



Preparatory work for the joint Water-Marine-Biodiversity-Nature workshop

Overview on how Member States have treated the
Protected Areas concerning Species and Habitats in the
making of the 1st River Basin Management Plans
under the Water Framework Directive

*Workshop Background Document
07/11/14*

ENV.D1/2012/FRA/0014

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1. Introduction and background

The aim of this report is to provide an overview on how Member States (MS) have treated the **Protected Areas (PA)** concerning Species and Habitats (in relation to sites and species designated under the Birds Directive 2009/147/EC and under the Habitats Directive 92/43/EEC) in the making of the **first River Basin Management Plans under the Water Framework Directive**. The analysis will address in particular the Natura 2000 sites designated under the Birds Directive 2009/147/EEC (Special Protection Areas) and/or under the Habitats Directive 92/43/EEC (Sites of Community Importance/Special Areas of Conservation) and focus on their monitoring, status assessment, setting of additional objectives, and including relevant measures in the first RBMPs. The analysis will provide an overview on how the MS handled issues related to PAs designated for protection of habitats or species in the first cycle of WFD implementation, complementing the assessment that was done in the Commission's third Implementation Report (published in 2012) with the analysis of information exchanged during the bilateral process between the Commission and MS. The study will identify the implementation gaps, the main recommendations for the second cycle, and good examples that could be used for practice exchange.

The principle sources of information for this analyses are the previous assessments for each MS (country-specific assessments) and SWD (2012) 379, and COM (2012) 670 available at http://ec.europa.eu/environment/water/blueprint/index_en.htm AND updated information for each MS received during and after the Commission's on-going bilateral meetings with each MS. Although these are variable between MS, the latter may include at most the following information:

1. The Commission's questions to the MS and the MS's reply prior to the bilateral or the presentations given during the bilateral meetings.
2. The minutes/action points of the bilateral meeting, and the relevant MS responses.
3. Answers to questions/ actions points following the bilateral (for some MS) and Action Plans (for few MS).

Based on these sources, the following eight questions are asked:

1. Are nature protected areas included in the WFD register of protected areas? (WFD Art 6 and Annex IV);
2. For each relevant protected area, have water dependent habitats and species been identified? (WFD Art 4(1)c);
3. Have water requirements (quantitative and/or qualitative) of the water dependent habitats and species, based on their conservation objectives, been assessed? (WFD Art 4(1)c);
4. If relevant, have additional objectives been set for the relevant water bodies, on top of the WFD objective of good ecological status, to ensure favourable conservation objectives are met for the relevant water dependent habitats and species? (WFD Art 4(1)c);
5. Are there specific water monitoring programmes in place to ensure that the relevant water related objectives are followed? (WFD Art 8(1));
6. If specific measures had to be set in place for achieving PAs water related objectives, were they included in the RBMPs? (WFD Art 11);
7. Is there information on whether these additional objectives will be met by 2015 and, if relevant, are there any exemptions set for the additional objectives? (WFD Annex VII.5);
8. Availability/state of implementation of the NATURA 2000 Management Plans or other relevant instruments and if there is integration of them with RBMPs or if it is foreseen for the next cycle.

For each of the eight assessment questions we first ask with a categorical approach whether this has been considered by the MS. The answer on this can be either (1) yes, (2) no, (3) no, but information is present that it will be done in the second cycle of the RBMPs, or (4) unknown. Under the specifications and explanations, we then further include remarks on how solid is this categorical response. Further, we answer how generally valid this is for the MS as a whole. For example, when there are different regional approaches, we answer with a “yes” if this is valid for at least one region in a MS. We then indicate for which regions this answer applies. Also, we indicate whether further information is available that may provide more nuance on the answer.

In relation to the sources of information used for the assessment, we first screened the question and answer document that resulted from the MS-Commission bilaterals. Next, we screened the agreed actions document, further completing this with the information from the country-specific assessments (2012) (referred to in the MS Summary Documents as MS Annexes) or the other sources of information (e.g. background documents, presentations) within the bilateral folders. Thus our results reflect the information that is available from these different sources.

Further, we include the questions as they were exactly asked by the Commission to the various MS in the context of the bilaterals. This allows us to evaluate the overlap between the question asked to the MS and the eight assessment questions that are the content of the current evaluation.

During the process we assess the strengths and weaknesses, gaps in approaches and gather good practices. Concerning the recommendations integrated in the report, these are mainly based on the action points that were suggested in the context of the bilaterals.

The outcome of the analysis at the MS level was reviewed by the Member States during a consultation organised by the Commission. During a two week-period, Member States could reflect on the results of the analysis (as given in the MS Summary Documents) and add or correct information where needed.

2. Structure of the report

We make use of the three broad categories of issues that were discussed at the June Water Directors meeting (Greece) and we use these as the bases for our further reporting:

Table 1 Structure of the report with links to each of the assessment questions

Core categories as defined by the Directors	Relevant topics for WFD Protected Areas	Assessment questions
Assessment/objectives (including characterisation)	- Number of protected areas - Additional objectives - Status	1,2,3,4,7
Programme of measures	- Additional measures	6, 8
Monitoring	- Monitoring of protected areas	5

Considering the above structure we consider five categories in our reporting:

1. Characterisation;
2. Assessment/objectives;
3. Measures;
4. Monitoring;
5. Integration of RBMP with Natura 2000 Management Plans.

Firstly the document includes an overview of the WFD implementation regarding Protected Areas evaluating the eight questions and structuring these in the five categories above (chapter 3 and chapter 4).

Further, the document includes "recommendations" (chapter 5) for the second planning cycle of the WFD.

More detailed information for each MS on each of the assessment questions is included in the MS Summary Documents of the Report (chapter 6) and referred to in the text as "MS Summary Documents".

3. Implementation of WFD aspects related to protected areas: where do we stand in the first cycle?

3.1 Identification of Protected Areas/characterisation

Question 1: Nature Protected Areas included

All MS have included the identification of Nature Protected Areas (PA) in their RBMPs. In BE, not all the regions have considered PAs, nor have all types of PA been included (e.g. Marine Protected Areas). The existing sources for FI do not allow a clear statement for this Member State.

Within WISE (Water Information System for Europe), which comprises a wide range of data and information on WFD implementation by the MS, the following number of protected areas has been reported for Birds and Habitats PAs.

Table 2 Number of protected areas reported for Birds and Habitats PAs per MS

Country	Birds	Habitats
AT	54	93
BE	218	263
BG	111	231
CY		36
CZ	15	439
DE	1022	4878
DK	113	257
EE	73	542
EL	184	233

ES	568	1139
FI		
FR	314	771
HR	16	691
HU	55	467
IE	136	420
IT	474	1725
LT	88	427
LU	13	30
LV		308
MT	3	9
NL	90	159
PL	141	364
PT	66	107
RO	106	213
SE	391	1286
SI		
SK	38	381
UK	100	302
Total	4389	15771

Note that all MS except CY, LV FI and SI have reported Birds and Habitats PAs via WISE. For CY, LV and SI, the MS assessment (see Annexes) indicate that protected areas have been designated in the RBMPs of these countries.

So far, no “completeness check” has been undertaken by the Commission regarding the number and type of PAs included in the RBMPs.

The quantity and quality of the information included in the RBMPs varies significantly, from a minimum of a simple table of PAs and a RBD-wide overview map, to other RBMPs where there are fiches or data regarding the PA’s habitat types and water bodies that are related to PAs (surface and groundwater).

3.2 Assessment and objectives

Question 2: Water dependent habitats and species identified

This assessment focuses on the question “*whether for each relevant PA, water dependent habitats and species have been identified (WFD Art 4(1)c)*”.

Water-dependent habitats have been specifically considered in the RBMPs in BG (partially), CY, IE, FI (partially), LV, SI (partially) and UK. In SI, only some elements of the PAs have been considered, as a large gap of information still exists on local hydrodynamic conditions and conceptual models of GW-dependent terrestrial ecosystems and GW associated surface waters. Through the MS review process, DK has indicated that mapping includes water dependent nature types and species habitats in the National Monitoring Programme; this information could not be verified in this assessment. IE included water dependent habitats and species in the register of protected areas and indicated that the list will be updated in future.

In FI, further action is foreseen for the second cycle regarding the increase of water-dependent Natura areas that will be surveyed in the cooperation with the review of the database of Natura 2000 areas; results should be available in October 2014. Five other MS plan to include this aspect in the second cycle RBMPs: CZ, DK, LU, MT, RO.

In IE and ES, there are national (guidance) documents available that inform on the water-dependent habitats and on measures under the Habitats Directive and high status sites. For IE, water dependent habitats and species were explicitly listed. For ES however, it is yet unclear how far these documents have been included into the RBMPs.

The ES RBMPs include some isolated cases of PAs being considered (e.g. Albufera de Valencia, Laguna de Fuentepiedra, Laguna de Gallocanta), but it is not a nation-wide exercise.

Question 3: Water requirements

This question focuses on *“whether the water requirements (quantitative and/or qualitative) of the water dependent habitats and species have been assessed in relation to their conservation objectives (WFD Art 4(1)c)”*.

Seven MS (BE, BG, FI, IE, LV, SE, SI,) have taken action to assess the water requirements of water dependent habitats and species. SI reported a complete approach, LV states that these have been assessed where relevant, and FI reports assessments for 20 bird PAs (lakes).

Nonetheless, most of these MS have not yet undertaken a full country-wide assessment. In BE, only in Flanders and Wallonia have specific surface water EQSs been adopted for Natura 2000 areas where “normal” good status would be insufficient to achieve conservation objectives, and similar EQS are under development in the Brussels Capital Region but have not yet been formally adopted. In BG, only the East Aegean RBD has undertaken assessments. In IE assessments have been undertaken for the freshwater pearl mussel, but not necessarily for all other relevant species and habitats. So far SE has identified the needs for additional measures, and developed a study to identify possible impacts from groundwater abstractions. A similar study for chemical aspects, where the sensitivity of the different habitats/species to selected contaminants is assessed, is expected to be finished in 2014.

Eight MS (CY, CZ, DK, EE, HU, MT, PT, RO) plan to take action in this field within the second cycle of the RBMPs. Two MS (HR, LU) have not yet reported any actions to be taken.

For the remaining MSs, this aspect is unclear. In some cases (e.g. ES, LT), mathematical modelling has been undertaken. Though this can be used as a first proxy for additional requirements, it is considered not to be fully compliant with WFD Art 4(1)c, as the specific requirements of the PAs have not been considered appropriately.

Question 4: Additional objectives

This assessment answers the question *“if, where necessary, additional objectives have been set for the relevant water bodies, beyond the WFD objective of good ecological status, to ensure favourable conservation objectives are met for the relevant water dependent habitats and species (WFD Art 4(1)c)”*.

In only 7 MSs (BE, BG, IE, FR, CY, SE, UK) have additional objectives been set in the first RBMPs. No objectives have been set in 15 MSs, out of which 12 (CZ, DK, EE, LV, LT, LU, MT, PL, PT, SI, FI, RO) plan to include these objectives in the second cycle RBMPs. Within the assessed documents, no clear response could be found for 7 MS (AT, DE, FR, HR, IT, HU, NL).

Note however, that in several of the MSs where additional objectives have been established, these has only been done in some regions/RBDs within the MS (BE-Brussels Capital Region, BG- East and West Aegean RBDs, UK-Scotland) or for some specific protected areas (CY - Paralimni and Oroklini lakes). IE has established additional objectives for all PAs, explicitly regarding the freshwater pearl mussel. With regards to SE, the objective of achievement of "favourable conservation status" for Natura 2000 areas has not led to more stringent objectives in the RBMPs, and other (unclear) criteria have been used.

Apparently, it was not clear to all MSs that additional objectives had to be set under the WFD and within the RBMPs, and not only via the specific Natura 2000 legislation and its corresponding management plans. However, considering the timing, clearly such objectives could not be included at the time of the first^t cycle RBMPs.

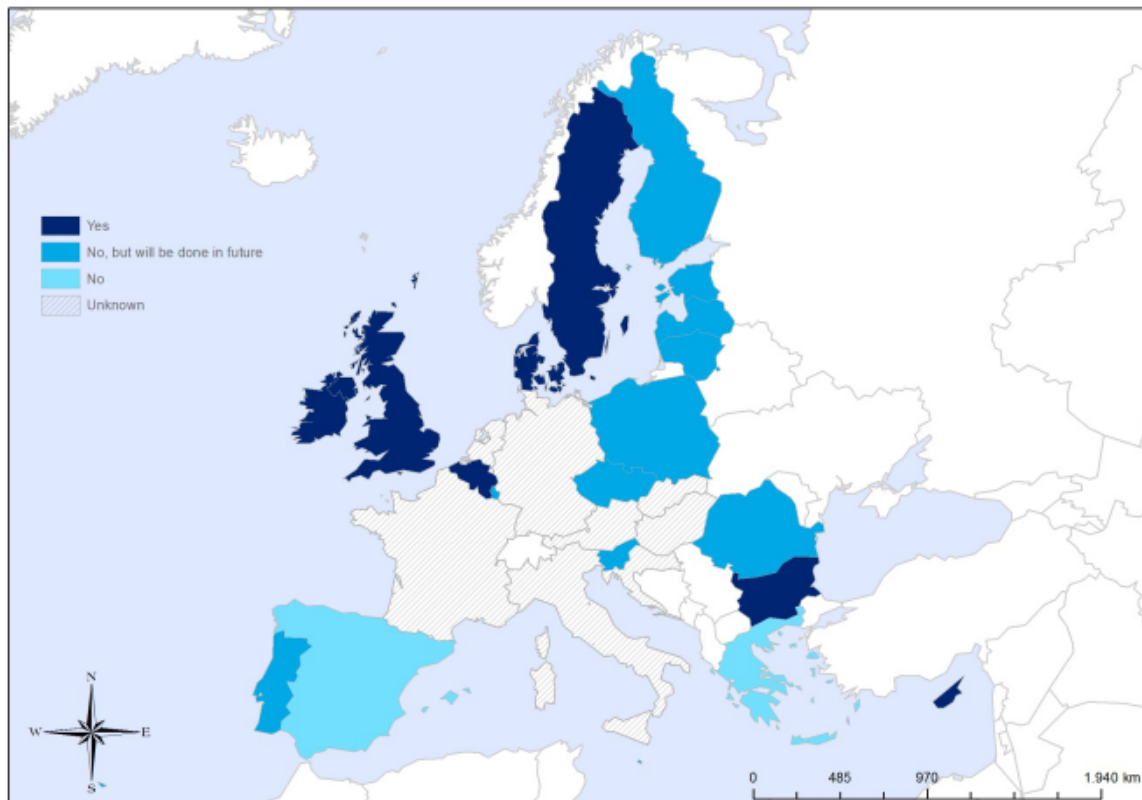


Figure 1: MS assessment for question 4 – “If relevant, have additional objectives been set for the relevant water bodies, on top of the WFD objective of good ecological status, to ensure favourable conservation objectives are met for the relevant water dependent habitats and species? (WFD Art 4(1)c)”.

Question 7: Achievement of objectives by 2015

The assessment included the search for information on “*whether additional objectives will be met by 2015 or not and, if relevant, whether any exemptions were set (WFD Annex VII.5)*”.

In 8 MSs (BE, CY, IE, EE, LT, PT, SE, UK), specific information could be found on whether the additional objectives will be met by 2015 or not and/or on the application of exemptions. For BE, however, it is noted that the process is ongoing and will be partly revised in the second cycle, when also the objective setting is completed. In the assessment for CY and PT, specific information could be found on the number of PAs that cannot meet the objectives by 2015 and/or on the number of exemptions applied, but it is not clear how many of these PAs are nature protected areas. For EE, information was found that most likely all protected areas will not meet their objectives by 2015, and exemptions have been applied (because of impoundments, hydroenergy production). Although favourable conservation status will not be reached for several PAs in SE, no exemptions were applied. The additional water related objectives established for designated freshwater pearl mussel sites in IE will not be met by 2015.

In 12 MSs, no specific information could be found on whether or not the objectives will be met by 2015, partly because in several MSs, no additional objectives were set (see Q4 above), and partly because the first RBMPs did not focus precisely enough on this issue. In 6 of these 12 MSs, information could be found that this assessment will be done when the objectives (and specific conservation goals for PAs) are set in the next cycle and/or that the issue of exemptions will be clarified in the next planning cycle (BG, HR, LV, LU, MT, NL). No clear assessment could be made on these aspects of the assessment for 8 MSs (CZ, DE, FR, HU, AT, SL, SK, FI).

Several MSs have reported the status of their PAs to WISE, though the criteria for the classification are not explained explicitly in the RBMPs themselves. The status of groundwater (GW) Nature protected areas is given in Table 3:

Table 3 Status of GW Nature Protected Areas (summed for Birds and Habitats Directives PAs per MS) reported to WISE

MS	high status	good status	failure to achieve good	unknown
AT		149		
BE				2
BG				7
ES				685
FR				33
IE		1		
EL				201
HR		329		
HU		181	140	
IE		69	2	
IT	2			4
PL		537	41	
SI				184
Total	2	1266	183	1116

The status of surface water (SW) Nature Protected Areas is the following:

Table 4 Status of SW Nature Protected Areas (summed for Birds and Habitats Directives per MS) reported to WISE

MS	high status	good status	failure to achieve good	unknown
AT				120
BE	12	131	111	219
BG				216
CY				34
CZ		374	95	
DK				324
EE		831	114	
EL				228
ES				940
FR				79
HU		443	310	34
IE	65	79	102	135
IT				95
LT		259		
LU				41
LV				300
MT	1			
PT				125
SE		156	611	568
SI				256
SK				243
UK		84	186	313
Total	78	2357	1529	4270

In this analysis it can be noted that some MSs assign different categories (e.g. BE, IE, SE, UK) to the status of PAs. By far the largest number of PAs still have an unknown status. It is unclear if this classification responds to a knowledge gap or the lack of integration in the RBMPs.

Additionally to the above text, the information reported to WISE reflects the following exemptions applied to 838 GW Nature Protected Areas, mainly according to Art.4(4). This information most likely does not reflect any additional objectives that may have been set:

Table 5 Exemptions applied to 838 GW Nature protected areas reported to WISE, mainly according to Art.4(4)

MS	Art.4(4) Disprop cost	Art.4(4) Natural conditions	Art.4(4) Technical feasibility	Art.4(5) Disprop cost	Art.4(5) Technical feasibility	Art.4(7) New modification	Art.4(7) Sustainable human developm.	Art.4 exemptions aggregated
FR	54	201	25					218
HU	5	9	129	2				139
IT					2			2
PL	154	279	416	46	41	244	55	479
Total	213	489	570	48	43	244	55	838

Regarding SW Nature Protected Areas, the following 673 exemptions were applied according to WISE. This information most likely does not reflect any additional objectives that may have been set:

Table 6 Exemptions applied to 673 SW Nature Protected Areas reported to WISE, mainly according to Art.4(4)

MS	Article4(4) - Disproportionate cost	Article4(4) - Natural conditions	Article4(4) - Technical feasibility	Article4(4) - aggregated level
BG	4			4
CZ			35	35
EL			4	4
FR	136	105	183	214
HU	245	115	65	302
IE		59	33	83
PT		1	5	5
UK		10	24	26
Total	385	290	349	673

3.3 Monitoring

Question 5: Monitoring programmes

This question was to assess whether MSs had established specific water monitoring programmes to ensure that the relevant water related objectives in PAs are met (WFD Art 8(1)).

In 5 MSs (BE, DK, CY, HU, IE), information was found that specific monitoring programmes are in place to monitor progress in achieving the water-related objectives in PAs. For BE, this is the case only for the Brussels-Capital Region (the monitoring of

phosphorus and orthophosphate that potentially could cause eutrophication were added to the surveillance programme for groundwater chemical status in Natura 2000 and GW-dependent ecosystems). In Flanders and Wallonia, this issue is being / will be considered in more detail in the second RBMPs. In CY, there is an on-going monitoring programme of salt lake water bodies and in the surveillance monitoring for coastal waters, two marine Natura 2000 sites (Cape Greco and Akamas) are monitored for all parameters and quality elements monitored in surface waters. In DK there is a surface water monitoring programme for the Natura 2000 sites under the Habitats Directive. In HU there is a specific surface water monitoring programme for NATURA 2000 areas, as well as monitoring points (1182 points) for chemical parameters in shallow groundwater inside Natura 2000 sites, and/or national nature protected areas and/or Ramsar areas, and/or in the vicinity (< 100 m) of a lake or creek (small water bodies). In IE there is a specific water monitoring programme in place for designated freshwater pearl mussel sites, which is required by legislation. In the UK – England and Wales, additional monitoring is in place to ensure compliance with domestic conservation legislation requirements, and requirements under the Birds/Habitats Directives.

In 15 MSs, no information could be found on specific water monitoring programmes in PAs (Birds or Habitats Directive sites). In 8 of these 15 MSs, information could be found that this will be done in the future (FR, HR, LT, MT, PT, NL, LU, BG). For instance, in LT the monitoring of surface water in PAs will be revised and might be changed in the second cycle. In the NL, additional monitoring of protected areas will be part of the Natura 2000 plans, which are still being developed. At present the WFD surveillance and operational monitoring networks are considered to be adequate for assessing the status of water bodies in PAs, and no additional monitoring has been implemented.

No clear answer to this question could be given for 7 MSs (DE, EL, IT, AT, RO, SL, FI). In most of these MSs, monitoring stations are reported for Birds and/or Habitats Directive sites (as reported to WISE and/or found in the RBMPs), although it is unclear if there is a specific programme, or if the monitoring is targeted to the specific objectives of the Protected Areas. In a few cases (e.g. CZ, ES), no data on the number of monitoring sites in protected areas have been reported to WISE.

According to the data reported to WISE, the following numbers of monitoring sites are associated with Nature Protected Areas:

Table 7 Number of monitoring sites associated with Nature Protected Areas, according to the data reported to WISE.

Country	Bird sites	Habitats sites
AT	40	47
BE	190	187
BG	143	255
CY	0	13
CZ	0	0
DE	1498	2823
DK	543	748
EE	56	109
EL	54	69
ES	67	63

FI	108	197
FR	344	364
HR	0	0
HU	0	0
IE	38	727
IT	263	437
LT	116	197
LU	60	147
LV	0	0
MT	0	1
NL	127	119
PL	786	810
PT	4	4
RO	0	0
SE	0	0
SI	0	0
SK	0	0
UK	773	1054
Total	5210	8371

In total, 5210 monitoring sites refer to Bird PAs, and 8371 sites to Habitats PAs.

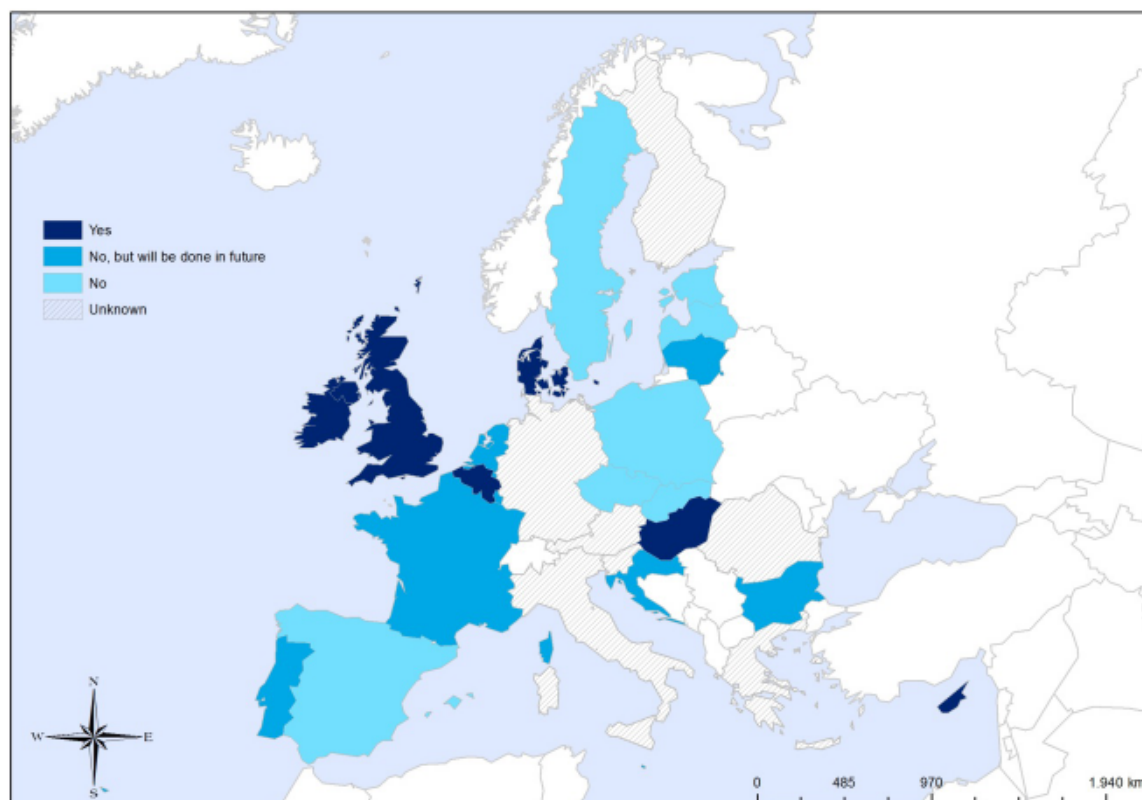


Figure 2 MS assessment for question 5 – “Are there specific water monitoring programmes in place to ensure that the relevant water related objectives are met? (WFD Art 8(1))”.

3.4 Measures

Question 6: Additional measures

This question intended to assess whether specific measures were put in place for achieving the water related objectives of nature PAs and whether those measures were included in the RBMPs (WFD Art 11).

In 11 MSs (BE, BG, EE, IE, ES, IT, HU, PL, PT, RO, UK) information was found that specific measures were put in place (fully or partly) for achieving the water related objectives of PAs and these were referred to in the RBMPs / PoMs. However, the information on the specific type of measures was given in only a few cases. In IE additional measures are explicitly taken to achieve additional objectives for sites designated to protect freshwater pearl mussel populations (sub-basin management plans for the pearl mussel). Supplementary measures are defined for Protected Areas (Art.11(4)) in HU, including: surveys of the status of habitats; interventions in SW and GW uses; supplying water for an oxbow lake; for tributary and floodplain habitats; water level control; arrangements for water bodies containing fish; measures in relation to bathing waters; and, agricultural conservation measures.

In the UK, specific measures for PAs were defined for England and Wales and Scotland but not for Northern Ireland. In some MS (e.g. EE, ES), the RBMP / PoM include measures for PAs, but with no specific information on the type of measure or no clear indication of the objectives or water bodies which they target.

No specific measures were put in place for PAs in 13 MSs. The cases encountered included several different situations: cases where additional measures are not set because no additional objectives are set (e.g. FI); cases where measures are included in the Natura 2000 Management Plans but not in the RBMPs (e.g. CY); cases where it is considered that additional measures are implemented by respecting the obligation of directives addressing the PAs (including Birds Directive, Habitats Directive) (e.g. AT); cases where the general concept is that improving the status of water bodies by means of the WFD supports the area-specific protection targets, whereby synergies with conservation targets are taken into account when selecting measures (e.g. DE, DK).

In 5 of the 13 MSs that have set no specific measures, it is planned to do so in the second cycle, often by strengthening cooperation with nature conservation authorities (CZ, LV, LU, MT, NL).

No clear answer could be given to this question for 4 MSs (HR, SI, SK, SE).

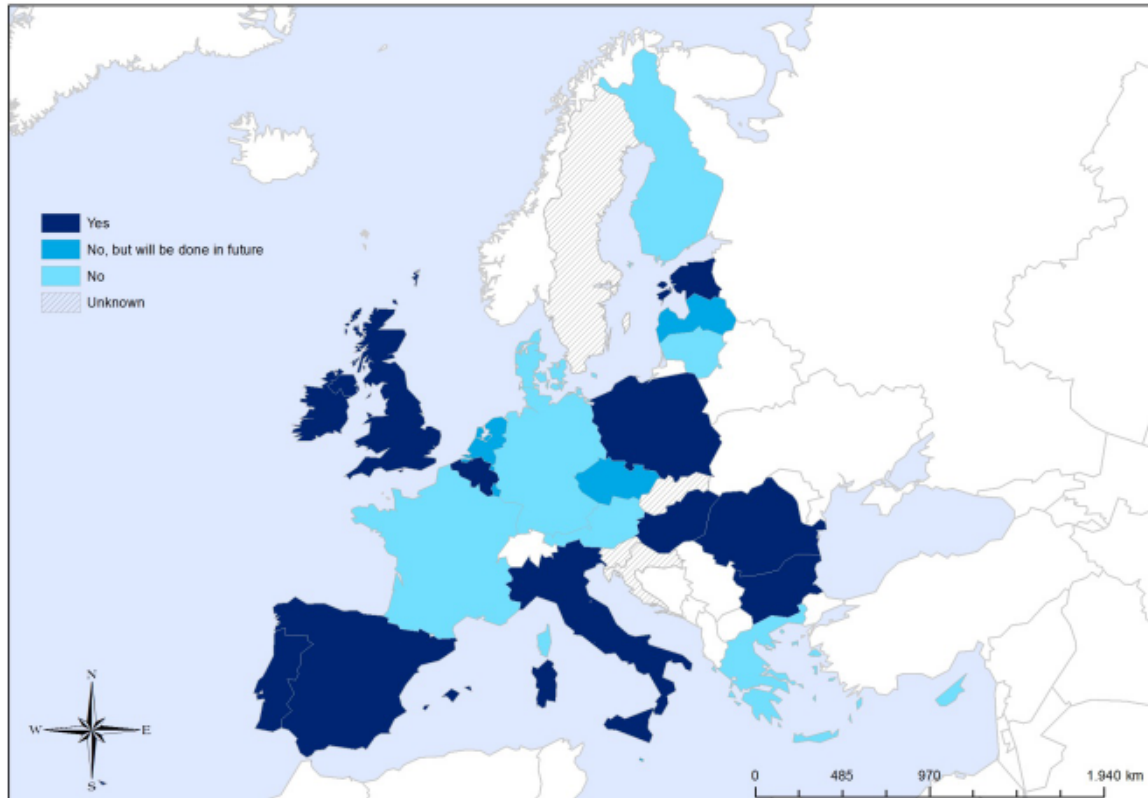


Figure 3 MS assessment for question 6 – “If specific measures had to be set in place for achieving PAs water related objectives, were those included in the RBMPs? (WFD Art 11)”.

3.5 Integration of RBMPs and Natura 2000 Management Plans

Question 8: Implementation of Natura 2000 Management Plans

For this aspect it was assessed whether Natura 2000 Management Plans are available, what is the state of their implementation and if they are integrated with the first RBMPs or whether this is foreseen for the next cycle.

For all MS the assessment indicated that there was only partial or no implementation for the issues under this topic. In LV, Management Plans are developed for ca. 1/3 of the specially protected nature areas and include also information about waters and water needs, where relevant. However, the integration of additional objectives based on the water needs of water dependent habitats and species, (including the requirements established in the Management Plans for Natura 2000 sites), in the second RBMPs remains to be done. Also in LT Management Plans are currently prepared for 40% of all Natura 2000 areas and plans are still under preparation for the rest. In the UK, the first cycle plans included links to relevant assessments of the available conservation instruments. For the next cycle, for England & Wales, LIFE + Site Improvement Plans are integrated into the RBMPs to describe priority measures for Natura 2000 PAs.

For 10 MSs the information available indicated that relevant actions are planned for the future either referring to the approval of the Natura 2000 Management Plans or other relevant conservation instruments, their integration with RBMPs or both (HR, BE, DK, EE, CY, MT, PT, SI, BG, IE).

In HR basic measures for the conservation of Natura 2000 areas are obligatory for the sectors managing natural resources (including water management) and they have to be integrated into the relevant plans, including into the second RBMPs. In EE, protection plans that were established at the time of drafting the first RBMPs did not contain specific objectives or specific measures to be integrated with RBMPs. Future work includes the improvement of links to the objectives and measures of PAs.

In several MS (e.g. BE, CY, MT, SI), the development of Natura 2000 Management Plans is an ongoing process. For MT and SI, information was found that the Natura 2000 Management Plans are expected to be adopted in 2014, with additional requirements to be included in the second RBMPs.

For 2 MS (ES, PL), no information was available on the status of approval and implementation of Natura 2000 Management Plans.

For the majority of MS (14 MS), no answer could be given based on the documents checked.

4. Discussion of status of implementation

The following matrix indicates the assessment scores for each of the 28 evaluated Member States and for each of the eight questions of the assessment:

Table 8 Matrix with assessment scores for each of the MSs based on the eight assessment questions included in this study

Question	AT	BE	BG	CY	CZ	DK	DE	EE	IE	EL	ES	FI	FR	HR	HU	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK	UK
Nature protected areas included	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Water dependent habitats and species identified	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No
Water requirements	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No
Additional objectives	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No
Monitoring programmes	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No
Additional measures	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No
Objectives achievement by 2015	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No
Implementation Natura 2000 plans	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No

Legend

Unknown	Grey
No	Light Blue
No, but will be done in future	Medium Blue
Yes	Dark Blue

Almost all MSs have included Nature Protected Areas (PAs) in the WFD Register of Protected Areas, although it is clear from the information assessed that water dependent habitats were not specifically considered in all countries in the first cycle of RBMPs. In several countries this step may possibly have been undertaken but it was not explicitly reported in the RBMP. An earlier analysis by the European Topic Center on Biodiversity showed that potentially many water-dependent Natura 2000 sites are omitted from the WFD Register and, vice versa, a number of Natura 2000 terrestrial dry sites are included, although their dependency on the water environment is negligible or none (see Box below).

The picture is similar when it comes to action taken by MSs to assess the water needs (qualitative and/or quantitative) of Nature Protected Areas. Only a few MSs (7) have taken action on this point in the first RBMPs, but for further 8 MS, it is explicitly indicated that this assessment was postponed for the second cycle RBMPs.

Protected areas register of the WFD and Natura 2000 sites

An initial analysis by the ETC/BD shows that most Member States included more than 50 % of the Natura 2000 sites designated within their territory (compared to all Natura 2000 sites of the Member States) in the WFD Register of Protected Areas. Greece, Hungary and Slovakia included all of their Natura 2000 sites in the WFD Register. The lowest proportions of Natura 2000 sites included in the WFD Register were seen in Belgium, Malta, and the Czech Republic.

The total area of Protected Areas under the Habitats Directive (SCIs/SACs¹) ranged mostly between 10 % and 15 % of the RBD area. Comparing large international RBDs (> 50 000 km²), the relative abundance of Habitats Directive Protected Areas ranges between 1 % of the total RBD territory within the Seine IRBD and 24 % within the Ebro IRBD. The relative area of Birds Directive Protected Areas (SPAs) ranges between 2 % of the total RBD territory within the southern Apennines RBD and 21 % within the Ebro RBD. The mean coverage of areas of RBDs incorporated by Birds Directive Protected Areas was found to be 10

¹ Sites of Community Importance and Special Areas of Conservation are the protected areas designated under the Habitat Directive.

%.

The substantial differences in the proportion of water-dependent Natura 2000 sites included in the WFD Register result from the lack of unified methods for Member States to identify 'water-dependent' sites at the EU level. Potentially, many water-dependent Natura 2000 sites are omitted from the WFD Register and vice versa a number of Natura 2000 terrestrial dry sites are included, although their dependency on the water environment is negligible or none. Clear guidance is needed for the Member States.

Source: EEA 2012, European waters – assessment of status and pressures, EEA Report No 8/2012.

Due to the missing assessment of the water requirements of Nature Protected Areas, in only a few countries (mainly those countries that assessed the relevant water needs) have additional objectives been set for water bodies linked to the Nature Protected Areas. The information assessed indicates that it was not clear to all MS that additional objectives had to be set under the WFD and within the RBMPs, and not only via the specific Natura 2000 legislation and its corresponding management plans.

Concerning the integration of specific measures into the PoM to address the objectives associated with Nature Protected Areas, this assessment indicates that such additional measures were put in place (fully or partly) in 11 MSs (out of 28 assessed). However, the information on the types of measure was specific in only a few cases, which relates to the fact that a specific assessment of water requirements of Nature Protected Areas took place only in a limited number of countries. In some countries, additional measures are reported, although the assessment of water requirements and the setting of additional objectives for Protected Areas was either not done in the first cycle or postponed until the second cycle. This leads to the assumption that the measures proposed were possibly not well enough targeted to the needs of the Nature Protected Areas.

Regarding the achievement of objectives for Protected Areas, no specific information could be found in most MS (12), partly because in several MS, no additional objectives were set and partly because the first RBMPs did not focus precisely enough on the issue of exemptions but postponed it for the second cycle.

Progress on the implementation of monitoring for the relevant water related objectives in Protected Areas has also been slow, with few MS (5) explicitly reporting that additional monitoring is in place to monitor progress with the achievement of objectives in Protected Areas. For most MS the RBMPs do not provide conclusive information on this issue or they refer to actions that will be taken in the future.

Overall, the implementation of the requirements of the WFD articles related to Nature Protected Areas has been slow in the first cycle. A non-exhaustive list of possible reasons for slow implementation is:

- Lack of sufficient emphasis given on this issue in the first cycle assessments;
- Lack of administrative coordination between national authorities dealing with the two reporting streams (WFD and Birds and Habitats Directives);
- Lack of guidance at the EU level on the required individual implementation steps;
- Lack of adopted Natura 2000 Management Plans at the time of drafting the first RBMPs

5. Recommendations for the next planning cycle

The assessment above includes an **overview on how Member States have treated the Nature Protected Areas in the development of the first River Basin Management Plans under the Water Framework Directive**. Implementation gaps have been discussed in more detail in the paragraphs above. Looking ahead, one should now focus on the good examples of application and the recommendations to be made.

As part of the outcomes of the **bilateral meetings with the Commission**, the Commission and the Member States have agreed on **action points for the next planning cycle**. Although these are targeted to each Member State individually, most actions are general in nature, and refer to each of the requirements set out in the Directives on the designation of Protected Area, target setting, monitoring, objective setting, measures and coordination activities.

Overall, the second RBMPs should be **more transparent and provide explicit information** on the following issues which are relevant to the consideration of Nature Protected Areas in river basin management planning:

- To identify the protected areas based on the Birds and Habitats Directives, which are related to the water bodies of each river basin.
- To assess the status and the water quantitative and qualitative requirements of the water dependent protected habitats and species. The water needs of these PAs should be integrated in the RBMP, including the requirements established in the Management Plans for Natura 2000 sites.
- The assessments of status and water requirements should be used to set, if necessary, additional objectives beyond good status for specific water bodies to ensure that favourable conservation status is achieved. These objectives need to be clearly identified and included in the plans.
- To integrate specific measures in the PoM to address the water requirements for Natura 2000 sites and achieve the objectives for protected areas by 2021.
- To ensure that measures required under Natura 2000 for the improvement of water status are coordinated with and included in the second RBMP.
- To ensure that measures to achieve the objectives for Protected Areas are fully implemented in the second cycle plans.
- To set and justify exemptions in case additional objectives for Protected Areas that are set in the second plans are not met.
- To ensure that monitoring of Protected Areas is taking place for the additional objectives that will be set.
- To ensure more active coordination with Birds and Habitats Directives implementation.

The **current assessment** has indicated that there is **a need for further EU level guidance and exchange of MS experiences on the consideration of Nature Protected Areas** in the development of River Basin Management Plans. There is need for further discussion, i.e. on the interpretation of the Directive, the way (methodology) of implementation, the aspects of coordination, etc, especially on the following:

- Should a common methodology at the EU level be followed for the identification of water dependent Natura 2000 sites for the WFD Register of Protected Areas?

- Should a common methodology at the EU level be followed for assessing (quantitative and qualitative) water requirements and defining additional objectives for Nature Protected Areas?
- Do MS need to have established specific water monitoring programmes to ensure that the relevant water related objectives in PAs are achieved (WFD Art 8(1))? A requirement of WFD is that the WFD monitoring programmes should be supplemented by the monitoring requirements of the relevant Community legislation and that a discreet programme should not be established.
- How do we coordinate between Nature Protected Areas Management Plans, (which are developed to ensure that all necessary measures are applied to Protected Areas and to ensure that they are in compliance with the requirement of the Birds and Habitats Directives) and the River Basin management Plans? What about the respective timings and timetables for the two plans?
- How do we ensure the Nature, Water and Marine Authorities collaborate in order to ensure that, in the next RBMP cycle, all necessary measures are considered and coordinated?

The **Frequently Asked Questions document** developed by DG Environment in 2011² provides a more detailed description of the relationship between the WFD and Nature Directives as well as several interpretations on issues relevant to the assessment of Protected Areas in the context of the WFD. Until the development of further guidance, Member States should make more use of this 2011 FAQ document.

The current report only refers to a limited number of good practices, demonstrating the lack of reported practices on this matter. **Practice exchange on current approaches** is as such of limited use, but should be further **stimulated** through the working groups of the CIS.

Of main importance, due to the relative large number of implementation gaps in the first RBMP cycle, would be for Member States **to consider the full stepwise approach** from designation of Protected Areas, to objective setting, assessment and monitoring, in order to implement relevant measures for achieving the set objectives. The stepwise approach would include:

- (1) Designation of Protected Areas with water dependent habitats and species;
- (2) Assessment of status and water requirements of these Protected Areas;
- (3) Definition of additional objectives if required – coordination needed with Natura 2000 management objectives;
- (4) Monitoring for the achievement of the objectives established for the Protected Areas;
- (5) Assessing the gap between the status and the objectives;
- (6) If the objective is not met, an exemption should be applied and justified;
- (7) Setting of measures for Protected Areas – coordination needed with Natura 2000 Management Plans.

This stepwise approach, included in a clear and transparent way in the River Basin Management Plan, and coordinated with the necessary authorities responsible for Natura 2000 management, should be the aim for the second RBMPs. Further on, exchange of good practices from different Member States, specifically on the coordination aspects but also in terms of interpretation and more technical issues e.g.

² EC, 2011, 'Links between the Water Framework Directive and Nature Directives – Frequently Asked Questions', European Commission, Directorate-General Environment.

on objective setting, would ensure a more comprehensive and a more common approach.

6. MS Summary Documents (available on CIRCABC)

The MS Summary Documents are developed by using information from the minutes of the **MS bilaterals** as indicated in the Introduction Section. Further on, it also refers to information included in the **MS Annexes** (the information from the country-specific assessments (2012)) where relevant information reported by the MS has already been summarized. Where **MS have added specific information during the consultation phase** of the MS Summary Documents development, the information has been referred to with an asterisk and with the following notice: * *the MS has added this information during the review process.*

The MS Summary Documents include the questions asked to the MS by the EC, the information supplied by the MS which are in fact answers to the questions of the Commission and relevant background information or a presentation from the MS, minutes of the meeting including the actions as agreed by EC and the MS.

The MS Summary Annexes are included as an Annex to this report and will be placed on CIRABC.

Legend to the column headings:

- “Question”: Questions raised for this specific study
- “Response”: “considered”: (1) yes, (2) no, (3) no, but information is present that it will be done in the second cycle of the RBMPs, or (4) unknown; consultants' own assessment.
- “Response”: “explanation”: includes the information on the response in terms of fully considered, partially considered or limited considered, with an indication in terms of the uncertainty/contrasting information available. consultants' own assessment.
- “Specifics”: includes the MS response from the bilaterals on the question.
- “Indicate source and page”: the information consulted for the analysis is given
- “Question PA bilateral”: the specific question raised at the bilateral by the EC
- “Answered by MS”: if this question posed at the bilateral has been answered yes or no
- “Actions bilaterals”: if there have been actions agreed on by the MS and the EC at the bilaterals