

Workshop on linkages between the WFD, SEAD and EIAD

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Linkages between WFD and SEA/EIA



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Structure of the presentation

- Legal basis justifying the interlinkages
- WFD Article 4
- Preparation of the PoM
- Interlinkages WFD/EIAD/SEAD
- Issues to consider
- How to do it
- Strategic considerations



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Legal basis

- The aim of the Water Framework Directive (WFD) is a long-term sustainable water management based on a high level of protection of the aquatic environment.
- The environmental objectives are defined in Article 4 of the WFD.
- A number of exemptions to the general objectives are allowed by an extension of deadlines beyond 2015, less stringent objectives, a temporary deterioration, or deterioration for the implementation of new projects, provided a set of conditions are fulfilled.
- The exemptions are the provisions in Article 4(4) (extension of deadline), 4(5) (lower objectives), 4(6) (temporary deterioration) and 4(7) (new modifications).
- Exemptions under Article 4.7 have extremely close relationship with SEAs and EIAs.
- Planning of any new developments requires that the steps of the Art. 4.7 should be carefully examined.
- All relevant information resulting from the SEA and EIA processes should be integrated in the River Basin Management Plans, including the justification for the implementation of any new projects, leading to the application of Art. 4.7.



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What we should know from Article 4

Article 4: the core article - of the Water Framework Directive !

CIS Guidance Document no. 20

Environmental objectives and exemptions

- The environmental objectives are defined in Article 4 - The aim is long-term sustainable water management based on a high level of protection of the aquatic environment.
- Article 4.1 defines the **WFD general objective** to be achieved in all surface and groundwater bodies, i.e. good status by 2015, and introduces the principle of preventing any further deterioration of status.
- The **exemptions** to the general objectives that allow for less stringent objectives, extension of deadline beyond 2015, or the implementation of new projects, provided a set of conditions are fulfilled.

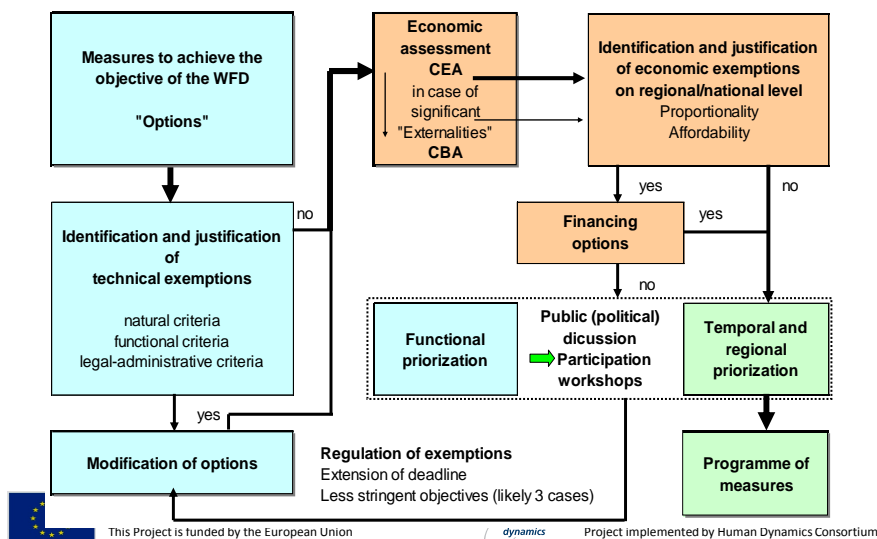


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Preparation of the PoM



Interlinkages WFD/SEA/EIA Directives (1)

- The WFD has strong linkages to the SEA and EIA Directives (Directive 2001/42/EC, and Directive 2014/52/EU amending Directive 2011/92/EU, respectively).
- The WFD main objectives are to attain good ecological water quality status and to prevent any deterioration in the status of waters. The EIA and SEA Directives set out categories of 'objects' that must be subject to mandatory assessment: the EIA Directive in Article 4(1) and Annex I; the SEA directive in Article 3(2).
- Their integration offers the opportunity to adopt a new approach to optimize the mutual synergies and minimize conflicts between them.
- The WFD, SEA and EIA Directives refer to measures that 'prevent or reduce' impacts/adverse effects and set out the general obligations of the EU Member States to 'incorporate'/'integrate'/'apply' the relevant requirements/rules of the directives into: 'their territory' (WFD, Art. 3[5]), and into 'existing procedures' (EIA, Art. 2[2] & SEA, Art. 4[2]).



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Interlinkages WFD/SEA/EIA Directives (2)

- The key links between the WFD and the EIAD, respectively the SEAD relate to:
 - the assessment approach required by the WFD, for those situations when likely significant environmental impacts are identified and then assessed according to the EIAD/SEAD;
 - the objectives of WFD and SEA/EIA Directives to integrate the environment into decision-making process.
- ➔ Therefore, WFD requires likely significant environmental impacts to be identified, assessed and mitigated. The WFD assessment should then be carried out and form part of the SEA or EIA.
- To clarify legal linkages between the WFD, especially the River Basin Management Plan (RBMP) and the Program of Measures (PoM) (Article 11), and the assessment under the SEA/EIA Directive;
- To highlight similarities and overlaps (extent, nature) between the WFD, and SEA/EIA Directive.



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Issues to consider (1)

- EIA procedure is considered as a multi-stage process
- lack of harmonization with EU legislation on environmental assessment (EA) – the revised EIAD allows streamlining the EA
- insufficient screening process (sometimes unjustified by authorities)
- misinterpretation of Annex I and Annex II projects
- the approach to alternatives (EIAD/SEAD/WFD)
- scale, scope and quality of information made available to the public and the quality of the consultation process
- screening out projects in Annex II; with the revised EIAD, the screening procedure, determining whether an EIA is required, is simplified
- screening criteria (both EIAD and SEAD)– based on the significant effect on the environment; WFD – significant pressures and impacts
- lack of required information on cumulative effects risk analyses or management plan in both EIAD and SEAD
- weaknesses with monitoring of the EIA conditions and enforcement and absence of requirements for post EIA monitoring.



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Issues to consider (2)

- there is a need for capacity building on methodologies for assessment and defining mitigation measures
- some projects, such as water supply or sewage projects are not mentioned in Annex I nor Annex II, but they should be considered as urban development projects and hence screened as Annex II projects.
- the need for methodologies on cumulative effects assessments
- insufficient alternatives
- better strategic planning and use of SEA
- need of improving the expertise of local consultants
- the development of the EIA may cause delays in the EU grants approval process – with the revised EIAD, MS have a mandate to simplify their EIA procedures
- need of guidance on how to implement the EIA procedure for transboundary projects
- need for awareness raising among senior levels of government and among investors on the EIA process and requirements.



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How the interlinkages is considered

An EIA should consist the following elements:

- 1) Identification of potential impacts of the water environment
- 2) Assessment of identified impacts for significance
- 3) Avoidance or mitigation of significant impacts.



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How to do it (1)

1) Identification of potential impacts of the water environment

- Potential impacts on current or future waterbody status as classified under the Water Framework Directive should be identified



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How to do it (2)

2) Assessment of identified impacts for significance

Identified potential impacts on the water environment should be assessed for significance.

The assessment should include:

- a description of the assessment/forecasting/monitoring methods used to assess the impacts on the aquatic environment during and after construction
- details of monitoring information obtained/required.



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How to do it (3)

3) Avoidance or mitigation of significant impacts

Appropriate measures should be proposed to mitigate/avoid any impacts on the water environment assessed as being significant.

The measures should address the direct, indirect, secondary, cumulative, short, medium and long term, permanent, temporary and negative effects of the project.

Mitigation should address the potential release of pollutants, such as oils/hydrocarbons, chemicals, suspended solids and construction related sewage into waterways adjacent to the works.



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EIA content

The fundamental requirement of the WFD - that there must not be any overall deterioration in water quality or the ecological status of any waterbody.

An EIA should include the following:

- Identification of the River Basin District within which the scheme will be constructed or impacted upon
- Identification of all waterbodies that may be impacted by the scheme
- The current status of each waterbody, as classified under WFD
- The water quality objectives for each waterbody
- An assessment of the potential impact of the scheme component on the current status of each waterbody and on future water quality objectives
- A description of mitigation measures to avoid deterioration in water quality or ecological status.



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Strategic considerations

- 1) EIA should be seen as a **decision making support tool** and a **process** rather than a report or official procedure.
- 2) Environmental considerations should be **integrated as early as possible** in decision-making process, to include alternatives that would not result in significant adverse impacts on the water environment
- 3) The revised EIAD is addressing **global issues** that are important to the EU (e.g. climate change, biodiversity and disaster prevention), thus achieving the Europe's 2020 objectives
- 4) Synergy with EIAD/SEAD ensures meeting the WFD legal requirement for “no deterioration”
- 5) Synergy with EIAD/SEAD contributes to **RBMP delivery** as the key component of the WFD.



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Thank you!



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