

# Workshop on how to improve guidance on the links between the EU Nature-, Water Framework, Floods- and Marine Strategy Framework Directives

Wednesday 13 November 2019, 09:00-16:00, Brussels (Belgium)

This is the report of a workshop hosted by the European Commission to review and discuss with Member State authorities and other stakeholders the existing EC guidance on the interactions between the BHDs, WFD, FD and MSFD and whether this guidance should be further improved, supplemented and promoted more widely.

Around 35 people participated in the workshop. Two-thirds of these represented Member State authorities responsible for EU nature-, water- and/or marine policies. The other third were representatives from conservation NGOs, other stakeholder groups or the business sector. Representatives from DG ENV, DG MARE, and DG AGRI were also present. A full participants list is included with this report.

All presentations made during the workshop are available here ([link](#))

Guidance document sources

- FAQ on links Nature Directives/ Water Framework Directive ([link](#))
- FAQ on links Nature Directives/Marine Strategy Framework Directive ([link](#))
- Case studies on synergies between WFD, MSFD and Nature Directives ([link](#))
- A Starter's Guide - Overview on the main provisions of the Water Framework Directive, the Marine Strategy Framework Directive, the Birds and Habitats Directives, and the Floods Directive ([link](#))

## Welcome and introductions

By way of introduction, Nicola Notaro (Head of Unit for nature protection, DG ENV) and Erik Gerritsen (IEEP) outlined the history behind the EU guidance documents, particularly in relation to the various nature, water and marine Directors meetings over the years which aimed to forge a more coordinated approach between the directives. The need for more guidance and a more integrated approach was also highlighted in the 2016 Fitness check on the Nature Directives.<sup>1</sup>

This was addressed in the ensuing Action plan for nature people and the economy ("nature action plan" - NAP) published in 2017 (see PowerPoint for details). One specific action under the NAP is to *'Support Member States to improve synergies while implementing the Nature Directives, the Water Framework Directive (WFD), the Nitrates Directive, the Marine Strategy Framework Directive (MSFD), the Floods Directive (FD), and the Invasive Alien Species Regulation, through building on the existing guidance'*

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<sup>1</sup> The 2019 Fitness Check of the WFD and the FD indicated that one of the causes of not reaching the WFD's objectives is insufficient integration of water objectives in other policy areas [https://ec.europa.eu/environment/water/fitness\\_check\\_of\\_the\\_eu\\_water\\_legislation/index\\_en.htm](https://ec.europa.eu/environment/water/fitness_check_of_the_eu_water_legislation/index_en.htm)

The present workshop should also be seen in the context of the new political framework of the new Commission, in which a European Green Deal is a flagship initiative. The outline of the Green Deal has since been presented<sup>2</sup> and includes proposals for a new EU Biodiversity Strategy, Climate Change law and the Zero Pollution Strategy to tackle the key pressures that are preventing the EU from reaching its nature and climate objectives. The further integration and joined up implementation of existing environmental legislation will be crucial in this context.

### Experiences with integrating the WFD, BHD and MSFD

In the morning session, participants were asked to provide feedback on:

- What they see as key opportunities for further integration in implementing the directives as well as major bottlenecks;
- Any good practice experiences in integrated implementation and overcoming difficulties therein;
- The (continued) usefulness of the Commission guidance in this respect.

The following points were raised in the discussion:

In one country, the presence of protected nature areas in the river basin has facilitated the implementation of the WFD as these areas are under less pressure and so are better able to contribute towards reaching a good ecological status (GES).

In another country, however, significant challenges remain between the WFD and the strict legislation imposed by the BHD which can sometimes run counter to the overall objective of reaching GES, particularly in highly managed or modified river basins. Further guidance is deemed important to help understand the overall objectives of the Directives. Only then will it be possible to achieve their better integration in practice.

Several participants considered there was a strong need to learn more about how the different Directives are being implemented in the various Member States. In particular it would be useful to have more information on a practical level and in relation to good/innovative practices or lessons learnt in terms of data collection, setting values and objectives for favourable conservation status and implementing conservation measures as part of the Programme of Measures (PoMs) under WFD or MSFD. The sharing of experiences would help different Member State authorities learn from each other but would and pinpoint areas where further guidance would be useful.

Several participants considered that the governance issue is a key factor in determining the level of cooperation and extent of integrated implementation of the Directives. This tends to work much better when the Directives are under the responsibility of a single Authority. In such cases, cooperation and dialogue starts much earlier and can lead to a better understanding of the objectives. This in turn facilitates more joined up implementation of the measures on the ground.

Generally, when the Directives are implemented by different authorities, this dialogue comes too late in the process to enable a good cooperation and agreement on the practical measures to be implemented on the ground (e.g. through the PoMs). There can also be a problem with

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<sup>2</sup> European Commission webpage on the Green Deal: [https://ec.europa.eu/info/strategy/priorities-2019-2024/european-green-deal\\_en](https://ec.europa.eu/info/strategy/priorities-2019-2024/european-green-deal_en)

who is responsible for the cost of implementing the measures. In some countries, public funding earmarked for water policy cannot be invested in measures required under nature conservation law.

It is essential therefore to find ways to bring the different national/regional authorities together at the right administrative level so that they can talk to each other and understand each other's objectives. They will then be much better placed to find ways to agree on practical measures that can be undertaken jointly (or separately) e.g. within the framework of the Natura 2000 management plans and/or the WFD/MSFD Programme of Measures.

Several participants pointed out that whilst Natura 2000 management plans may now exist for many sites, it is still difficult for water authorities to extract the relevant information that could be useful for the POMs. This may be a question of differing scales e.g. a small Natura 2000 site with lots of specific conservation needs within a much larger river basin. Or it may be that the conservation measures within the management plan lack precision or are not easily translated into practice (e.g. to restore the habitat of a species what exactly is required in practice in that site to achieve this, if this is not specified in the management plan then the water authorities cannot know which practical measures to include in the PoMs.)

However, it was also pointed out that the political mandate has to come from the top – for instance when setting conservation objectives for a species or habitat at a national level, there is often some degree of flexibility in terms of where the conservation effort is placed. It might be possible to put more emphasis on one particular site because the measures are easier or cheaper to implement, there are no other considerations that need to be taken into account (e.g. WFD objectives, land management issues) or the site is considered a priority for the species/habitats. If the emphasis is placed on one site, it might allow for more flexibility at another more challenging site.

Austria has introduced a Joint Planning process for all its river basins, precisely because of the problems experienced above. The goal of this joint planning process is to bring all interest groups, including stakeholders, together at the level of each river basin so that all can learn about the needs and objectives of each interest group before thrashing out a common approach. In Austria, they are convinced this is the only way to forge an integrated approach. Without such an enabling environment, it will be impossible to meet all objectives<sup>3</sup>.

One authority also pointed out the problem of scale in the marine environment. For example the Harbour seal (*Phoca vitulina*) has a good conservation status in the Netherlands but not in the marine Atlantic region as a whole. Yet, despite its good status, the Netherlands is still being asked to take positive conservation measures on its territory to improve the overall conservation status of the species in the region. This does not seem fair as it should be the Member States with unfavourable populations who should be required to take the additional measures first and foremost. The situation could also be improved through better coordination at regional and/or biogeographical level, but Member States prefer to report nationally.

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<sup>3</sup> The name of this is called GE-RM (Gewässerentwicklungs- und Risikomanagement, water body development and risk management) and is a planning tool for integrative river basin management. This approach is being tested out across seven Austrian river basins within the frame of a LIFE IRIS Integrated project (more information on LIFE IRIS in the case study section below).

This triggered a general remark from the floor that reporting is much delayed under the MSFD and it is already clear that different countries are not coordinating on their reporting under the Directive. A new contract has started on the links between the BHD and the MSFD reporting. The European Commission invited Member State representatives to contribute actively to this project. The contractors may soon contact them for information.

Regarding seals, an NGO pointed out that for mobile species, like seals, that move between countries, joint action is needed even if the species is in good status in one country. The species might also still be under pressure from fisheries from that country. There should be a better coordination between the MSFD and fisheries as the latter is not transparent. A good example of addressing mobile marine species conservation can be found in the Mystic Seas project<sup>4</sup>.

A peer-to-peer mechanism under the Environmental Implementation Review (EIR) is also available to authorities across the EU. It is a practical tool that facilitates peer-to-peer learning between staff members of different Member State environmental authorities implementing environmental policy and legislation. TAIEX-EIR PEER 2 PEER also helps to share good practice in environmental implementation and governance between Member States<sup>5</sup>.

Several EU funds can assist in supporting projects aimed at promoting a more integrated implementation of the WFD, BHD, and MSFD. They include LIFE and integrated LIFE projects or the forthcoming Strategic Nature Projects (SNAPs) in particular (the new LIFE Regulation foresees the possibility of launching dedicated calls for transboundary projects), as well as INTERREG<sup>67</sup>.

Some participants also stressed the usefulness of MSFD implementation to encourage integrated approaches. However, currently there is still a lack of evidence on how this can work in practice.

DG MARE informed participants that it is actively facilitating cross border regional cooperation and has 21 million € available for 2014-2020 for this. Similarly, DG MARE stressed the importance of Maritime Spatial Planning (MSP) and implementing the Maritime Spatial Planning Directive (MSPD). It recently launched a new project to illustrate practical case studies and offer guidance on the application of the ecosystem-based approach. These examples will be published on the MSP platform<sup>8</sup>.

MSP encourages an ecosystems based assessment and approach which needs to be integrated. The SEA Directive can help integrate the nature directives' requirements into the MSP as can the Appropriate Assessment under Article 6 of the Habitats Directive. The deadline

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<sup>4</sup> Implementation of a coherent and coordinated sub regional approach to monitoring and evaluation of marine biodiversity in Macaronesia for the second cycle of the Marine Strategy Framework Directive MSFD, <http://mistic-seas.madeira.gov.pt/en>

<sup>5</sup> European Commission webpage on peer learning for environmental authorities and the TAIEX-EIR PEER 2 PEER programme, [https://ec.europa.eu/environment/eir/p2p/index\\_en.htm](https://ec.europa.eu/environment/eir/p2p/index_en.htm)

<sup>6</sup> European Commission press release of 13 March 2019, *EU budget for 2021-2027: Commission welcomes the provisional agreement on funding for the environment and climate action*, [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_19\\_1434](https://ec.europa.eu/commission/presscorner/detail/en/IP_19_1434)

<sup>7</sup> European Commission press release of 10 October 2019, *Integrated projects and Natura 2000 – large scale solutions for Europe*, <https://ec.europa.eu/easme/en/news/integrated-projects-and-natura-2000-large-scale-solutions-europe>

<sup>8</sup> Website European MSP platform, <https://www.msp-platform.eu/>

for submitting Marine Spatial Plans is fast approaching so good cooperation between administrations is crucial but indications are that it may not be happening in practice.

The Commission was asked if there was any monitoring of the use and impact of the guidance documents published to support integration. The Commission clarified that previous questionnaires did not solicit many replies, hence the need for this workshop. The Commission invited participants to indicate if they find these guidance documents still useful or not, and if they think they can be improved and how.

Several participants stressed that more case studies and practical examples of how specific issues have been addressed would be very useful to illustrate the guidance documents and render them more practical and user friendly. Aquaculture producers indicated that they would like to see further guidance on mussel farming as a way to reduce nitrogen concentrations benefitting MSFD and BHDs objectives.

### Case study presentations

Three case studies/ practical experiences were presented (see PowerPoints)

- LIFE IRIS- an Integrated project for Integrated River Solutions in Austria
- Dutch Dilemmas in implementing the WFD and BHDs in an integrated way
- EU nature and marine integration successes and challenges

As already raised in the morning session, the Austrian federal authorities developed guidance for an integrated approach to implement the Water Framework Directive and Floods Directive with significant co-benefits for nature conservation including BHDs objectives. To test and implement the approach at the regional level between water-, flood risk management- and nature authorities, a proposal was made for an integrated project to the EU LIFE programme.

This resulted in the LIFE IRIS<sup>9</sup>, with a 21 million EUR budget over 9 years, to implement pilot projects with nine partners in seven different river basins. For each river basin, the pilot project is led by two team members – one from flood protection unit implementing Flood Risk Management Plans and one from the water unit implementing the RBMPs. Their objective is to aim for the best ecological solutions. The project also includes a strong public awareness component on benefits of nature-based solutions to garner public support for the project. Although the project has only recently started, it illustrates well the Commission's point made in the morning session on how LIFE Integrated Projects, and in the future LIFE Strategic Nature Projects, can help to help address the challenge of structural integration for the benefit of biodiversity over the long term.

The Netherlands authorities<sup>10</sup> provided an insight into the challenges they face in implementing the Water Framework Directive and the Birds- and Habitats Directives in a heavily modified and intensively used delta. These challenges were illustrated by the case of the Grevelingen, a former intertidal tributary in the Rhine-Meuse estuary that was dammed in 1971 and became a saltwater lake. The disappearance of tides allowed the return of rare young dunes vegetation for which the site was designated under the BHDs. However, after some years, water quality deteriorated. A plan to restore tidal effects was put forward but

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<sup>9</sup> Project website LIFE IP Iris, <https://life-iris.at/>

<sup>10</sup> Also implementing a 17 million EUR LIFE Integrated Project on coordination of interests in wetland- and coastal Natura 2000 sites Project website LIFE IP Deltanatuur, <https://life-ip-deltanatuur.nl/cms/view/58797179/english>

refused because the appropriate assessment found that it would jeopardize the dune habitats and site conservation status of the fen orchids.

These and other cases prompted the Dutch authorities and stakeholders to agree on a more integrated way to address ecological water quality in Dutch delta waters, which resulted in the 'Programmatic Approach to Large Waters' that includes restoration actions in 33 locations in The Netherlands in a phased approach with significant national funding<sup>11</sup>.

Seas at Risk presented its vision for better policy integration in the marine environment, illustrating the still large gap between the EU vision of ecosystem-based MSP and current practice, and the urgent need for better EU-level guidance on ecosystem-based approaches to deliver environmental goals in the marine environment. Seas at Risk also suggested there should be further EU guidance on how to better deal with land-sea interactions and on how to better integrate marine protection into terrestrial policies e.g. the CAP.

### Feedback on the guidance documents

In the afternoon session, participants were asked more concretely to indicate how they consider EU guidance could be further improved, (for example in terms of content, format, scope) and how to improve awareness of their existence. In general, there was continued support for the guidance documents which they considered were still useful and relevant but poorly advertised. The following more specific points were raised in the discussion:

- Some participants pointed out that the existing guidance documents are not available on key EU information platforms such as the Water or Marine pages of the DG ENV website. Currently relatively few people are aware of this guidance, so it must be made more readily accessible. Participants agreed that the guidance should be made more visible on websites of both relevant EU and national authorities, including recently developed guidance on BHDs and Nitrates Directive<sup>12</sup> and guidance on BHDs and Floods Directive to be published soon.
- Several participants stressed that it would be especially helpful to develop a searchable repository of good (and bad) practical examples of how various aspects of the Directives are being implemented in different parts of the EU. This would provide ideas and inspiration to other Member States facing similar problems. Participants also asked specifically for best-practice examples of cooperation between nature and water/ marine authorities.
- Most participants were of the opinion that the existing guidance is still largely adequate but needs updating to bring them up to the current situation, for example on experience in the development of POMs, assessments and reporting. This is especially true of the FAQ on BHD and MSFD.
- Participants expressed a need for both a central 'handbook' style of guidance document that should be maintained regularly for new developments, in addition to any further more technical and specific guidance on separate issues.

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<sup>11</sup> The Netherlands' government webpage on the Programmatic Approach to Large Waters, <https://www.helpdeskwater.nl/onderwerpen/water-ruimte/ecologie/programmatische-aanpak-grote-wateren/>

<sup>12</sup> European Commission FAQ note on the link between the Nature Directives and the Nitrates Directive, October 2019, [https://ec.europa.eu/environment/nature/natura2000/management/docs/Web\\_Cover\\_Nature\\_Directives.pdf](https://ec.europa.eu/environment/nature/natura2000/management/docs/Web_Cover_Nature_Directives.pdf)

- Specialised working groups that bring national/ regional authorities together around a particular aspect of implementation would be very useful in order to try to learn from and find possible solutions to problems faced by many (e.g. on streamlining reporting obligations and reusing existing data in an cost and time efficient way, integrating nature measures into POMs and setting FCS).
- Moreover, the discussion identified a need for more information on possible sources of EU support to encourage further integration – e.g. studies, peer to peer, EJC rulings and on relevant EU funded projects – e.g. IP projects, Interreg.
- Some participants reiterated Seas at Risk’s call for better guidance on what is an Ecosystems Based approach in relation to the Nature Directives not only in the marine but also in the terrestrial environment. In particular, the use of sensitivity mapping was deemed critical, guidance is needed on how this differs from classic risk assessments.
- The discussion also identified a need to better promote the guidance amongst international organisations not involved directly in EU nature- and biodiversity policy deliberations. For example, OSPAR members seem to know very little about the Birds Directive even though they are a key stakeholder for sustainable futures. This triggered a suggestion to provide new guidance on the links between descriptor 1 of MSFD and the Birds Directive.
- On the issue of translation, views differed: On the one hand, participants agreed that in their countries, guiding information was not sufficiently accessible in the national language. On the other hand, the existing guidance documents were deemed too technical for most non-English speaking practitioners to be used much. Accessibility in different languages may require some more attention by EC and MS in implementation.

## Concluding remarks

The European Commission warmly thanked all participants for their presence and contributions, and made the following key conclusions based on workshop participants’ input:

- Overall, the existing guidance is considered helpful by the large majority of participants, which is positive;
- A revision of guidance on the linkages between EU nature- and marine guidance appears to be the most urgent priority to take forward;
- The need for revision of the other guidance documents appears to be less urgent, with mostly updates required on some specific issues e.g. in relation to recent case law or studies;
- The existing guidance documents are not as well-known as they could be, and the Commission reiterated it would make the guidance better available on its own platforms and that it is open to translate key documents itself in case Member States express a common need<sup>13</sup> ;
- There is a shared desire for more recent case-study evidence, and the workshop highlighted some good examples;
- An additional European Commission resource document on linkages between the EU Nature- and Floods Directives is nearly finalized and will be published soon.

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<sup>13</sup> As for example happened with the recently updated European Commission notice ‘Managing Natura 2000 sites - The provisions of Article 6 of the ‘Habitats’ Directive 92/43/EEC’ of November 2018, [https://ec.europa.eu/environment/nature/natura2000/management/guidance\\_en.htm](https://ec.europa.eu/environment/nature/natura2000/management/guidance_en.htm)





## WORKSHOP PARTICIPANTS<sup>14</sup>

LAST NAME	NAME	ORGANISATION
Barbalić	Darko	Croatian Waters
Becsy	Laszlo	European Commission DG ENV D.3 Nature Protection
Belin	Alice	Seas At Risk
Blendstrup Sørensen	Jette	Ministry of Environment and Food of Denmark, Division of Nature and Climate Adaptation
Boughaba	Jeanne	European Commission DG ENV C.1 Clean Water
Campos	Bruna	BirdLife International
Díaz Domínguez	Laura	Ministry for the Ecological Transition Spain
Dieltjens	Ilke	Flemish Environmental Agency (VMM)
Dudek	Michal	Ministry of Maritime Economy and Inland Navigation Poland, Water Policy Unit
Elverum	Greta	Norwegian Environmental Agency
Gerritsen	Erik	Institute for European Environmental Policy (IEEP) [ <i>workshop facilitation and note-taking</i> ]
Grima Connell	Matthew	Environment and Resources Authority Malta
Groen	Siep	Ministry of Agriculture, Nature and Food Quality The Netherlands
Guil Celada	Francisco	Ministry for the Ecological Transition, Division of Biodiversity and Environmental Quality Spain
Haber	Annabelle	Environment and Resources Authority Malta
Heslenfeld	Peter	Ministry of Infrastructure and Water Management The Netherlands
Hildt	Laura	European Environmental Bureau (EEB)
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Klingenberg	Lissie	Ministry of Environment and Food of Denmark, Department of Marine Environment and Aquaculture
Kulmala	Airi	Central Union of Agricultural Producers and Forest Owners (MTK)
Liquete	Camino	European Commission DG ENV C.2 Marine Environment and Water Industry

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<sup>14</sup> Based on registrations at the door.

Linden	Peter	Irish Farmers Association
Mink	Frederik	Navigation Task group (NAVI)
Mühlmann	Helena	Federal Ministry for Sustainability and Tourism Austria
Muñiz Piniella	Ángel	European Marine Board
Nikolic	Vedran	European Commission DG ENV D.3 Nature Protection
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Semmelrock	Christian	Province of Steiermark (AT) Department of water management planning
Stack	Kathryn	Federation of European Aquaculture Producers (FEAP)
Sundseth	Kerstin	N2K Group / Ecosystems Ltd [workshop facilitation and note-taking]
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