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# Environment and Climate Regional Accession Network (ECRAN)

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Report on the Workshop  
and the Study visit on  
linkages between the  
WFD and SEAD and EIAD

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22-24 September 2015, Prague

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**ENVIRONMENT AND CLIMATE REGIONAL NETWORK FOR ACCESSION - ECRAN**

**WORKSHOP REPORT**

**Activity 2.3**

**REPORT ON THE WORKSHOP AND THE STUDY VISIT ON LINKAGES BETWEEN THE  
WATER FRAMEWORK DIRECTIVE (WFD) AND STRATEGIC ENVIRONMENTAL  
ASSESSMENT DIRECTIVE (SEAD) AND**

**ENVIRONMENTAL IMPACT ASSESSMENT DIRECTIVE (EIAD)**

**22 - 24 September 2015, Prague, Czech Republic**



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LIST OF ABBREVIATIONS	
Acquis	Acquis Communautaire - Community legislation
B&A	Bosnia and Herzegovina
BAP	Best Agricultural Practice
BAT	Best Available Techniques
BEP	Best Environmental Practices
BLS	Baseline Scenario
BWD	Bathing Water Directive
CIS	Common Implementation Strategy
DPSIR	Driver, Pressure, State, Impact and Response framework for environmental analysis
DRB	Danube River Basin
DRBD	Danube River Basin District
DRBMP	Danube River Basin Management Plan
Drina RB	Drina River Basin
EC	European Commission
ECRAN	Environment and Climate Regional Accession Network Project
EEC	European Economic Community
EPER	European Pollutant Emission Register
EPRT	European Pollutant Release and Transfer Register
EQS	Environmental Quality Standard
EQSD	Directive on Environmental Quality Standards
FASRB	Framework Agreement on the Sava River Basin
FBIH	Federation of Bosnia and Herzegovina
GES	Good Ecological Status
HMWB	Heavily Modified Water Body
IED	Industrial Emissions Directive
IPPC	Integrated Pollution Prevention and Control
KTM	Key Type of Measures
MS	Member State
PoM	Programme of Measures
PS	Priority Substances
RB	River Basin
RBD	River Basin District
RBMP	River Basin Management Plan
RBSP	River Basin Specific Pollutants
RefCond	Reference Conditions
RR	Roof Report
RS	Republic of Srpska
SAA	Stabilisation and Association Agreement
SAP	Stabilization and Association process
SWMI	Significant Water Management Issue
TAIEX	Technical Assistance and Information Exchange Office
UWWT	Urban Waste Water Treatment



## Glossary of terms and definitions

*Best available techniques:* The latest stage of development (state of the art) of processes, facilities or methods of operation which indicate the practical suitability of a particular measure for limiting discharges, emissions and waste

*Best environmental practice:* The application of the most appropriate combination of environmental control measures and strategies

*Common Implementation Strategy (CIS):* This strategy was agreed by the European Commission, Member States and Norway in 2001. The aim of the strategy is to provide support in the implementation of the Water Framework Directive and its daughter directives, by developing a common understanding and guidance on key elements of the Directives.

*Competent Authority:* An authority or authorities identified under Article 3(2) or 3(3) of the Water Framework Directive. The Competent Authority will be responsible for the application of the rules of the Directive within each river basin district lying within its territory.

*Cost effective:* In the context of the Water Framework Directive, it describes the least cost option for meeting an objective. For example, where there are a number of potential actions that could be implemented to achieve Good Ecological Status for a water body, Cost Effectiveness Analysis is used to compare each of the options and identify which option delivers the objective for the least overall cost.

*Characterisation (of water bodies):* A two-stage assessment of water bodies under the Water Framework Directive. Stage 1 identifies water bodies and describes their natural characteristics. Stage 2 assesses the pressures and impacts from human activities on the water environment. The assessment identifies those water bodies that are at risk of not achieving the environmental objectives set out in the Water Framework Directive. The results are used to prioritize both environmental monitoring and further investigations to identify those water bodies where improvement action is required

*Catchment:* The area from which precipitation contributes to the flow from a borehole spring, river or lake. For rivers and lakes this includes tributaries and the areas they drain.

*Chemical Status (surface waters):* The classification status for the surface water body. This is assessed by compliance with the environmental standards for chemicals that are listed in the Environmental Quality Standards Directive 2008/105/EC, which include priority substances, priority hazardous substances and eight other pollutants carried over from the Dangerous Substance Daughter Directives. Chemical status is recorded as good or fails. The chemical status classification for the water body, and the confidence in this (high or low), is determined by the worst test result.

*Classification:* Method for distinguishing the environmental condition or “status” of water bodies and putting them into one category or another.

*Ecological status:* Ecological status applies to surface water bodies and is based on the following quality elements: biological quality, general chemical and physico-chemical quality, water quality with respect to specific pollutants (synthetic and non synthetic), and hydromorphological quality. There are five



classes of ecological status (high, good, moderate, poor or bad). Ecological status and chemical status together define the overall surface water status of a water body.

*Ecosystem:* A complex set of relationships among the living resources, habitats, and residents of an area. It includes trees, plants, animals, fish, birds, microorganisms, water, soil and people. The community of organisms and their physical environment interact as an ecological unit.

*Environmental assessment:* the preparation of an environmental report, the carrying out of consultations, the taking into account of the environmental report and the results of the consultations in decision-making and the provision of information on the decision in accordance with Articles 4 to 9;

*Environmental impact assessment (EIA):* Procedure to identify the potential impacts of a project or activity on the environment and to develop mitigation measures to reduce these to acceptable levels.

*Ecosystem approach:* The comprehensive integrated management of human activities based on the best available scientific knowledge about the ecosystem and its dynamics, in order to identify and take action on influences which are critical to the health of the marine ecosystems, thereby achieving sustainable use of ecosystem goods and services and maintenance of ecosystem integrity

*Environmental report:* the part of the plan or programme documentation containing the information required in Article 5 and Annex I;

*Eutrophication:* It means the enrichment of water by nutrients, especially compounds of nitrogen and/or phosphorus, causing an accelerated growth of algae and higher forms of plant life to produce an undesirable disturbance to the balance of organisms present in the water and to the quality of the water concerned

*Exemptions:* The environmental objectives of the Water Framework Directive are set out in Article 4. These include the general objective of aiming to achieve good status in all water bodies by 2015 and the principle of preventing any further deterioration in status. There are also a number of exemptions to the general objectives that allow for less stringent objectives, extension of deadline beyond 2015 or the implementation of new projects. Common to all these exemptions are strict conditions that must be met and a justification must be included in the river basin management plan. The conditions and process in which the exemptions can be applied are set out in Article 4.4, 4.5, 4.6 and 4.7.

*Groundwater:* all water which is below the surface of the ground in the saturation zone and in direct contact with the ground or subsoil.

*Good chemical status (surface waters):* Means those concentrations of chemicals in the water body do not exceed the environmental standards specified in the Environmental Quality Standards Directive 2008/105/EC. These chemicals include Priority Substances, Priority Hazardous Substances and eight other pollutants carried over from the Dangerous Substance Daughter Directives.

*Good chemical status (groundwater):* See chemical status (groundwater). Means the concentrations of pollutants in the groundwater body do not exceed the criteria set out in Article 3 of the Groundwater Daughter Directive (2006/118/EC).

*Good ecological potential:* Those surface waters which are identified as Heavily Modified Water Bodies and Artificial Water Bodies must achieve 'good ecological potential' (good potential is a recognition that changes to morphology may make good ecological status very difficult to meet). In the first cycle

of river basin planning good potential may be defined in relation to the mitigation measures required to achieve it.

*Good chemical status:* (surface waters): Means that concentration of chemicals in the water body do not exceed the environmental standards specified in the Environmental Quality Standards Directive 2008/105/EC. These chemicals include Priority Substances, Priority Hazardous Substances and eight other pollutants carried over from the Dangerous Substance Daughter Directives.

*Good ecological status:* The objective for a surface water body to have biological, structural and chemical characteristics similar to those expected under nearly undisturbed conditions.

*Good status:* Is a term meaning the status achieved by a surface water body when both the ecological status and its chemical status are at least good or, for groundwater, when both its quantitative status and chemical status are at good status.

*Groundwater:* All water which is below the surface of the ground in the saturation zone and in direct contact with the ground or subsoil.

*Hazardous substances:* Substances or groups of substances which are toxic, persistent and liable to bioaccumulate, and other substances or groups of substances which give rise to an equivalent level of concern.

*Heavily Modified Water Body:* A surface water body that does not achieve good ecological status because of substantial changes to its physical character resulting from physical alterations caused by human use, and which has been designated, in accordance with criteria specified in the Water Framework Directive, as 'heavily modified'.

*Inland waters:* all standing or flowing water on the surface of the land, and all groundwater on the landward side of the baseline from which the breadth of territorial waters is measured.

*Measure:* This term is used in the Water Framework Directive and domestic legislation. It means an action which will be taken on the ground to help achieve Water Framework Directive objectives.

*Mechanisms:* The policy, legal and financial tools which are used to bring about actions (measures). Mechanisms include for example: legislation, economic instruments; codes of good practice; negotiated agreements; promotion of water efficiency; educational projects; research; development and demonstration projects.

*Monitoring points:* A location within a water body where different environmental parameters are measured, including biology, hydromorphology, physico-chemical, priority and priority-hazardous substances for surface waters.

*Objective (surface waters):* Three different status objectives for each water body. These are:

- Overall status objective;
- Ecological status or potential objective;
- Chemical status objective.

These are always accompanied by a date by when the objective will be achieved.

*Ecological status* (or potential) objectives will be derived from the predicted outcomes for the biological elements and physico-chemical elements, plus any reasons for not achieving good ecological status (or potential) by 2015.

Chemical status objectives will be derived from the predicted outcomes for the chemical elements plus any reasons for not achieving good chemical status by 2015.

Overall status objectives will be derived from the ecological status and chemical status objectives.

*Plans and programmes*: plans and programmes, including those co-financed by the European Community, as well as any modifications to them:

- which are subject to preparation and/or adoption by an authority at national, regional or local level or which are prepared by an authority for adoption, through a legislative procedure by Parliament or Government, and
- which are required by legislative, regulatory or administrative provisions

*Point source*: Identifiable and localized point of emissions to air and discharges to water

*Pressures*: Human activities such as abstraction, effluent discharges or engineering works that have the potential to have adverse effects on the water environment.

*Priority substances*: A pollutant or group of pollutants, presenting a significant risk to or via the aquatic (surface water) environment that has been identified at Community level under Article 16 of the Water Framework Directive. They include 'priority hazardous substances'.

*Pollution*: The introduction by man, directly or indirectly, of substances or energy into the maritime area which results, or is likely to result, in hazards to human health, harm to living resources and marine ecosystems, damage to amenities or interference with other legitimate uses of the sea

*Population equivalent* is a measure of pollution representing the average organic biodegradable load per person per day: it is defined in Directive 91/271/EEC as the organic biodegradable load having a five-day biochemical oxygen demand (BOD5) of 60 g of oxygen per day.

*Programme of Measures*: A Programme of Measures, as used in the Water Framework Directive, is a group of actions designed to improve the environment in a river basin district and meet the objectives of the Directive.

*Public*: one or more natural or legal persons and, in accordance with national legislation or practice, their associations, organisations or groups.

*Reference conditions*: The benchmark against which the effects on surface water ecosystems of human activities can be measured and reported in the relevant classification scheme. For waters not designated as heavily modified or artificial, the reference conditions are synonymous with the high ecological status class. For waters designated as heavily modified or artificial, they are synonymous with the maximum ecological potential class.

*Risk*: The likelihood of an outcome (usually negative) to a water body or the environment, or the potential impact of a pressure on a water body.



**Risk assessment:** The analysis that predicts the likelihood that a water body is at significant risk of failing to achieve one or more of the Water Framework Directive objectives.

*Risk category:* The numerical or descriptive category assigned to water bodies that have been risk assessed, in order to make the risk-based prioritization of water bodies for action under the Water Framework Directive more manageable.

*River basin:* A river basin is the area of land from which all surface run-off and spring water flows through a sequence of streams, lakes and rivers into the sea at a single river mouth, estuary or delta. It comprises one or more individual catchments.

*River basin district:* the area of land and sea, made up of one or more neighbouring river basins together with their associated ground waters and coastal waters, which is identified under Article 3(1) as the main unit for management of river basins.

*River Basin Management:* The management and associated planning process that underpins implementation and operation of the Water Framework Directive. It is both an overarching process in terms of existing processes and also defines new sub-processes such as those for hydromorphology. The river basin management plans are plans for river basin management.

*River Basin Management Plan:* For each River Basin District, the Water Framework Directive requires a River Basin Management Plan to be published. These are plans that set out the environmental objectives for all the water bodies within the River Basin District and how they will be achieved. The plans will be based upon a detailed analysis of the pressures on the water bodies and an assessment of their impacts. The plans must be reviewed and updated every six years.

*Surface water:* inland waters, except groundwater, transitional waters and coastal waters, except in respect of chemical status, for which territorial waters are also included.

*Significant Water Management Issues:* This is a report on each River Basin District that highlights significant water management issues in that River Basin District which will need to be addressed to achieve environmental objectives under the Water Framework Directive.

*Transitional waters:* bodies of surface water in the vicinity of river mouths which are partly saline in character as a result of their proximity to coastal waters but which are substantially influenced by freshwater flows.

*Urban waste water* means waste water from residential settlements and services which originates predominantly from the human metabolism and from household activities (domestic waste water) or a mixture of domestic waste water with waste water which is discharged from premises used for carrying on any trade or industry (industrial waste water) and/or run-off rain water;

*Water body:* A manageable unit of surface water, being the whole (or part) of a stream, river or canal, lake or reservoir, transitional water (estuary) or stretch of coastal water. A 'body of groundwater' is a distinct volume of groundwater within an aquifer or aquifers

## I. Background/Rationale

### *General information about the study visit and the training*

Adopted in 1990, the Environmental Impact Assessment Directive (known as the EIA Directive) has been adapted to reflect the experience gained as well as changes in EU legislation and policy, and European Court of Justice case law. The EIA Directive has been identified as a potential instrument for a future simplification exercise, based on the findings of the 2009 Commission report on the application and effectiveness of the EIA Directive, which outlined the strengths of the EIA Directive, highlights the main areas where improvements were needed and provided recommendations, where relevant.

The new Environmental Assessment Directive - 2011/92/EU contains a legal requirement to carry out an environmental impact assessment (EIA) of public or private projects likely to have significant effects on the environment, prior to their authorisation. The principles of environmental assessment have been harmonised throughout the EU by the introduction of minimum requirements concerning the type of projects subject to assessment, the main developer's obligations, the content of the assessment and the participation of the competent authorities and the public. In parallel, as part of the development consent process, the EIA is a tool to assess the environmental costs and benefits of specific projects with the aim of ensuring their sustainability. Therefore, the Directive has become a **key instrument of environmental integration and has also brought environmental and socio-economic benefits**. After 25 years of application, the EIA Directive has not significantly changed, while the policy, legal and technical context has evolved considerably. The experience with implementation, as reflected in the Commission reports on the application and effectiveness of the EIA Directive, including the latest one published in July 2009, has identified a number of shortcomings. In its mid-term review of the 6th Environment Action Programme, the Commission stressed the need for improving the assessment of environmental impacts at national level and announced a review of the EIA Directive. The general objective of the revision was to adjust the provisions of the codified EIA Directive, so as to correct shortcomings, reflect ongoing environmental and socio-economic changes and challenges, and align with the principles of smart regulation.

Strategic Environmental Assessment (SEA) is one of the key instrument for integrating environmental concerns and sustainable development principles into strategic planning and decision-making. It is an internationally recognized tool for participatory planning used to analyse and incorporate environmental and health concerns into proposed policies, plans and programmes. The Directive 2001/42/EC on the Assessment of the Effects of Certain Plans and Programmes on the Environment (i.e. SEA Directive) applies to plans and programmes which are subject to preparation and/or adoption by an authority at national, regional or local level, or which are prepared by an authority for adoption, through a legislative procedure by Parliament or Government, and which are required by legislative, regulatory or administrative provisions. The SEA Directive is in force since 2001 and should have been transposed by July 2004 by all EU member states. Main objective of the SEA Directive is 'to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development'.

## **Need of consistency with the Water Framework Directive**

In order to avoid duplication of the assessment, reduce administrative complexity and increase economic efficiency, where the obligation to carry out environmental impact assessments arises simultaneously from this Directive and the Water Framework Directive 2000/60/EC establishing a framework for Community action in the field of water policy, Member States should provide for coordinated or joint procedures fulfilling the requirements of the relevant EU legislation.

The new provisions of the EIA Directive should also apply to projects for which the request for development consent is introduced before the time-limit for transposition but for which the environmental impact assessment has not been concluded before that date.

In June 2010, the Commission launched a wide public consultation. The consultation covers a broad variety of issues (e.g. quality of the EIA process, harmonisation of assessment requirements between Member States, assessment of transboundary projects or projects with transboundary effects, role of the environmental authorities, and development of synergies with other EU policies).

As a result of the review process, on 26 October 2012 the Commission adopted a proposal for a new Directive that amended the former Directive. With the new EIA Directive, the quality of the decision-making process will be reinforced, current levels of environmental protection will be improved, and businesses should enjoy a more harmonised regulatory framework. The changes are also forward looking, and emerging challenges that are important to the EU as a whole in areas like resource efficiency, climate change, biodiversity and disaster prevention will now be reflected in the assessment process. The newly amended EIA Directive (2014/52/EU) entered into force on 15 May 2014 to simplify the rules for assessing the potential effects of projects on the environment. The main amendments are as follows:

- Member States now have a mandate to simplify their different environmental assessment procedures;
- Timeframes are introduced for the different stages of environmental assessments: screening decisions should be taken within 90 days (although extensions are possible) and public consultations should last at least 30 days. Members States also need to ensure that final decisions are taken within a "reasonable period of time";
- The screening procedure, determining whether an EIA is required, is simplified. Decisions must be duly motivated in the light of the updated screening criteria;
- EIA reports are to be made more understandable for the public, especially as regards assessments of the current state of the environment and alternatives to the proposal in question;
- The quality and the content of the reports will be improved. Competent authorities will also need to prove their objectivity to avoid conflicts of interest;
- The grounds for development consent decisions must be clear and more transparent for the public. Member States may also set timeframes for the validity of any reasoned conclusions or opinions issued as part of the EIA procedure;

- If projects do entail significant adverse effects on the environment, developers will be obliged to do the necessary to avoid, prevent or reduce such effects. These projects will need to be monitored using procedures determined by the Member States. Existing monitoring arrangements may be used to avoid duplication of monitoring and unnecessary costs.

The institutes and requirements established by the Directive can be considered as some of the most efficient horizontal measures of environmental protection in existence in Europe. The EIA procedure is in keeping with the polluter pays principle and aims to reduce pressure on the environment. This leads ultimately to social and economic costs for society being reduced.

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. While planning any new developments (e.g. hydropower plants), 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 where all the reasons for the implementation of any new projects, leading to the application of Art. 4.7 should be explained in detail.

Therefore, the WFD (Directive 2000/60/EC) has strong linkages to the SEA and EIA Directives (Directive 2001/42/EC, and Directive 2014/52/EU amending Directive 2011/92/EU, respectively). Their integration offers the opportunity to adopt a new approach to optimize the mutual synergies and minimize conflicts between them. As mentioned above, 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).

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]). 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.

The Czech Republic has been selected for the study visit due to its long experience with SEA and EIA application as well as since the SEA has been recently applied for a number of the River Basin Management Plans. Therefore the governmental institutions involved in the SEA/EIA and river basin planning, respectively, gained an extensive practical experience to be shared with the ECRAN beneficiary countries.

### *Summary of the main topics covered*

The main topics presented and discussed at the Study visit and the workshop include:

Main requirements of the WFD

EU experience with the river basin management planning

Main requirements of EU SEA and EIA Directive

SEA and EIA practice in EU

Achievements and challenges

Linkages between WFD and SEA/EIA

Synergies and overlaps

SEA/EIA application and water management planning – case examples

Discussion on the status in ECRAN beneficiary countries

The Study visit included as well meetings with the representatives of the Ministry of Environment, Czech Agriculture University and the Water Research Institute, covering the following topics:

**Meeting with the Ministry of Environment** - Mr. Lukas Zaruba, Head of SEA Unit, SEA/EIA Department

**Topics:**

- 1) Role of the Ministry in SEA/EIA system
- 2) Achievements and challenges of the Czech practice

**Meeting with the Czech Agriculture University**- Dr. Vladimír Zdrážil, SEA expert

**Topics:**

- 3) SEA for the river basin management plans – practical experience

**Joint meeting with the T. G. Masaryk Water Research Institute and the Ministry of Environment**

Mr. Petr Bouska, Head of Research Section, Water Research Institute

**Topics:**

- 4) Role and activities of the Institute
- 5) Experience with evaluation of impacts regarding water bodies
- 6) Achievements and challenges of the Czech practice

**Joint meeting T. G. Masaryk Water Research Institute and Mr. Josef Nistler, Director of the Water Protection Department, Ministry of Environment**

**Topics:**

- 7) Role of the Ministry in water protection
- 8) Achievements and challenges of the Czech practice
- 9) International cooperation

The participants had the opportunity to visit as well the Institute's laboratories and research departments.

### **Meeting with the Czech Hydrometeorological Institute**

VitKodes, Ph.D., Head of the water quality section

#### **Topics:**

- 10) Monitoring of groundwater quality and sediment/biota

Meeting with PovodiVltavy State Enterprise

Mr. Vladimir Benes, Head of Planning Section

#### **Topics:**

- 11) Practical experience with the river basin management planning

The last parts of the Study visit included a site visit to Vltava River Basin.

## II. Objectives of the Training

### *General Objective*

To present the Czech practice regarding the application of SEA and EIA related to the assessment under the WFD and provide hands-on experience for the study visit participants.

### *Specific Objectives*

1. 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;
2. To highlight similarities and overlaps (extent, nature) between the WFD, and SEA/EIA Directive
3. To share experience of the Czech relevant institutions regarding the water management planning and SEA/EIA application
4. Based on the Czech experience as well as considering case examples from the other EU countries to formulate possible solutions to strengthen linkages between the WFD and practical application of SEA/EIA

### *Expected Results*

The expected results are:

- Increased understanding of the linkages between river basin management planning and SEA/EIA application;
- A short 'guide' highlighting main aspects on efficient application of SEA/EIA and its linkages to the WFD to be used in ECRAN beneficiary countries;
- Contacts established between the study visit participants and the relevant governmental institutions to be further utilized.

### **III. EU policy and legislation covered by the training**

#### **Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment**

The objective of this Directive is to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.

#### **Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora**

The Habitats Directive (together with the Birds Directive) forms the cornerstone of Europe's nature conservation policy. It is built around two pillars: the Natura 2000 network of protected sites and the strict system of species protection. All in all the directive protects over 1.000 animals and plant species and over 200 so called "habitat types" (e.g. special types of forests, meadows, wetlands, etc.), which are of European importance.

#### **Directive 2014/52/EU amending the Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment**

Directive 2011/92/EU of the European Parliament and of the Council (4) has harmonised the principles for the environmental impact assessment of projects by introducing minimum requirements, with regard to the type of projects subject to assessment, the main obligations of developers, the content of the assessment and the participation of the competent authorities and the public, and it contributes to a high level of protection of the environment and human health. Member States are free to lay down more stringent protective measures in accordance with the Treaty on the Functioning of the European Union (TFEU).

The Directive 2014/52/EU amending the Directive 2011/92/EU, is intended to lighten unnecessary administrative burdens and make it easier to assess potential impacts, without weakening existing environmental safeguards. The quality of the decision-making process will be reinforced, current levels of environmental protection will be improved, and businesses should enjoy a more harmonised regulatory framework. The changes are also forward looking, and emerging challenges that are important to the EU as a whole in areas like resource efficiency, climate change, biodiversity and disaster prevention will now be reflected in the assessment process.

#### **Directive 2000/60/EC establishing a framework for Community action in the field of water policy- The Water Framework Directive (WFD)**

The Water Framework Directive (WFD) 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy represents the European Union directive which commits European Union member states to achieve good



qualitative and quantitative status of all water bodies by 2015. The Directive aims for 'good status' for all ground and surface waters that include rivers, lakes, transitional waters, and coastal waters, in the EU.

The Directive also requires Member States to establish river basin districts and for each of these a river basin management plan. The Directive envisages a cyclical process where river basin management plans are prepared, implemented and reviewed every six years. There are four distinct elements to the river basin planning cycle: characterisation and assessment of impacts on river basin districts; environmental monitoring; the setting of environmental objectives; and the design and implementation of the programme of measures needed to achieve them.

This Framework-Directive has a number of objectives, such as preventing and reducing pollution, promoting sustainable water usage, environmental protection, improving aquatic ecosystems and mitigating the effects of floods and droughts, aiming to achieve **“good ecological and chemical status” for all Community waters by 2015.**

Several successive amendments and corrections (2001, 2008 and 2009), have been incorporated to the WFD.

The river basin management established under the WFD (entered into force December 2009) begins with an analysis of the characteristics of the river basin district, a review of the impact of human activity on water status, and an economic analysis of water use. Programmes to monitor water status must be established, along with programmes of measures for each river basin district in order to achieve the specified environmental objectives. Then, for each river basin district, a river basin management plan must be produced with the active involvement of all interested parties.

Finally, the specific programmes of measures must be implemented so as to achieve the objective of good status for all waters within each river basin. The first RBM plans cover the period 2009-2015. They shall be revised in 2015 and then every six years thereafter.

### **The River Basin Management Plan (RBMP) and the Program of Measures (PoM)**

The principal component of the Water Framework Directive for each river basin district is the development of river basin management plans which will be reviewed on a six yearly basis and which set out the actions required within each river basin to achieve set environmental quality objectives.

The best model for a single system of water management is management by river basin - the natural geographical and hydrological unit - instead of according to administrative or political boundaries. While several Member States already take a river basin approach, this is at present not the case everywhere. For each river basin district - some of which will traverse national frontiers - a "river basin management plan" will need to be established and updated every six years, and this will provide the context for the co-ordination requirements identified above.

The river basin management plan (RBMP) is essentially a snapshot in time and is the subject of continual review. Essentially, the first river basin management plans finalized ended on December 2009 and represents the transition between the initial analysis carried out in 2004 and implementation

of the Directive. Their 6-years updating is a refining process based on improved data and understanding and allowing for revision of the circumstances in the river basins.

The first river basin management plans have been published by the end of 2009 and summarized the quality and quantity objectives to be achieved by 2015.

The river basin management plan (RBMP) represents the main achievement tool of the WFD objectives, which is realized in 6-year cycles and consists of preparation, implementation and revision phases.

Essentially, the RBMP provides:

- (i) evidence and documentation mechanism for the information gathered including: pressures and impact assessment, environmental objectives for surface and ground waters, quality and quantity of waters, and the impact of human activity on water bodies,
- (ii) facilitates coordination of the programmes of measures and other relevant programmes within the river basin district, and
- (iii) guarantees the main progress reporting mechanism to the EC as required by the WFD Art. 15.

Within the Water Framework Directive (WFD), the environmental objectives will be set for all water bodies. One of its main aims is that all water bodies (including rivers, lakes, coasts, estuaries and groundwater) achieve 'good status' by 2015. Water bodies must also be protected to prevent any deterioration in status.

Through the gap analysis, for each water body, any possible discrepancy between its existing status and that required by the Directive is identified.

If a water body is considered unlikely to achieve its environmental objectives by 2015 (including those for protected areas and groundwater), the WFD requires that management measures to be put in place to meet the WFD goals. Individual measures and/or packages of measures for water bodies must be integrated in a co-ordinated and cost-effective programme of measures

#### IV. Highlights from the Workshop

Reference is made to Annex I for the agenda. Below only the main elements are highlighted. The presentations are presented in Annex III.

##### *Highlights Day 1*

1. The environmental assessment must be carried out:
  - during preparation of the plan or programme;
  - before adoption of the plan or programme.
  
2. The SEA Directive is mandatory for plans and programmes:
  - a) prepared for agriculture, forestry, fisheries, energy, industry, transport, waste/ water management, telecommunications, tourism, town& country planning or land use and which set the framework for future development consent of projects listed in the EIA Directive or that require an assessment under Article 6 or 7 of the Habitats Directive.
  
3. The EIA Directive applies to:
  - projects likely to have significant effects on the environment (by virtue, inter alia, of their nature, size and location).

The projects are subject to:

  - a requirement for development consent
  - an assessment of their effects on the environment so that environment is protected, before consent is given
  
4. Water Framework Directive Article 4.7 describes the conditions under which "new activities", such as infrastructures or works downgrading the status of water bodies can be accepted.
  
5. Article 4.7 requires mitigation measures (to minimise adverse effects). If action causes deterioration to water status, steps taken to mitigate adverse effects and existence of their means to achieve objectives of the project are to be explained
  
6. Water Framework Directive: what to check:
  - a. if during the EIA process or otherwise questions relating to WFD are raised
  - b. Is there a risk for deterioration of water status?
    - If NO:       Appropriate declaration
    - If YES:       Explain, mitigation measures etc. and take an appropriate declaration
  
7. For mature project:
  - b. SEA Completed
  - c. EIA completed;

- d. Nature assessments completed
- e. Water Framework Directive Assessments completed
- f. Final "Development Consent" issued eventually including mitigation/compensation measures.

### *Topics of interest*

The participants from beneficiary countries expressed their interest in further discussing the following topics:

1. SEA performance criteria;
2. Success factors in SEA;
3. Priority needs for good practice SEA;
4. Lessons learned in CZ during legislation studies;
5. Content of the SEA report;
6. Transboundary aspects;
7. Linkages WFD EIAD SEAD;
8. Data quality.

### *Highlights Day 2*

The Ministry of Environment of the Czech Republic is the SEA and EIA Competent Authority responsible for coordination and supervision of the SEAs for national and regional strategic documents and EIAs for Annex I projects. Besides its role in individual SEA and EIA processes, the Ministry also provides methodological support to SEA and EIA system, especially towards regional SEA and EIA Competent (which coordinate SEA for municipal plans and programme, and EIAs for Annex II projects), maintains and operates national web-based SEA/EIA Information System, and is responsible for legal framework. Regarding water-related issues, the Water Protection Department of the Ministry is responsible for protection of water resources, however it needs to be pointed out that management of water resources in the country is shared responsibility between the Ministry of Environment and the Ministry of Agriculture.

The Czech Agriculture University covers a broad range of subjects and research topics. Among its activities, it is also involved in conducting SEAs for various plans and programmes including river basin management plans. University experts gained an extensive practical experience with SEA for river basin management plans at the national level as well as at the level of main basins.

The Water Research Institute is historically the leading research agency in water-related fields in the country.

The WFD is strongly linked with both the SEA and EIA Directives (Directive 2001/42/EC, and Directive 2014/52/EU amending Directive 2011/92/EU, respectively).

The respective interlinkages offer the opportunity to adopt a new approach to optimize the mutual synergies and minimize conflicts between them.

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).

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]).

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.

### *Highlights Day 3*

Following questions have been addressed and clarified:

- If data are reported to WISE;
- If there are alternatives in the RBMP which require SEA;
- The concept of the UWWTD– sensitive area;
- How art 4.7 is applied.

The field trip was linked to the river basin management planning. In relation to the visit of the Povodi Labe state enterprise – this institution is the river basins management agency for Labe and Vltava River basins, and is responsible for the overall management of the river basin including preparation of the river basin management plans and their implementation.

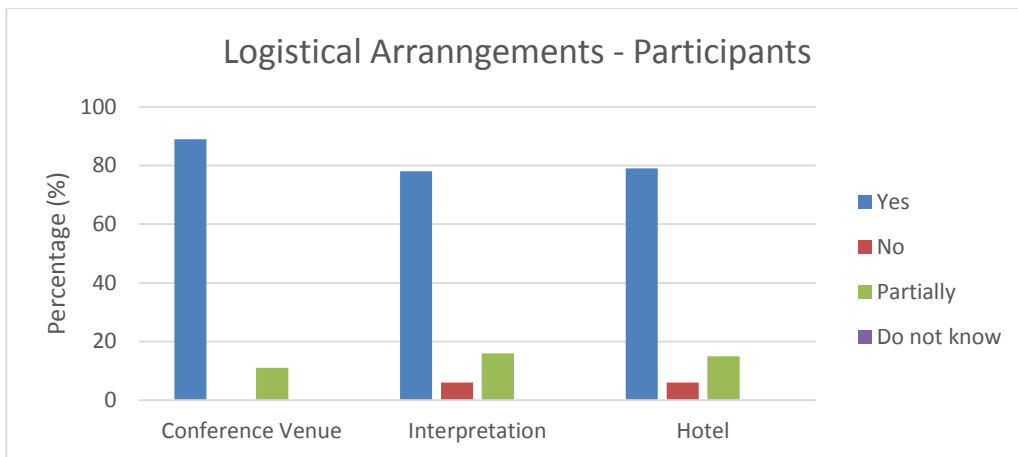
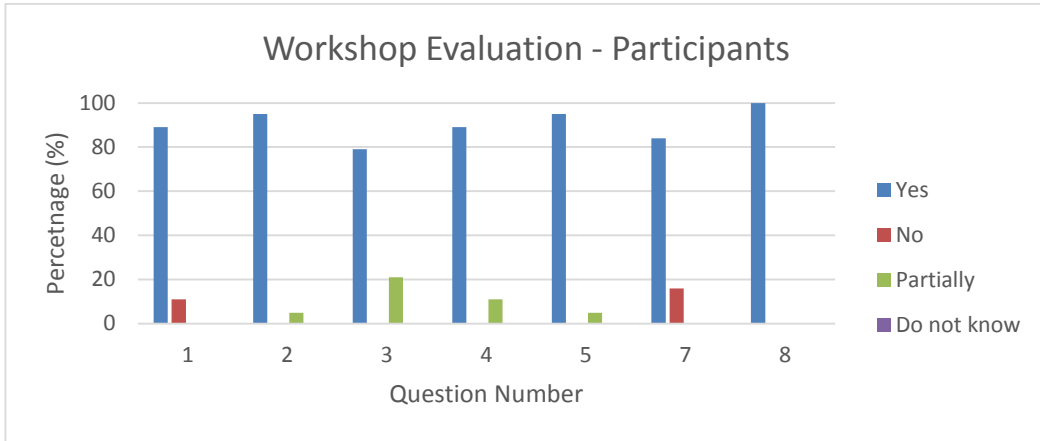
Mr. Benes from Povodi Labe state enterprise introduced main principles of the river basin management planning in the Czech Republic, its history and evolution as well as current status. He explained in detail structure of the river basin management plans, key issues addressed as well as practical challenges and problems related their preparation and implementation. Thus, the field trip intended to illustrate mainly flood control and protection measures and their implementation directly in the field.

Altogether three locations were visited – Kralupy nad Vltavou municipality, which was the area significantly affected by floods in 2001 and 2003. Ensuring proper flood protection of the city is of a

high importance, since there are industrial facilities located in and close by the city including oil refinery, rubber production and chemical production. Another site was at Vltava River downstream Kralupy where flood protection wall was constructed to prevent damages of surrounding area. The last location was the Veltrusy chapel and surrounding park which also was heavily impacted by floods in 2001, and subsequently an extensive revitalization was carried out. Including rehabilitation of water biotopes and thus enhanced ecological value of the whole area.

**V. Evaluation**
**Workshop - participant Evaluation**

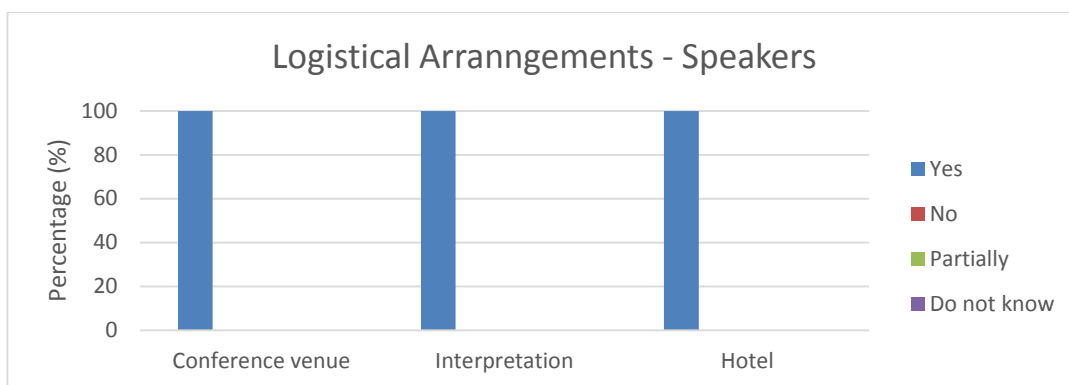
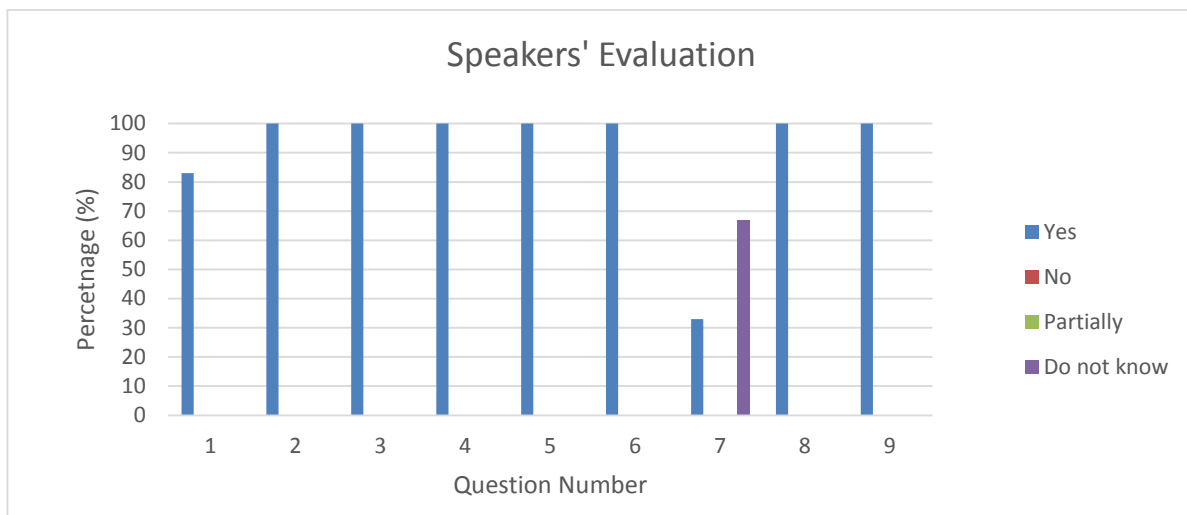
Question	N°. Responses	Yes	No	Partially	Do not know	
1. Was the workshop carried out according to the agenda	19	17 (89)%	2 (11)%	0 (0)%	N/A	
2. Was the programme well structured?	19	18 (95)%	0 (0)%	1 (5)%	N/A	
3. Were the key issues related to the topics addressed?	19	15 (78)%	0 (0)%	4 (21)%	N/A	
4. Did the workshop enable you to improve your knowledge?	19	17 (89)%	0 (0)%	2 (10)%	N/A	
5. Was enough time allowed for questions and discussions?	19	18 (95)%	0 (0)%	1 (5)%	N/A	
6. How do you assess the quality of the speakers?	<b>Speaker/Expert</b>	<b>N°. Responses</b>	<b>Excellent</b>	<b>Good</b>	<b>Satisfactory</b>	<b>Poor</b>
	10	186	100 (53)%	83 (44)%	3 (1)%	0 (0)%
Question	N°. Responses	Yes	No	Partially	Do not know	
7. Do you expect any follow-up based on the results of the workshop (new legislation, new administrative approach, etc.)?	19	16 (84)%	3 (16)%	N/A	N/A	
8. Do you think that further TAIEX assistance is needed (workshop, expert mission, study visit, assessment mission) on the topic of this workshop?	16	16 (100)%	0 (0)%	N/A	N/A	
9. Were you satisfied with the logistical arrangements, if applicable?	Conference venue	19	17 (89)%	0 (0)%	2 (10)%	0 (0)%
	Interpretation	18	14 (78)%	1 (6)%	3 (16)%	0 (0)%
	Hotel	19	15 (79)%	1 (6)%	3 (15)%	0 (0)%
Comments: <ul style="list-style-type: none"> <li>I'm not fully satisfied with the work of some of the organizers of events in the IBF International Consulting. I hope that in the future and to be better.</li> <li>Needs more workshop, new legislation etc.;</li> <li>I learnt new informations especially WFD and SEA. The site visits were wonderful and useful;</li> <li>Workshop was very well organized. Speakers were prepared and well-disposed to comments and questions from participants. Personally, I am very satisfied from this study tour. Perhaps it was with interest to be taken into consideration basins of countries that are not yet part of the EU;</li> <li>Sorry, but I couldn't remember Jaroslav Kinkor's presentation.</li> </ul>						





## Workshop - speaker Evaluation

Question	N°. Responses	Yes	No	Partially	Do not know
1. Did you receive all the information necessary for the preparation of your contribution?	6	5 (83)%	0 (0)%	1 (16)%	N/A
2. Has the overall aim of the workshop been achieved?	6	6 (100)%	0 (0)%	0 (0)%	N/A
3. Was the agenda well structured?	6	6 (100)%	0 (0)%	0 (0)%	N/A
4. Were the participants present throughout the scheduled workshop?	6	6 (100)%	0 (0)%	0 (0)%	N/A
5. Was the beneficiary represented by the appropriate participants?	6	6 (100)%	0 (0)%	0 (0)%	N/A
6. Did the participants actively take part in the discussions?	6	6 (100)%	0 (0)%	0 (0)%	N/A
7. Do you expect that the beneficiary will undertake follow-up based on the results of the workshop (new legislation, new administrative approach etc.)	6	2 (33)%	0 (0)%	N/A	4 (67)%
8. Do you think that the beneficiary needs further TAIEX assistance (workshop, expert mission, study visit, assessment mission) on the topic of this workshop?	6	6 (100)%	0 (0)%	N/A	N/A
9. Would you be ready to participate in future TAIEX workshops?	5	5 (100)%	0 (0)%	N/A	N/A
10.If applicable, were you satisfied with the logistical arrangements?	Conference venue	5	5 (100)%	0 (0)%	0 (0)%
	Interpretation	5	5 (100)%	0 (0)%	0 (0)%
	Hotel	3	3 (100)%	0 (0)%	0 (0)%
Comments: <ul style="list-style-type: none"> <li>I did not stay in the hotel, but something needs to be checked, so I checked YES;</li> <li>Further TAIEX assistance might be needed in the future, in particular doing the stage of drafting the new law.</li> </ul>					



ANNEX I – Agenda

**Day 1 : Tuesday 22 September 2015**

**Topic: Introduction to Water Framework Directive and SEA/EIA Directives**

**Chair and Co-Chairs: Ms. Mihaela Popovic (ECRAN NKE, Coordinator of Water Management WG), Mr. Martin Smutny (ECRAN KE3, Coordinator of Environmental Assessment EG)**

**Venue: TBC, Prague. Czech Republic (first half a day, until 13:30)**

**Ministry of Environment, Vršovická 1442/65, 100 00 Praha 10-Vršovice, Czech Republic (second half of day, as of 14:00)**

Start	Finish	Topic	Speaker	Sub topic/Content
08:30	09:00	<b>Registration</b>		
09:00	09:45	Welcome and introduction	Mihaela Popovici (ECRAN NKE) and Martin Smutny (ECRAN KE3)	Introduction to the agenda of the study visit Main aspects to be addressed Discussion on participants' expectations and specific topics to be addressed Experience of ECRAN beneficiary countries with river basin management planning and related SEA/EIA application
09:45	10:30	Introduction to Water Framework Directive	Mihaela Popovici (ECRAN NKE)	Main requirements of the WFD EU experience with the river basin management planning Method: ppt and Q&A
10:30	11:00	<b>Coffee Break</b>		
11:00	11:45	Introduction to SEA and EIA	Martin Smutny (ECRAN KE3)	Main requirements of EU SEA and EIA Directive SEA and EIA practice in EU Achievements and challenges Method: ppt and Q&A
11:45	12:30	Linkages between WFD and SEA/EIA	Mihaela Popovici (ECRAN NKE) and	Synergies and overlaps SEA/EIA application and water management planning – case examples

			Martin Smutny (ECRAN KE3)	Discussion on the status in ECRAN beneficiary countries  Method: ppt and Q&A
12:30	13:30	<b><i>Lunch Break</i></b>		
13:30	14:00	<b><i>Transport from the hotel to the Ministry of Environment</i></b>		
14:00	15:00	Meeting with the Ministry of Environment	Mr. Lukas Zaruba, Head of SEA Unit, SEA/EIA Department	Role of the Ministry in SEA/EIA system  Achievements and challenges of the Czech practice
15:00	15:30	<b><i>Coffee Break</i></b>		
15:30	16:30	Meeting with the representative of the Czech Agriculture University	Dr. Vladimir Zdrazil, SEA expert	SEA for the river basin management plans – practical experience

## Day 2 : Wednesday 23 September 2015

**Topic: Czech practice in water management planning**

**Chair and Co-Chairs: Ms. Mihaela Popovic (ECRAN NKE, Coordinator of Water Management WG),  
 Mr. Martin Smutny (ECRAN KE3, Coordinator of Environmental Assessment EG)**

**Venue: T.G. Masaryk Water Research Institute, Podbabská 2582/30, Praha 6, Czech Republic**

Start	Finish	Topic	Speaker	Sub topic/Content
08:30	09:00	<b>Transport from the hotel to the T.G. Masaryk Water Research Institute</b>		
9:00	10:30	Joint meeting with the T. G. Masaryk Water Research Institute, and the Ministry of Environment	Mr. Petr Bouska, Head of Research Section, Water Research Institute	Role and activities of the Institute Experience with evaluation of impacts regarding water bodies Achievements and challenges of the Czech practice
10:30	11:00	<b>Coffee Break</b>		
		Joint meeting with the T. G. Masaryk Water Research Institute, and the Ministry of Environment – cont.	Mr. Josef Nistler, Director of the Water Protection Department, Ministry of Environment	Role of the Ministry in water protection Achievements and challenges of the Czech practice International cooperation
12:30	13:30	<b>Lunch Break</b>		
13:30	14:45	Joint meeting with the T. G. Masaryk Water Research Institute, and the Ministry of Environment – cont.	Visits to the Institute's laboratories and research departments	
15:00	16:00	Meeting with the Czech Hydrometeorological Institute	Vit Kodes, Ph.D., Head of the water quality section	Monitoring of groundwater quality and sediment/biota
16.00		Transport to the hotel		

## Day 3 : Thursday 24 September 2015

<b>Topic: Water protection</b>				
<b>Chair and Co-Chairs: Ms. Mihaela Popovic (ECRAN NKE, Coordinator of Water Management WG), Mr. Martin Smutny (ECRAN KE3, Coordinator of Environmental Assessment EG)</b>				
<b>Venue: Povodi Vltavy State Enterprise, Holečkova 8, 150 24 Praha 5, Czech Republic</b>				
Start	Finish	Topic	Speaker	Sub topic/Content
<b>08:30</b>	<b>09:00</b>	<b>Transport to Povodi Vltavy State Enterprise</b>		
9:00	10:00	Meeting with Povodi Vltavy State Enterprise	Mr. Vladimir Benes, Head of Section	Practical experience with the river basin management planning
10:30	11:00	<b><i>Coffee Break</i></b>		
11:00	15:00	Site visit to Vltava River Basin (lunch will be arranged during the site visit)		
15:00	16:00	Concluding session	Mihaela Popovici (ECRAN NKE) and Martin Smutny (ECRAN KE3)	Summary of the meetings Main principles on efficient application of SEA/EIA and its linkages to the WFD to be used in ECRAN beneficiary countries

## ANNEX II – Participants

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<sup>1</sup> This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ opinion on the Kosovo\* declaration of independence.





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### **ANNEX III – Presentations (under separate cover)**

Presentations can be downloaded from:

[http://www.ecranetwork.org/Files/Workshop Presentations, EIA WMWG, September 2015, Prague.zip](http://www.ecranetwork.org/Files/Workshop_Presentations,_EIA_WMWG,_September_2015,_Prague.zip)



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