use of exemptions under WFD negatively influence the status of species and habitats protected under HD?
- How can synergies be obtained e.g. related to monitoring and planning of measures?
- **THE TOPICS FOR TODAY AND TOMORROW PLUS TRANSLATED FREQUENTLY ASKED QUESTIONS PAPER**

EU water and nature policy

Session II: Differences and commonalities of the directives, lessons learnt from EU member-states

Sergiy Moroz
WWF European Policy Office
4 July 2011

Podgorica, Montenegro

Contents

– WFD and BHD objectives and their links
Example: IJmeer and Markermeer in the Netherlands

– Differences in scope of the directives
Example: Reconnecting oxbow lakes in Germany

– Coordinated monitoring
Example: Pan Mediterranean wetland inventory

– Coordinated planning of measures
Example: Freshwater pearl mussel in Ireland

– Conclusions from EU workshop on WFD and BHD

WFD and BHD objectives and their links

WFD and BHD objectives and their links

FAQ 2.1: Which Natura 2000 areas does the WFD address?

Art. 1 (a) WFD clearly mentions

- the protection and enhancement of the status of aquatic ecosystems, and with regard to their water needs also the protection of terrestrial ecosystems and wetlands directly depending on them.

Art. 6 WFD stipulates

- the establishment of register of protected areas *"which have been designated as requiring special protection under specific Community legislation for the protection of their surface water and groundwater or for the conservation of habitats and species directly depending on water"*
- And this *includes „areas designated for the protection of habitats and species where the maintenance or improvement of the status of water is an important factor in their protection, including Natura 2000 sites …"* (Annex IV, (v) WFD)

➔ so-called „water-dependent Natura 2000 sites"

WFD and BHD objectives and their links

FAQ 2.2: Which are the links between the objectives of WFD and BHD?

- The main objective of the **HD** is to
  - protect, maintain or restore at favourable conservation status selected species and habitats of Community importance, and to
  - ensure a coherent network of special areas of conservation (Natura 2000 sites)
- The main objectives of the **WFD** are to
  - reach good ecological status/potential and good chemical status in all surface waters, and to
  - prevent the deterioration of status.
- The objectives of WFD and BHD are therefore closely related.

➔ **Bear in mind:** The objectives of one directive cannot be undermined by the objectives of another.

WFD and BHD objectives and their links

FAQ 2.3: If there are two different objectives for a water body, which one applies?

- According to WFD Art. 4.1.(c) the WFD objective may need to be complemented by additional measures in order to ensure that conservation objectives for protected areas are achieved.
- Art. 4.2 WFD says that “where more than one of the objectives … relates to a given body of water, the most stringent shall apply”.
- This refers to situations in which two objectives affect the same matter, e.g. if a certain concentration of phosphorous is needed to achieve good ecological status (GES) and a more stringent value is needed to achieve favourable conservation status (FCS), then the latter applies.

➔ However, this may not always be easy to decide.

Example: IJmeer and Markermeer

- Nearly all area under special protection for breeding and migrating birds
- Limiting concentration of P - less food for birds (invasive zebra mussel) – lower number
- art 6.4 ('beneficial consequences of primary importance for the environment') indicates that the WFD criteria should prevail
- BHD not about increasing number of birds, sustainable population

WFD and BHD objectives and their links

FAQ 2.4: By when must the BHD and WFD objectives for water-dependent Natura 2000 sites be reached?

- Art. 4.1.(c) WFD stipulates that for protected areas “MS shall achieve compliance with any standards and objectives at the latest 15 years” of the WFD entering into force, unless specified otherwise in the source directive.
- This means that all standards and objectives of the WFD, including those water-related objectives linked to the achievement of FCS in water-dependent Natura 2000 sites, need to be implemented as a rule by 2015.
- There is no specific date mentioned in the BHD to reach the conservation objectives. The absence of a specific deadline in the HD for achieving FCS does not imply that MS need not improve the status over time. The MS must show progress in achieving FCS.

WFD and BHD objectives and their links

FAQ 2.5: Is there a possibility to phase the achievements of BHD to 2021 or 2027 as in the WFD?

- There is no specific date mentioned in BHD. Nonetheless, the conservation status of species and habitats under the HD has to be maintained and improved for the next assessment in 2013 with the aim of ensuring FCS.
- The WFD objectives need to be reached as a rule by 2015. “As a rule” means that there are certain exemptions possible. However, when applying for an extension of deadlines under WFD, due account must be taken of possible consequences for achieving the objective under the Habitats Directive.
- Art. 4.4 WFD allows extending the deadlines where the improvements cannot be achieved in time because they are technically infeasible, disproportionately expensive or not possible due to natural conditions and certain conditions are met.

Differences in the scope of BHD and WFD

Differences in the scope of WFD and BHD

FAQ 3.1: Which are the objects/management units addressed in the directives?

- The criteria for the delineation of water bodies and Natura 2000 areas are different as the purpose of the directives is also different.
- The WFD addresses all surface waters: rivers, lakes, transitional and coastal waters. These are divided into types and again divided into water bodies which serve as the basic unit for river basin management. Considering protected areas in the delineation of water bodies is considered best practice.
- The HD focuses on Natura 2000 sites (sites of Community importance) and the habitats and species it protects. A site is “a geographically defined area” and “contributes significantly to the maintenance or restoration at favourable conservation status of a natural habitat type or species”.

Differences in the scope of WFD and BHD

FAQ 3.2: What is the difference between the species/biological quality elements addressed in WFD and BHD?

- Both WFD and BHD aim to protect aquatic ecosystems but in different ways.
- **WFD** focuses on selected groups of aquatic plants and animals and these are used as indicators to determine the overall structure and functioning of the aquatic ecosystem: phytoplankton, (benthic) aquatic flora, benthic invertebrates and fish. Some not included, e.g. zooplankton, amphibians, otter, beaver.
- The **BHD** targets specific species and habitats, and sometimes ecosystems such as estuaries that require protection.
- The **HD** sets the basic requirements to assess the health of these components with features such as range, areas, population size and structure and functions of the habitats.

Differences in the scope of WFD and BHD

FAQ 3.3: What is the relationship between GES/GEP of the WFD and FCS of the Habitats Directive?

- In the **WFD** ecological status of the water body is assessed in terms of the species composition and abundance of the aquatic fauna and flora in order to assess the structure and functioning of the aquatic ecosystem (in a catchment context).
- In the **HD** the focus is on the presence of selected species and habitats. This means that the HD does not look at all species occurring in a water body, i.e. does not look at the aquatic community as a whole.
- The **WFD** does not look at presence or absence of individual species, unless their presence is essential to determine the ecological status of that water body type, e.g. because they are so characteristic for that type.
- Ecological status always refers to a water body, whereas the conservation status of HD refers to the status of a protected species or habitat in the whole of a MS' territory.

Example: Oxbow lake reconnection

- Oxbows designated as habitat type: 3150 Natural eutrophic lakes
- GES objective requires reconnection and change of habitat type to 3260: Water courses of plain to montane levels
- Deterioration of habitat types is against BHD but allows to achieve GES and restore primary habitats
- Protected species and habitats should be at FCS on the biogeographical scale and not necessarily at site scale.
- FCS should not be viewed as being static but rather as a dynamic state.

Differences in the scope of WFD and BHD

FAQ 3.4: Can a protected species or habitat be in FCS even if the water body in which it occurs is not in GES/GEP?

- In general, GES/GEP of a water body will contribute to the favourable conservation status of species and habitats in water-dependent N2000 sites. But there may be instances where this is not the case.

Points to bear in mind:

➔ Where a more stringent objective needs to be reached to achieve FCS for a certain species, e.g. lower nutrient concentrations, then this is the objective that applies.

➔ It is important to look at the reasons for not reaching FCS. It may be that these are not directly related to GES, e.g. where over-fishing or effects of tourism alter the conditions for particular species or habitats.

➔ FCS of a species or habitat applies at the national bio-geographical level, i.e. individual sites may show differing degrees of status.

Differences in the scope of WFD and BHD

FAQ 3.5: How are WFD reference conditions/reference sites related to FCS/protected areas of BHD?

- WFD reference conditions represent conditions with no or very minor human pressures, i.e. sites in high status or near natural conditions. These are established for each water body type.
- Since these are sites where the levels of human pressure must be very low, these may lie in N2000 areas. But the criteria to designate protected areas and those to identify reference sites are different. Therefore, not every N2000 site will automatically contain WFD reference sites and vice versa.

➔There is no direct relationship between reference sites and protected areas.

Coordinated monitoring under WFD and BHD

Coordinated monitoring under WFD and BHD

FAQ 5.1: Can the monitoring schemes of WFD and HD be integrated?

- Art. 11 **HD** contains the obligation for MS “to undertake surveillance of the conservation status of the natural habitats and species … with particular regard to priority natural habitat types and priority species”.
- The type of monitoring required is not specified in more detail.
- Art. 8 **WFD** contains very detailed monitoring requirements for surface waters and for groundwater in terms of
  - types of monitoring (surveillance – operational – investigative)
  - quality elements that need to be monitored
  - monitoring frequency, etc.
- In addition, the monitoring programmes must be supplemented by “those specifications contained in Community legislation under which the individual protected areas have been established”.

Coordinated monitoring under WFD and BHD

FAQ 5.1: Can the monitoring schemes of WFD and HD be integrated?

- Generally, the biological quality elements or organism groups that need to be monitored under WFD and BHD will differ as the scope of the directives also differs.
- There may be some biological quality elements/organism groups where a joint monitoring is beneficial. This is particularly the case for fish as their monitoring is costly and time-consuming and generally requires the same methods.

➔ Wherever possible a joint monitoring should be arranged in order to save resources and to allow an assessment based on a common data set.

➔ This is particularly relevant in a transboundary context.

Example: Pan-Mediterranean Wetland inventory

- Baseline wetland inventory developed by ISPRA, ARPAT and IT MoE aimed at integration of the conservation tools of Ramsar and CBD with BHD, WFD and MSFD
- The integration of some of monitoring schemes and sampling methods of WFD and HD is possible for fish and macrophytes (around 50 habitat of HD are characterized by the presence of macrophytes)
- Monitoring data out coming from WFD give information on N2000 sites conditions and on threats to BHD species (e.g. some birds are sensible to high lead concentrations)
- The analysis of the links between the RBMP and the plans of the specific species or habitat in a water related Nature 2000 site, could give information about the possible achievement of the conservation status objectives for a considered species/habitat N2000

Integrated planning of measures

Integrated planning of measures

FAQ 5.2: How can the river basin management plans (RBMPs) of WFD and the conservation measures/management plans be linked?

- The **WFD** introduces the concept of managing pressures and impacts on water in their hydrological catchments or river basins.
- RBMPs need to be developed for each river basin district integrating all relevant aspects of water management, including – where relevant – measures under other relevant EU legislation such as the BHD.
- The Programme of measures (PoM) under WFD contains basic measures and supplementary measures. Measures needed under BHD are considered to be basic measures.
- Therefore, any measures needed to achieve compliance with standards and objectives of BHD must be included in the PoM as far as the ecological status of the water bodies is concerned.
- Such measures may also apply to species and habitats outside SCIs.

Integrated planning of measures

FAQ 5.2: How can the river basin management plans (RBMPs) of WFD and the conservation measures/management plans be linked?

- The **HD** also has an integrated approach as it recognises that ecological coherence of the Natura 2000 network is essential for the long-term survival of many species and habitats. MS must establish the necessary conservation measures to maintain or restore the ecological requirements needed for natural habitats and species covered under HD and must ensure that no deterioration occurs.
- As many protected habitats under HD are also aquatic areas or water-dependent systems, the measures proposed under BHD and WFD may be partly the same. These measures need to be coordinated.

➔ It is advisable to start dialogue on the WFD-PoM at an early stage in order to avoid misconceptions of the objectives of WFD and BHD.

Example: Freshwater pearl mussel

- Pearl mussels seriously affected by sedimentation and eutrophication
- Requires a catchment perspective which is only possible through the WFD
- RBMP and sub basin FPM plans integrated into main stream land use planning
- Integration of HD helped to focus prioritisation (19 waste water plant upgrades)
- Helped involve stakeholders
- Optimised monitoring

EU workshop policy conclusions on WFD/BHD implementation

2010 EU workshop conclusions

- Overall, there are more synergies than differences between WFD & BHD. We should exploit the synergies but recognise the differences. There are no conflicts between the directives.
- WFD and BHD provide a framework to make balanced judgements including the use of integrated planning as a tool.
- There is a need to strengthen co-operation between nature and water authorities to maximise benefits of WFD & BHD implementation.
- There are common interests under WFD and BHD. There is a need for joined up thinking to enhance integration with agriculture, fisheries policies, energy, transport, resource exploration and to provide proper incentives for funding.
- Both WFD and nature directives support sustainable economic development.
- There is a need to ensure the proper application of Art. 4.7 while noting particular requirements relating to N2000 and other protected areas.
- Work with nature: utilise win-win-win opportunities.

Thank you

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WWF IN SHORT

+100

WWF is in over
100 countries, on
5 continents

1961

WWF was founded
In 1961

+5000

WWF has over
5,000 staff
worldwide

+5M

WWF has over
5 million supporters

Photo: © Michel Roggo / WWF-Canon

Standing water habitats – some examples

- 3110 Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*)
- 3140 Hard oligo-mesotrophic waters with benthic vegetation of *Chara* spp.
- 3150 Natural eutrophic lakes with *Magnopotamion* or *Hydrocharition* — type vegetation
- 3160 Natural dystrophic lakes and ponds
- 3170* Mediterranean temporary ponds
- 190 Lakes of gypsum karst

Running water habitats – some examples

- 3210 Fennoscandian natural rivers
- 3220 Alpine rivers and the herbaceous vegetation along their banks
- 3250 Constantly flowing Mediterranean rivers with *Glaucium flavum*
- 3260 Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitricho-Batrachion* vegetation
- 3290 Intermittently flowing Mediterranean rivers of the *Paspalo-Agrostidion*

Tidal and coastal habitats - some examples

- 1130Estuaries
- 1140 Mudflats and sandflats not covered by seawater at low tide
- 1150* Coastal lagoons
- 1160 Large shallow inlets and bays

River basin districts and Natura 2000 area (km²)

River Basin Districts (RBDs)
and the total area of Natura 2000 sites included in them.
RBDs with a Natura 2000 area larger than 10000km² are displayed in red.