Heavily Modified Water Bodies:

“Information Exchange on Designation, Assessment of Ecological Potential, Objective Setting and Measures"

Common Implementation Strategy Workshop
Brussels, 12-13 March 2009

Key Conclusions

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18 May 2009

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1 Introduction

The workshop on Heavily Modified Water Bodies (HMWB) on 12-13 March 2009 in Brussels was jointly organised by Germany, UK and the European Commission, in cooperation with the CIS ECOSTAT-group and the CIS Hydromorphology-activity.

The workshop was aimed at exchanging information on the following topics:

- **Designation of HMWBs**: Exchange of experiences on practical application of HMWB designation processes in the Member States related to Art. 4(3) (a) on the application of "significant adverse effects" of hydromorphological characteristics and to Art. 4(3) (b) on checking any "significantly better environmental options".
- **Establishing Good Ecological Potential (GEP)**: Exchange experiences with the practical application of different approaches for deriving good ecological potential (GEP), including both the HMWB Guidance No 4 approach based on establishing biological reference conditions and the "Prague" approach based on identifying practicable mitigation measures.
- **Objective setting and measures**: Discuss experiences of Member States on objective setting for HMWBs, including the application of exemptions, and exchange information about planned mitigation measures.

Approximately 110 delegates participated in this event, including nominated representatives from the Member States, the European Commission, relevant European-level organisations and stakeholder groups.

This document summarises the key workshop conclusions, which were presented in draft form at the closing session of the workshop and were revised after the workshop taking into account comments of the participants and the SCG. All workshop presentations are available at the workshop website:

http://ecologic-events.de/hmwb/presentations.htm

2 Key workshop conclusions

2.1 Background

1. Improving the status of the water environment is an important goal and a key aim of the Water Framework Directive.
2. Water uses can also provide important benefits.
3. Designation of HMWB, identifying GEP and setting objectives is about striking the right balance.
4. A key change to European water management introduced by the Directive is the introduction of ecological objectives and consequently the need to manage the adverse ecological impacts of hydromorphological alterations.

2.2 Designation of HMWBs

5. Across Europe, large numbers of water bodies are being designated as heavily modified or artificial. The average percentage of Member State water bodies being designated as heavily modified is just over 15 %.

6. The proportion of water bodies being designated as HMWBs ranges between 1 and 42%. The main uses for which water bodies are being designated vary between countries.

Designation process

7. Most Member States appear to have reviewed their provisional designations indicated in their Article 5 reports.

8. The final designations are based on additional information (including information provided by the water use sectors) and fuller assessment.

9. Representatives from environmental NGOs reported that some designations were not based on the procedure and criteria described in the CIS guidance, especially designations added after provisional identification in the Article 5 reports.

Designated uses

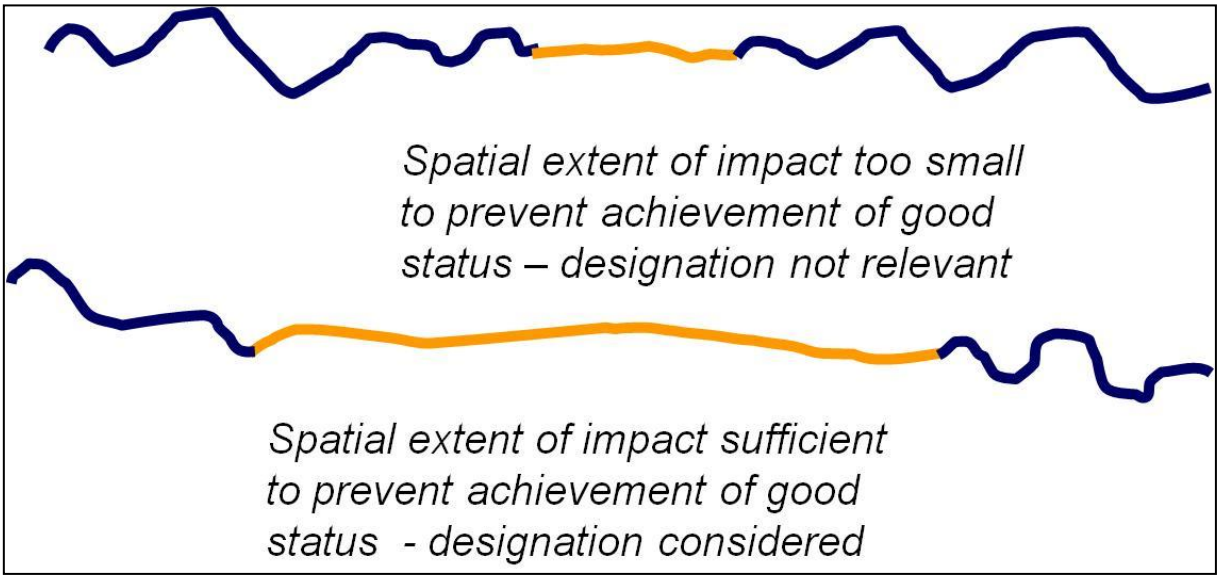
10. Based on questionnaire results, the clarity provided by Member States about the “use” or "uses" for which they have designated water bodies as heavily modified is very variable. Examples are given in the Table below.

Use specified and in line with Art. 4.3	**Use not specified or not mentioned in Art 4.3**
Hydropower generation - storage	“Agriculture” *(e.g. is it land drainage for agriculture; etc?)*
Drinking water supply – storage	“Industry” (e.g. for what industrial use listed in 4.3?)
Flood defence	“Canalisation” (e.g. for what use?)
Inland navigation	“Dredging” (e.g. for what use?)
Navigation ports	“Morphological alterations” (e.g. for what use?)

11. A recommendation of the workshop was that it is good practice to be specific about the use or uses for which water bodies are designated as HMWBs and to relate the identified uses to the list of uses in Article 4.3.

Scale of modification leading to potential designation

12. For designation to be considered, there must be adverse impacts (i.e. which cannot be addressed without a significant adverse impact on one or more uses or the wider environment) of sufficient magnitude to prevent achievement of good ecological status.
13. The spatial extent of impacts is a relevant consideration in deciding if this is the case *(e.g. km of river impacted; km^2 of transitional waters; etc). C*onsideration should be given to the cumulative impact of the alterations associated with the use or uses.
14. An assessment of the precise spatial extent of impacts is not necessary where physical modifications are obviously extensive.
15. There was some evidence at the workshop that similar spatial criteria are being used *(e.g. Norway, Austria and UK 1 – 2 km)*.
16. The workshop concluded that it is good practice to be transparent about ecological status classification criteria.



Types of modifications

17. All Member States are considering designation if impacts clearly result from morphological alterations.
18. Impacts resulting from abstraction with no morphological alteration are not normally considered for designation.
19. “For less clear cases” (abstraction with small dam at intake) some States are considering designation and others are not.
20. At the end, the practical effect on the ecological objective that is applied may not be significant.

Significant adverse impact on use

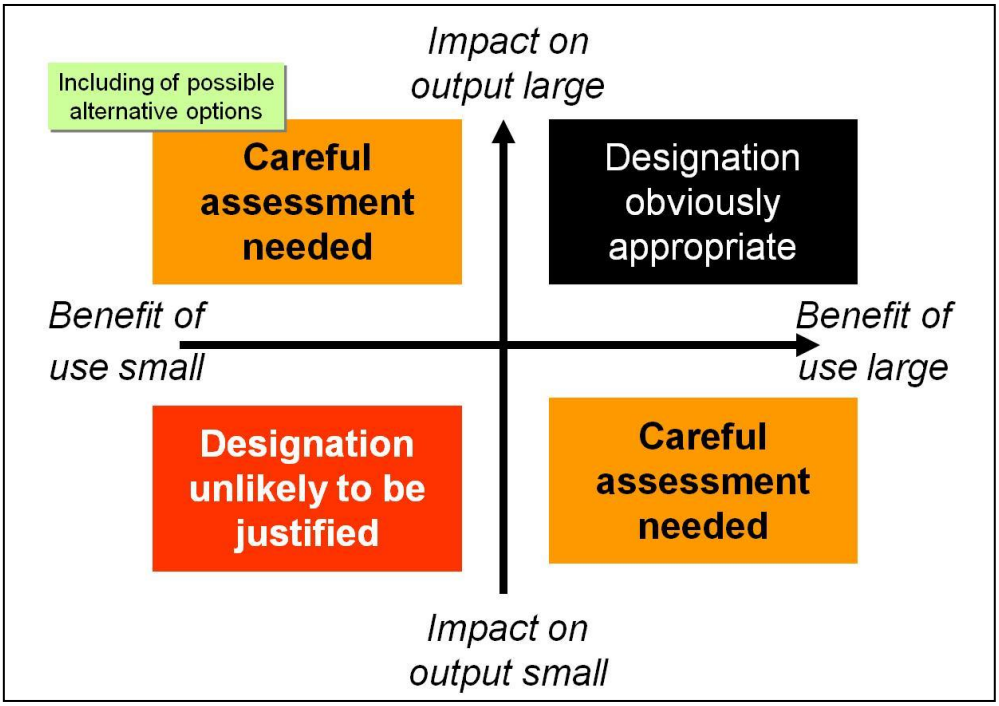
21. Everyone agrees it cannot mean "no impact on use".

22. Fixing common thresholds at EU level for “significance” is not practical or appropriate.
23. Ultimately, a decision on what is 'significant' involves some element of political judgement.
24. The reasons and criteria for judgements on significance should be made clear.
25. Member States are aiming to maximise improvement with the minimum of impact on use.

Significant in relation to what?

26. The workshop recommended that it is good practice to be clear on what is taken into account when making judgement.
27. For example, several factors appear to be possible considerations in determining if an impact on hydropower generation is significant:
    - ➔ Proportion of scheme’s total output
    - ➔ Proportion of annual variation in scheme’s total output
    - ➔ Proportion of renewable energy targets
    - ➔ Cumulative impact on renewable energy targets
    - ➔ Scale of benefit to the water environment

27A. The figure below represents the workshop's conclusions on the factors that affect the relative difficulty of deciding whether it is appropriate to designate a water body as a HMWB. In the situations represented by the orange boxes, careful assessment is needed to decide whether the impact on the use would be significant and, if so, whether alternative options for providing the benefits of the use can be ruled out.



2.3 Ecological potential

Good ecological potential

28. Designation of a water body as a HMWB is not an excuse for doing nothing.
29. Good ecological potential (GEP) means close to the best that can be done for ecology without significant adverse impact on use.
30. GEP can be an ambitious objective – e.g. if only limited mitigation is currently in place
31. Where the modifications support multiple uses, the achievement of GEP may require contributions from each user.

Ecological continuum

32. Everyone agrees that ecological continuum is a relevant consideration in defining GEP as well as MEP (Maximum Ecological Potential).
33. "There must be fish" – fish (in particular, migratory species) is seen as a good indicator of ecological continuum. There was general agreement at the workshop that providing river continuum for fish migration is normally a necessary component of good ecological potential.
34. It is good practice to consider ecological continuum at river basin scale - but act at local scale.
35. Lateral connectivity (e.g. with shore zone; riparian zone etc) and sediment transport are also relevant for ecological continuum.

GEP – comparability between methods

36. Most Member States believe that the two CIS methods identified for defining GEP should give comparable results.
37. The two methods are:

    (1) the reference-based method; and

    (2) the mitigation measures method.

GEP – reference-based method

38. Questionnaire results prior to the workshop indicated that around 50 % of Member States were using the reference-based method or both methods (reference-based and mitigation measures methods). However, discussions at the workshop revealed that a significant number of Member States who had reported using both methods were in fact using the mitigation measures method albeit with different ways of defining the associated ecological targets. Based on this, the conclusion of the workshop was that only a few Member States will use the reference-based biological method (in relation to impacts of hydromorphological alterations) in the first cycle and often will apply it to only a sub-set of their HMWBs.

39. Examples where it will be used include:
    - Assessment of pollution in all HMWBs.
    - Where there are many water bodies with very similar modifications (e.g. canals and ditches in the NL).
    - Change of water category but otherwise similar to existing natural water bodies (e.g. some reservoirs which closely resemble natural lakes).

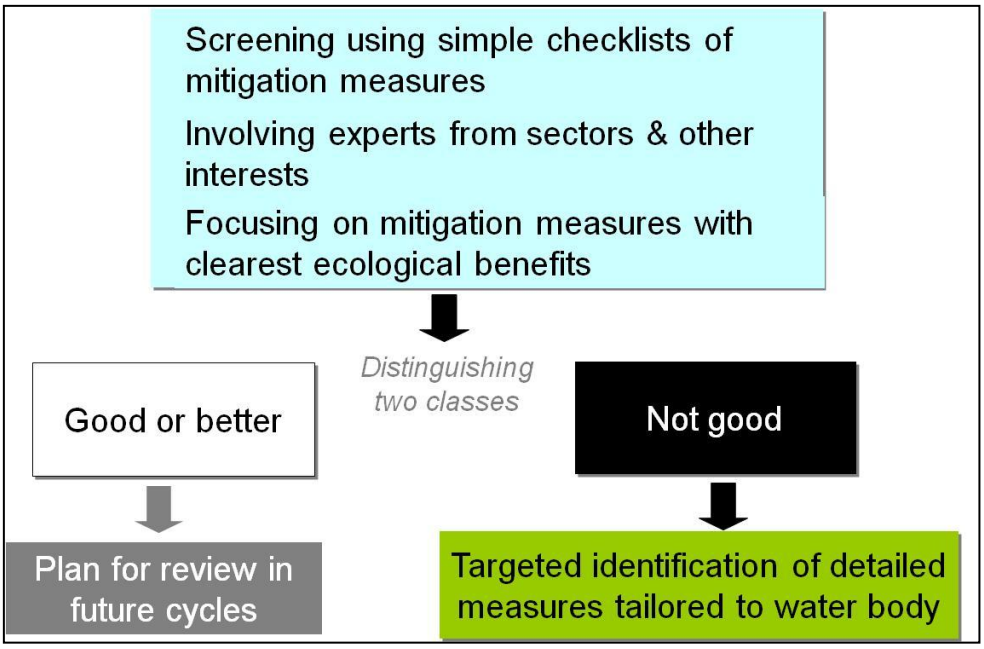
GEP – mitigation measures method

40. Most Member States base GEP on the mitigation measures method.
41. Most Member States link mitigation measures to ecological improvement targets.
42. There are various approaches to describing ecological targets *(e.g. simple qualitative descriptions; modified ecological quality ratio class boundary values).*
43. For example, to derive an ecological target, the existing ecological quality ratio (EQR) for each relevant biological quality element in the water body is measured. The improvement in the value of the biological quality element EQRs resulting from GEP mitigation measures is then estimated and added to the measured EQRs. The revised EQR values represent the ecological quality expected to result from the mitigation measures and hence the EQRs for GEP.
44. The environmental objective is not just a list of mitigation measures.
45. It is the ecological change those measures are designed to achieve.
46. Both of the above are part of the mitigation measures method.

GEP – practical challenges

47. A large number of water bodies needs to be classified in short time.
48. There is no time for overly complicated approaches.
49. There is need to prioritise – i.e. identify water bodies that are clearly not at GEP and then direct effort to these.
50. Experience from a number of Member States indicates that the mitigation measures method is easier to understand and apply by water managers.
51. One reason identified by Member States for not using the reference-based method is that defining biological reference values in relation to site-specific modifications has not been possible.

Examples of approaches being used



51A. The figure above illustrates some of the approaches being used to assess large numbers of heavily modified water bodies for the first river basin management plans. Differentiation of water bodies identified as "not good" into moderate, poor and bad ecological potential will be required subsequently.

GEP and ecological quality

52. The ecological quality represented by good ecological potential depends on:

- the specific modifications associated with the use or uses of the water body and the specific adverse ecological impacts caused (given the characteristics of the water body concerned);
- the level of mitigation originally incorporated into the modifications (i.e. because retrofitting a mitigation measure may be technically infeasible or have a significant impact on the existing use); and
- judgements about the significance for the use(s) or wider environment of mitigation – and hence on what additional mitigation can be applied.

Where these factors vary, good ecological potential will not represent the same ecological quality.

53. Ecological quality at GEP may be more similar for some uses than others.

54. It may be most similar for uses involving very similar modifications to very similar types of water bodies. Some countries (e.g. France) are developing typologies for HMWBs.

55. For example, it may be similar for inland navigation (e.g. canals; large rivers) serving similar types of vessel and with similar use-levels; etc.

GEP – improving understanding of GEP comparability

56. *Short term* - transparency about the mitigation measures for GEP considered applicable by different Member States.

57. At higher level of description, mitigation measures already appear comparable for at least some uses *(e.g. hydropower).*

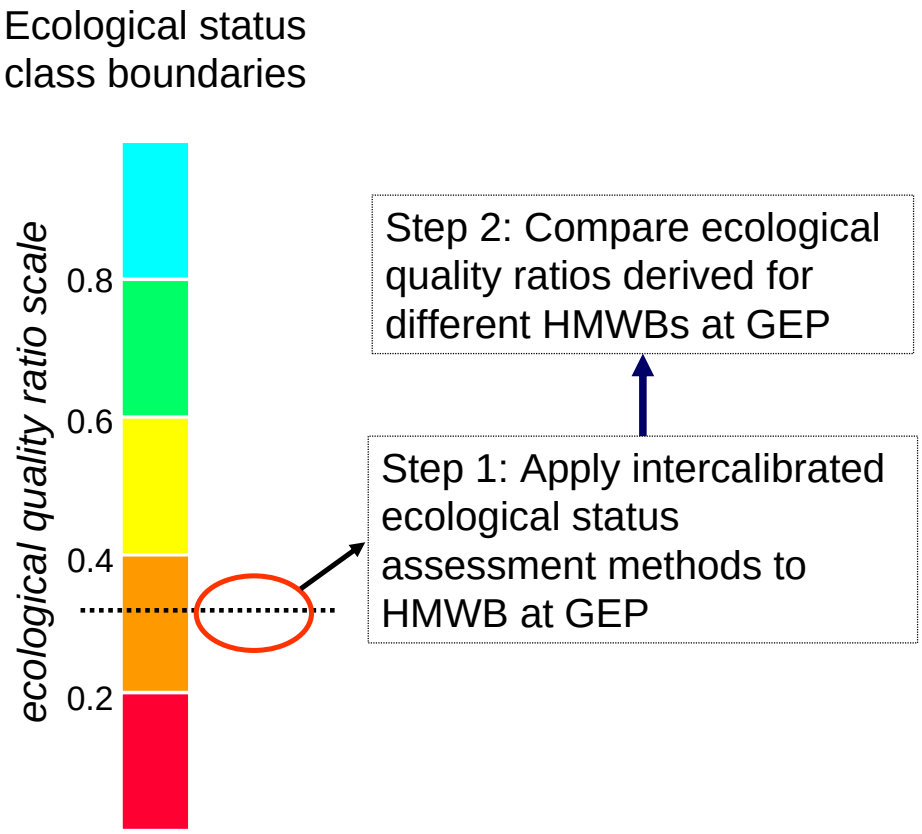
58. *Medium term* - development/improvement of biological assessment methods for assessing hydromorphological alterations *[e.g. take account of absolute abundance as well as composition]*. Not all Member States currently have such methods.

Intercalibration of good ecological status boundaries for the above systems.

Classification of ecological status of HMWBs - as well as ecological potential - to provide a directly comparable reality check on GEP.

59. Challenge: Requires ecological status biological assessment methods that fully reflect the impact of hydromorphological alterations. These and assessment methods for morphological quality elements are not yet developed by all Member States.

60. Recommendation: Exchange of information between Member States with such assessment methods and those without.



60A. The above figure illustrates how the ecological quality represented by GEP in different water bodies can be compared using the biological assessment methods developed for the closest comparable water body types. The process requires the intercalibration of biological assessment methods for ecological status that are sensitive to hydromorphological alterations.

60B. Not all Member States have yet developed biological assessment methods sensitive to hydromorphological alterations and Phase 1 of intercalibration did not specifically address hydromorphological pressures.

2.4 Objective setting

Objective setting – application of time extensions

61. Extension of deadlines will be used.

62. Main reasons for time extensions appear to be:

    1. *natural recovery times*
    2. *need to phase major investment programmes*

63. Time extensions can deliver prioritised improvements – e.g. target where it is possible to get large and clear benefits; etc.

64. Simple criteria & expert judgement have been used in many cases to set time extensions.

65. It is good practice to explain what will be achieved (in terms of improvements to individual quality elements) by 2015, 2021 and 2027.

Objective setting – consideration of less stringent objectives

66. The tests for applying a less stringent objective or a time extension are similar.

67. Member States do not appear to be planning to consider applying less stringent objectives to HMWBs before 2027.

68. The general view of the workshop is that it would not be appropriate to apply less stringent objectives to HMWBs before 2027 except possibly in relation to adverse impacts caused by severe pollution.

69. There is review need for less stringent objectives in the third planning cycle.

2.5 Stakeholder involvement

Stakeholder involvement in process

70. Benefits:

- Sector's knowledge of uses.
- Understanding of value to other stakeholders of improving the water environment.
- Contribution of technical knowledge to the detailed design of mitigation measures.

71. Examples of good practice:

- Stakeholder involvement in the development of methods and criteria.
- Workshops with users and other stakeholders to apply methods.
- Consultation on the detailed design of improvements as part of licence reviews.

72. It is good practice to be clear on the criteria on which expert judgements are based.

Manage expectations

73. Assessments and judgements are not going to be perfect the first time.

74. Update and improve for future planning cycles.

2.6 Proposals for further work (e.g. in the Mandates ECOSTAT/HYMO 2010-12)

75. Continue information exchange on:

  - Methods for hydromorphological assessment
  - Minimum ecological flow

76. Collate Member States checklists of mitigation measures:

  - Effectiveness

- Practicality

77. Further information exchange on the comparison of methods for defining GEP in 2011/12. In addition, phase 2 of intercalibration should specifically address hydromorphological pressures, as an integrated activity of the CIS work programme 2010-2012 for the WG ECOSTAT.

78. Information exchange on hydromorphological modifications for agriculture

- And probably also other uses (e.g. fisheries, shellfish …)

Annex 1: Written comments of workshop participants

Bullet number	Member State/ Organisation	Comments of participants	Action
1-2	FR	reverse the two sentences and changes to text: Improving the status of the water environment is the goal of WFD water uses can also provide important benefits	Accepted & amended
4	EEB Germany	for me key change to water management due to directive is the explicit achievement of a defined ecological quality.	Accepted and amended
5	FR	it's false , a average of 15 % at European scale is not substantial in my sense Delete substantial and change by : For most Member States, numbers of water bodies are being designated (e.g. 15 % for river water bodies)	Accepted and amended
8	EEB	We don't quiet share the view that 'final designations of HMWB are the result of 'better information and fuller assessment', at least in the case study from NiederSachsen presented, there where some new criteria which are not in line with any existing guidance on the matter. A better formulation would be to add to the words 'final designations of HMWB are sometimes the result of 'better information and fuller assessment' 'sometimes also appear to be motivated by sector interests'.'	Accepted and additional point 9 added. Also accepted that additional information provided by water users has been a factor
8	EEB Germany	I'm disappointed that seemingly many participants of the workshop did not understand that many german "Länder" heavily increased their number of HMWB's between 2004 and 2008, not only Lower Saxony (e.g. Northrhine Westfalia: 25% to 58%, Schleswig-Holstein: from 15% to 70%!, Saxony-Anhalt: ? to 72%, Lower Saxony: 43% to 84% ...)	Noted but no amendment made - specific to Germany.
10	NL	"Use clear" and "Use not clear" is confusing. Is "use not clear" an indication that "MS don't know" or is meant that no or limited information has been given in the returns of the questionnaire. Please clarify to make this sheet more "self explanatory"	Accepted and amended

Bullet number	Member State/ Organisation	Comments of participants	Action
10	FR	Uses in France were very clear, and refers to art 4.3 For example the use « agriculture » is not identified as such in the Directive, the only real use could be flood protection or land drainage (in consideration of the spatial extent of impacts) for agriculture. On the right column this is not use that's not clear but the implementation of article 4.3 Replace in the head of column Left : uses refers to 4.3 Right : implementation of 4.3 not clear	Accepted and amended
12 - 14	NL	Several presentations, both key-note and in the working groups, emphasized that designation is sometimes very obvious. Most member states therefore apply a 'multi-stage approach' with includes more detail when designation becomes less obvious. In the first step of such an approach, designation can be performed without further detail on the extent of the modification (although this should be transparent). We suggest to mention the 'multi-stage approach' and to couple the requirements for further quantification of the (spatial) extent of impacts to the degree whether or not designation is obvious. Furthermore, it has been stressed several times during the workshop that modifications may vary from water body to water body. Very often there are multiple impacts, so a straightforward application of rules of thumb based on quantification of the spatial extent of an impact will not be sufficient. We would like to see that attention is given to these multiple impacts. In this slide and other slides "use" is used, where also the option "wider environment" is at stake.	Accepted in part and amended
20	SE	I do not understand the meaning of it, or if I do, the semantics could be improved. My understanding: No designation => ok with significant adverse impact on use => could potentially mean "more than a minimum ecological flow". To me "but ecological flow objective should not be affected" semantically sounds like it refers to a flow that is less than an ecological flow. Or have I got it all completely wrong? Could this be clarified?	Accepted and amended

Bullet number	Member State/ Organisation	Comments of participants	Action
20	EEB	We don't really understand what is meant with the sentence 'But ecological flow objective should not be affected unless significant adverse impact on use is accepted by States not designating'. Would be good if that could be clarified.	Accepted and amended
20	EC	the last sentence is not clear, what is the ecological flow objective?	Accepted and amended
20	FR	OK, For ecological flow there is a French law for this problem	Noted but no amendment
21 - 25	EEB Germany	to me it seems that it IS possible to at least define guidelines of what is significant. One could therefor refer to article 4.3 list of uses and give a minimum-definition of what is necessary to have significance (adverse effect). I think the aim should be, having less political judgement possible but base it on clear criteria. Otherwise a lot more bureaucracy will be needed to check every single case.	Rejected on the basis that no criteria have been proposed or discussed.
21 – 25	FR	For the significant impact on use : It's important to separate global environmental benefit and local economic benefit for users	Noted but unclear how to amend text
27A	NL	The two orange boxes refer to different situations. Where top-left alternatives for the use may be the main point, bottom-right mitigation measures may be at stake. Please consider to ad to the bottom right orange box a text along the lines of "focus on mitigation measures"	Reject. Mitigation is relevant in all cases. The orange boxes represent situations where it is not obvious whether the impact on the use would be significant or that alternative options can be ruled out

Bullet number	Member State/ Organisation	Comments of participants	Action
28 - 31	FR	This way of thinking is only in accord with the Prague approach and is taking the problem in the over side Second sentence : this definition is avaible only for HYMO elements for MEP, not for GEP Refer to annex V 1.2.5 The aim of WFD is to assess the good status or good potential by a slight difference of the BQE to a reference.	The description in slide 15 is relevant in the context of both methods for defining GEP. It is true that only MEP means the best that can be done - so have amended to reflect this (by adding “close to [the best that can be done for ecology…]”; also the text refers to “ecology” and not to hydromor-phology, so the comment is not relevant here).
32	EEB Germany	Some sentences really don't make too much sense, e.g. last sentences of slide 16. What is relevant for an linear ecosystem if not continuum? The "river continuum-model" is THE definition of flowing water-ecosystems!	Rejected - but amended to clarify point being made

Bullet number	Member State/ Organisation	Comments of participants	Action
33	AT	Remembering the outcome of the discussion on ecological continuum the conclusions "E.C. is a relevant consideration in defining GEP" might lead to a misunderstanding. I would like to suggest to amend the conclusions to say something like "providing continuum for fish migration is normally a necessary component of good ecological potential. "Normally" because there might be cases where this is not required like: - The area of fish habitat upstream of a barrier to migration is insignificant; - There are natural barriers to migration downstream; - The installation of fish passage provisions would be technically infeasible (i.e. an impracticable mitigation measure) or would have a significant adverse impact on the wider environment.	Accepted and amended
33	FR	Nowhere appears the sediment transport and I think it's an important alteration of a lot of rivers in Europe Add "sediment transport" for ecological continuity	Added in point 35
35	EEB	We would argue that lateral connectivity is relevant for all rivers.	Accepted and amended,
35	EEB Germany	urgently add "floodplains" to examples of lateral connectivity. Erase "in at lest some water body types".	Accepted and amended
36 - 37	NL	We propose to call the first method "Reference-based method". Addition of "biological" and "monitoring" is confusing. "Monitoring" is associated with measurements rather than with "assessment (of the status)". We prefer that assessment/metrics is used when this is aimed at. In the NL the two methods are distinguished by top-down (starting with reference conditions of the closest related type) and bottom-up (starting with the present state). We suggest to add this if further clarification is needed.	Accepted and amended

Bullet number	Member State/ Organisation	Comments of participants	Action
36	FR	Replace everybody by a lot of MS, France doesn't agree and thinks that mitigations measure approach could be very dangerous on long-terms and should possible only for the first round of POM's It's a way of rebuild the aim of WFD which is focus on biological assessment Both methods are compared, but we never check if the Prague approach is WFD compliant or not.	Accepted and amended

Bullet number	Member State/ Organisation	Comments of participants	Action
38	NL	"Use of reference-based biological method will be limited in first cycle". We believe that it is better the use the percentages given in the discussion paper. 50% uses the reference method or both methods and 60% uses the Prague method or both methods.	Reformulated according to discussion paper prior to workshop, also considering the following: At the workshop, it became clear that many countries were actually using the mitigation measures method even though they had indicated otherwise in the questionnaire. This is because of a misunderstanding : The mitigation measures method also requires ecological targets to be set. Presentations at the workshop showed that there were very few examples of a truly reference-based method
38 & 40	FR	There is the same percentage of MS that uses each method (28 %) so, to be conform to updated discussion paper, have the same formulation in points 38 and 40. For example, 28% of MS...; or replace on point 38 "only a few MS" (it's false) by "a lot of" and do the same for point 40	Comment considered; see explanation in previous comment
39	EEB Germany	don't undestand last sentence	Accepted and amended

Bullet number	Member State/ Organisation	Comments of participants	Action
40 - 42	EEB	We would like to add here something that 'some member states compare values for GEP with GES values for different quality elements' (as for example the NL did) and later refer to that as best practice to allow for immediate comparability of GEP between member states at slide 25 for example.	Part accepted and incorporated in slide 19, 26 and 28
40	FR	Add: or a mix of both methods for the first round of POM at the end	Rejected. A few Member States may use both methods and this is already indicated in slide 18
40-41	EEB Germany	addition: "these targets must be clearly mentioned and an explanation is needed of how to achieve them"	Rejected. Slide 25 already proposes that mitigation measures for achieving GEP be identified whichever method for defining GEP is used.
43 - 45	FR	The links between hydromorphological pressures, stressors, and biological element are difficult to define; the links between mitigation measure and biological responses is more difficult to assess. We must be very careful to focus on biological assessment	Rejected. The issue of the link between mitigation and biological response is common to both methods - as Member States have to identify the measures needed to achieve GEP.

Bullet number	Member State/ Organisation	Comments of participants	Action
47 - 51	NL	The meaning of this slide is not clear to us. Are some member states surprised of the outcome of application of WFD art 4.3? In that case the slide should be shortly after slide 14 as it gives the 'setting'. Or refers slide 21 to advantages of the second method? Than it is incomplete. Anyhow, the advantages of the method should be on a slide. Only the last point is an argument. Furthermore, the errors involved with method 1 and the site-specific modifications, that makes it impossible to have a sound starting point ('reference') for most HMWB.	Partly accepted and amended
47 - 51	EEB Germany	"Short time"? Since 2000! Provisional identification in Germany is from 2004 (characterisation of river basins)!	Rejected. Monitoring programmes (for example) had to commence at the end of 2006.
47 - 51	EEB Germany	I think one main experience from the whole workshop is that mitigation approach could (maybe) be easier than biological approach, but is only fulfilling aims (GEP) if a clear and transparent monitoring for achieving GEP for biological quality elements is guaranteed but some member states unfortunately not yet clearly promote that.	No text change proposed
51A	NL	We suggest to divide the box 'not good' in 3 sub-boxes with the classes mentioned in WFD Annex V.1.4.2ii. The Prague approach is not an exemption to the way one should present results of an assessment system. The fact that some member states do not intend to differentiate in these classes is another matter. As an alternative two situations can be distinguished. In case the figure will not be changed it should clearly be stated that Annex V.1.4.2ii. of the WFD is distinguishing more than one class under the heading of “not good” being “moderate”, “poor” and “bad”). Furthermore, the figure does not show what the title suggests. How is 'good' determined? It highlights some aspects related to the selection of mitigation measures. It is better not to use the graph at all.	Reject but explain purpose of slide more clearly Accepted to add sentence stating the distinction of “not good” into 3 classes
51A	FR	“Focusing on mitigation measures with clearest ecological benefits” : for the moment this step is very ambitious because the work on the links between BQE and HYMO’s restoration are not clearly set	Rejected. We do not know nothing!

Bullet number	Member State/ Organisation	Comments of participants	Action
52	NL	We do not understand why comparability is related to the use. In many/most cases there are multi-users and multi-impacts. The most important feature of comparability should be aiming at a transparent relation with (limited distant to) the Intercalibration results. So the GEP should be compared to the GES of the closest related IC-type. We do understand that there are several problems in practice to achieve this, but it should be the ultimate goal to aim at. The EC referred to this during the final discussion. This has not yet been addressed in the slides - it was mentioned several times during the workshop-discussions and we would like to see this back in the conclusions. Furthermore, comparability is more obvious for the impacts than for uses (see above: several uses may have the same impact, or a use may lead to different impacts).	This slide is about why ecological quality may differ between water bodies classified as being at GEP. It is not about how to compare that ecological quality - only to explain why it is likely to differ. Slide 28 is intended to deal with comparing GEP with GES.
52	NL	Add: ecological quality **to be** achieved	Not relevant
52	SE, at SCG	Conclusion No. 52, 2nd bullet includes following statement: "The ecological quality represented by GEP depends on • the level of mitigation already in place, and"... At the SCG meeting, SE doubted this statement and argued that GEP is independent of this.	Point rewritten for clarification
54	FR	for this approach you could have a look on the French typology of HMWB Add: (e.g. French Typology of HMWB)	Accepted and amended
58	NL	Slide is not clear. "Improving biological monitoring systems" It is not clear to us what this means. Does "monitoring" refer to adequate measurements or to the assessment of the status? From the discussio, we believe that it is the latter, but we associate monitoing with field mearuments. Implicitly, this text refers to the facts that some assessment systems do not work properly to hydromorphological changes. This is however not a general problem and was hardly addressed during this workshop. We suggest that this proposal is added to the last slide and not referred to here. Furthermore we suggest to replace the content of this slide with the recommendation we made at 23-24. We should aim at expressing the GEP on the 0-1 EQR scale of the closest comparable water body.	Accepted terminology change (although monitoring system is WFD term).

Bullet number	Member State/ Organisation	Comments of participants	Action
58	FR	This slide and the process isn't clear	Accepted and amended
58	EC	I think it should be "absolute abundance" (cf. intervention by Andrea Buffagni). Many of current biological methods already address relative abundance but do not capture e.g. a reduction in the river size. In addition, the idea of using the ecological status scale to make a "reality check" of GEP as presented by the Dutch is somewhat indirectly in the conclusions but not very clear. May be slide 28 is trying to deliver this message but it is not clear. This is one important outcome of the discussion and should be properly reflected in the workshop conclusions.	Accepted and amended
59 - 60	EEB Germany	I think detailed hydromorphological mapping should always be taken into account besides monitoring of biolog. quality elements because morpghology directly affects organisms and therefor is a good indicator itself. But you need a fine scale mapping method (for example in Northrhine-Westfalia. 100 meter-steps). You can easily see then e.g. where you still have too many dams/weirs for proper fish-/invertebrate-/sediment migration.	No text change proposed,
59-60	FR	3rd bullet: "identify uses/water body types for which GEP is comparable between water bodies" same point of view that French approach Add: (e.g. French approach)	No change proposed
59 – 60	EC	make it clear that there are Member States that have developed such methods (e.g. AT, DE)	Accepted and amended
60A - 60B	EEB	Again we don't quiet understand this new chart.Would be good to get some clarification to this slide.	Accepted and amended

Bullet number	Member State/ Organisation	Comments of participants	Action
60A - 60B	NL	The scheme does not illustrate the approach used in the NL. We have estimated GEP by adding the effect of mitigation measures to the present state. Therefore, step 2 should be a quantification in EQR of the effect of mitigation measures. This is also needed to motivate that GES is out of reach and designation as a HMW is necessary. Than GEP is the outcome of this and not by application of an assessment system (and not monitoring system) to HMWB at GEP. Step 3 is used as a validation and in case of lack of data this may be based on expert judgement. The box on the right may be replaced with a comparison with the GES of the closest natural water type. Finally, the mitigation measures that are taken in practice depend on the outcome of art 4.4. WFD.	I have made this separate point clear on slide 19.
60A - 60B	FR	Where does this slide ? what is the aim of it ? why the ES is the start point ? this process is really unclear	Accepted and amended
60B	NL, after SCG	Comment: the emphasis is that “not all Member States have yet developed biological assessment methods sensitive to hydromorphological alterations”. The first part of conclusion 59B is not the main issue. It is better to reverse these 2 items in conclusion 59B. Further, as a consequence of this conclusion this issue should be integrated in the phase 2 intercalibration activity (to be integrated in the new CIS work programme 2010-2012 for WG-A/GIGs as an integrated and not a separate IC-activity).	Accepted and 2 items of sentence reversed Accepted and recommendation added in point 77
61 - 65	EEB Germany	In many of the german draft management plans there are insufficient justifications of time extensions and it's the same for some other member states. In Lower Saxony there are time extensions for more than 90% of the waterbodies with an "automated uniform justification-scheme" (it's always the three reasons mentioned without any explanation). "Time for Money" is not a reason according to wfd (they had/have time from 2000 till 2012!). "Natural recovery times" are only ok if you start measures in time and then, by monitoring the effects, see that it lasts longer!	No text change proposed
61 - 65	NL	Replace “derogation” by “extension of deadlines”	Accepted and amended

Bullet number	Member State/ Organisation	Comments of participants	Action
61 - 65	EEB	'Complicated analysis for each water body has not proved necessary or practical.' we would like to change that to 'has not be done for a number of reasons, important is to make reasons for doing this clear and transparent'.	Rejected, but Jorges comment accepted.
61-65	NL	"Simple criteria & expert judgement used to set objectives" Not to set objectives but to apply art 4.4. Furthermore, art 4.4 does not require to set another objective (in terms of EQR) - unlike art 4.5. Finally, we have added to the discussion that it is relevant to show for which quality elements/substances the objective won't be reached in 2015.	Comment unclear. Setting a time extension is setting an alternative objective to achieving good status by 2015
61-65	EC	we do not need the last sentence. Although in most cases a simple approach may deliver clear outcome, we should not discard the need for more detailed analysis in some complex cases.	Accepted and amended
66 - 69	EC	one of the outcomes of the discussion was that application of 4(5) in HMWB for hydromorphological impacts before 2027 is not possible (makes no sense as the test in 4(3)b and 4(5)a are substantially the same). So application of 4(5) before 2027 is only possible for pollution. I would like to see this more clearly reflected.	Accepted and amended
70	FR	“Detailed design of mitigation measures” : be careful; stakeholders can't design mitigations measures but only contribute with theirs own technical knowledges	Accepted and amended
75 - 78	EC	"Minimum flow regulations": the word regulations is not clear to me. I think the outcome was that the ECOSTAT should look at different methods to set minimum flows and how they are able to deliver good ecological status/potential.	Accepted, delete
75 – 78	EC	I do not know what is "Simplifications??"	Accepted, delete
X	EEB	An extra point we made during the final plenary which seemed to be supported was about 'unclassifying' HMWB when it turns out that GEP is in fact the same as GES. We would like to see that added.	Rejected. This is already clear from the Directive and existing guidance

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x	EEB Germany (II)	Every use must contribute to reach the objectives and accept some reducing of impact of use. This was agreed and especially the German collegue from hydropower has expressed this clearly.	Accepted, but not in this stringency: “Every use has to accept effects” . Slide 15 amended
x	EEB Germany (II)	The reference for HMWB, too, is still the good status, as it is stated in the Guidance document. The objectives must not be reduced by the so-called Prague approach. Even a pragmatic approach with a list of possible measures must look what is possible to realize in relation to Good Ecological Status. This must include the contents of Annex V 1.2.5 for the definition of GEP with its biological and hydromorphological quality components. Ecological fauna connectivity should be combined with spawning and hatching habitats.	Rejected. Often no comparable type
x	EEB Germany (II)	The most likely comparable surface water body type in the course of a running river, which is dammed somewhere, is of course a river water body type. The change of category to a lake is only given with reservoirs like in the high alpine regions.	Rejected
x	EEB Germany (II)	Uses impacts on water bodies from wich the alteration is caused with minor or reversible results like in the case of agriculture and navigation, without a change of character should not lead to HMWB designation.	Equal to De Pous
x	EEB Germany (II)	Straightened water courses like in agricultural regions can be improved and restored without significant impact on the use as such, so there is no reason for HMWB in many cases. Similar with waterways regarding river bank fixation which is not necessary in many cases applying new methods.	Rejected, could be HMWB mitigation
x	EEB Germany (II)	Mistakes or errors in the identification and designation processes have to be corrected. What is quite clearly wrong is the designation of the lower Romanian Danube as heavily modified, because it is one of the best river stretches in Europe. The other bad example is northern Germany with Lower Saxony with incredible changes from natural water bodies to HMWB. Both cases should be examined in detail to stop political mis-use of HMWB designation.	Equal to De Pous

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x	EEB Germany (II)	For restoration objectives we need a look to the biodiversity needs of the river or the river basin beyond the water body level. Further research on biodiversity and hydromorphology is needed.	Rejected. I have thought to add it to last slide, but think it is a minor point
x	EEB Germany (II)	Fish, other fauna and sediments should be able to pass the barriers, for fish downstream migration and lateral connectivity is of big importance. Fish ladders must work in reality.	Already included