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Oggetto: Osservazioni piano di gestione della Sardegna

Allegati: allegato A e allegato B

Gentilissima dr.ssa Mulas,
in relazione alle attività intraprese da codesta Regione ai fini della predisposizione del piano di gestione di cui in oggetto, in vista dell'adozione del piano medesimo, nell'ottica dell'attività di collaborazione già in atto, ritengo opportuno esprimere alcune considerazioni sul progetto di piano per facilitare le attività di elaborazione della versione finale dello stesso. In relazione a ciò la Direzione generale per la qualità della vita ha predisposto un'istruttoria tecnica sul contenuto degli elaborati di piano pubblicati ai fini della consultazione (datati 25 luglio 2009) verificandone la rispondenza alle prescrizioni della Direttiva 2000/60/CE e della normativa nazionale di riferimento (D.Lgs. 152/2006 e s.m.i.; D.M. 131/2008; D.M. 56/2009), i cui contenuti sono allegati alla presente e-mail.
Faccio presente che la nota non tiene conto delle eventuali ulteriori informazioni trasmesse in attuazione del Decreto del Ministero dell'Ambiente del 17 luglio 2009, che sono in corso di elaborazione da parte di ISPRA.
Si confida che l'allegato documento possa essere utile alla finalizzazione del piano di gestione, per l'adozione entro il 28 febbraio 2010.
Quanto sopra evidenziato al fine di evitare contestazioni che possano comportare l'avvio di una procedura d'infrazione da parte della Commissione Europea, visti gli sforzi ingenti profusi da codesta Regione.
Cordialmente,

Caterina Sollazzo

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Allegato A

1. Descrizione generale delle caratteristiche del distretto idrografico

Dalla relazione generale del progetto di piano si evince che si è provveduto agli aggiornamenti rispetto alla caratterizzazione dei corpi idrici superficiali attraverso una prima individuazione dei tipi fluviali, lacustri, delle acque di transizione e delle acque marino-costiere, sulla base dei descrittori previsti per ciascuna tipologia ai sensi del D.M. 131/2008 (insieme alle relative rappresentazioni cartografiche).

Riguardo alle acque sotterranee è stata effettuata la caratterizzazione preliminare dei corpi idrici sotterranei in conformità con il DLgs 30/2009 (119 corpi idrici) a partire dai 37 complessi acquiferi individuati nell'ambito del PTA (senza tuttavia riportare la relativa rappresentazione cartografica).

Osservazioni: in considerazione del fatto che il progetto di piano fa riferimento ad una caratterizzazione preliminare dei corpi idrici sotterranei, la stesura definitiva del piano di gestione dovrà essere integrata in conformità con il DLgs 30/2009.

La cartografica di piano dovrà essere integrata con una tavola contenente la rappresentazione, l'ubicazione e il perimetro dei corpi idrici sotterranei.

2. Sintesi delle pressioni e degli impatti

La sintesi delle pressioni riportata nella relazione di piano pubblicata ai fini della consultazione fa riferimento ai dati contenuti nel piano di tutela, nei piani d'ambito, integrati con informazioni provenienti da altri studi, laddove disponibili.

Pressioni e impatti sullo stato qualitativo: sia per *l'inquinamento da fonte puntuale* (§ 7.4) che per *l'inquinamento da fonte diffusa* (§ 7.5) il progetto di piano descrive la metodologia con cui sono stati stimati i carichi prodotti nell'ambito del piano di tutela regionale. Per i valori dei carichi il piano rimanda al piano di tutela (es. tab. 6-5 "carichi potenziali civili per insediamento", tab. 6-6 "carichi potenziali industriali", 6-8 "carichi potenziali zootecnici comunali", 6-10 "carichi potenziali agricoli comunali" del piano di tutela). Sia per le pressioni da fonte puntuale che da fonte diffusa viene riportata una rappresentazione cartografica.

Pressioni sullo stato quantitativo: la sintesi delle pressioni quantitative viene riportata nel capitolo 8. Il territorio regionale è stato ripartito in otto zone idrografiche (§ 8.1) al cui interno si sviluppano principali sistemi idrici regionali (§ 8.1.1).

Nel paragrafo 8.3 si riportano le disponibilità delle acque superficiali con le relative indagini pluviometriche e il bilancio idrologico derivante dalla trasformazione afflussi-deflussi. Il paragrafo 8.3.3 sintetizza l'utilizzazione delle risorse idriche.

Il progetto di piano riporta i prelievi di acque sotterranee così come stimati nel Piano Stralcio per l'Utilizzazione delle Risorse Idriche (§ 8.4), riguardo alle pressioni quantitative sulle acque superficiali il lavoro riporta un quadro generale relativo alla domanda di acqua da parte dei sistemi idropotabile (§8.6.1), irriguo (§8.6.2) e industriale (§8.6.3), caratterizzati prevalentemente dall'impiego di risorse idriche superficiali derivate dagli invasi.

Osservazioni

La relazione di piano non contiene i dati relativi alle stime dell'inquinamento puntuale e da fonti diffuse (tutte le informazioni relative alle pressioni e impatti significativi esercitati dall'attività antropica sullo stato delle acque superficiali e sotterranee sono rinvenibili nel capitolo I dell'allegato 12.2 "*Elenco dei piani correlati*", relativo al piano di tutela). In considerazione del fatto che tali informazioni rappresentano la base su cui individuare i problemi ambientali significativi per la gestione delle acque, e che le stesse sono funzionali sia alla definizione dei programmi di monitoraggio, sia all'elaborazione dei programmi di misure, si ritiene importante integrare nella relazione generale di piano tutte le informazioni contenute nel piano di tutela relative alla quantificazione delle pressioni e degli impatti. Sarà inoltre necessario approfondire con studi di settore la stima dei prelievi, ai fini di una valutazione affidabile dello stato quantitativo dei corpi idrici sotterranei.

Al fine di offrire un quadro esaustivo delle pressioni e degli impatti e delle relative criticità, l'analisi delle pressioni dovrà inoltre essere integrata attraverso la presentazione delle seguenti elaborazioni relativamente al:

- numero di fonti puntuali significative riportando per quali parametri (carico organico, azoto e fosforo) risultano significative le fonti puntuali d'inquinamento;
- numero di punti di estrazione/derivazione e volume prelevati per categoria su base annua o stagionale.

Ad integrazione delle cartografie già predisposte (da completare con gli eventuali dati mancanti) sulla base dell'analisi delle pressioni e degli impatti, dovrà essere fornita la rappresentazione cartografica delle seguenti informazioni:

- localizzazione delle fonti puntuali significative sui corpi idrici sotterranei per ciascuna tipologia;
- corpi idrici sotterranei interessati da significative fonti diffuse di inquinamento, specificando il tipo di fonte diffusa;
- corpi idrici sotterranei interessati da significative intrusioni saline o altre intrusioni;
- corpi idrici, superficiali e sotterranei, interessati da altre pressioni o pressioni non note, specificando, nel caso, il tipo di pressioni;
- tipo di impatti.

Tutti i dati e le cartografie di cui sopra dovranno essere riferiti ai corpi idrici individuati ai sensi del D.M. 131/2008.

3. Registro delle aree protette

La relazione generale di piano nel capitolo 9 contiene la quantificazione delle aree protette del distretto, con un approfondimento relativamente al sistema delle aree naturali protette.

Osservazioni: non è stato possibile riscontrare la presenza di informazioni più dettagliate relativamente all'obiettivo previsto per ciascuna area protetta e alla valutazione del grado di conformità con gli obiettivi dalla normativa specifica. Tali elementi dovranno essere integrati nella versione definitiva del piano di gestione.

4. Reti di monitoraggio

Il progetto di piano messo a disposizione ai fini della consultazione pubblica si limita a riportare le reti di monitoraggio del piano di tutela delle acque, istituite ai sensi del D.Lgs. 152/99, in particolare il paragrafo 10 descrive lo stato di consistenza della rete di monitoraggio esistente.

La classificazione dello stato di qualità per le acque superficiali viene definita nel piano come "un mix della vecchia e nuova normativa" attraverso l'incrocio del dato risultante dai 7 parametri macrodescrittori con il risultato dell'IBE. Per i corsi d'acqua viene calcolato il SECA e per i laghi e invasi è stato calcolato lo stato ecologico e trofico in base al DM 391/2003. La classificazione delle acque di transizione è stata invece effettuata valutando lo stato ambientale attraverso il numero i giorni anossia/anno. Per la classificazione delle acque marino-costiere si è invece utilizzato l'indice trofico TRIX integrato dalla definizione dello stato ambientale in base al monitoraggio Si. Di. Mar.

Per le acque superficiali lo stato chimico (sostanze pericolose) è descritto in ottemperanza al D.Lgs. 152/06 ad eccezione delle acque marino – costiere (DM 367/03) e delle acque di transizione per le quali non è stato possibile individuare una tabella che riassume i valori di riferimento.

Per le acque sotterranee la classificazione - anche rispetto alla valutazione dello stato chimico - si basa attualmente sul monitoraggio effettuato dal PTA ai sensi del D.lgs. 152/99, e al momento, non permette di individuare con certezza dei trend significativi a causa della frammentarietà dei dati disponibili. Si afferma tuttavia che è in corso di elaborazione il progetto per l'adeguamento al monitoraggio ai sensi della direttiva.

In relazione al monitoraggio delle sostanze pericolose, l'allegato 12.3 contiene uno studio specifico che riguarda l'*"Indagine sulla presenza di sostanze pericolose derivante da comparti produttivi operanti sul territorio della Regione Sardegna"*. In tale indagine, sulla base di un'analisi della principale normativa di settore comunitaria e nazionale, sono stati individuati i seguenti elenchi di sostanze pericolose:

- sostanze pericolose della tabella 3/A e 5 dell'Allegato 5 alla Parte III del D.Lgs. 152/06;
- 99 sostanze Elenco I della Direttiva 76/464/CE;
- famiglie e gruppi di sostanze Elenco I della Direttiva 76/464/CEE;
- famiglie e gruppi di sostanze Elenco II della Direttiva 76/464/CEE;
- 15 sostanze proposta COM (90) 9 Final;
- 33 sostanze prioritarie: sostanze che presentano un rischio significativo per o attraverso l'ambiente acquatico così come definite ai sensi dell'art. 16, comma 2, ed elencate nell'allegato 10 (Decisione 2455/2001), della Direttiva 2000/60/CE. Tra queste sostanze, vi sono le «sostanze pericolose prioritarie» ai sensi dell'art.16, commi 3 e 6 e devono essere oggetto di misure a norma dell'art.16 commi 1 e 8 della Direttiva 2000/60/CE.

Rispetto alla cartografia di piano, tre tavole riguardano il monitoraggio delle acque superficiali e rappresentano rispettivamente le stazioni costituenti l'attuale rete di monitoraggio; la classe di stato ecologico dei corpi idrici naturali; e lo stato chimico. Per lo stato qualitativo dei corpi idrici sotterranei è presente la mappa dello stato chimico negli anni 2003/2008 e dei superamenti dello standard di qualità relativo ai nitrati, ai metalli e al parametro di conduttività, fissati dal D. Lgs. 30/2009.

Si sottolinea, infine, la necessità che la rappresentazione dello stato dei corpi idrici rispecchi puntualmente il quadro dell'inquinamento riscontrato, in particolare nel corso dei siti di bonifica.

Osservazioni: per tutti i corpi idrici individuati attraverso il processo di caratterizzazione previsto dal D.M. 131/2008, la versione finale del piano, in attuazione di quanto previsto dal D.Lgs. 152/2006 e dal D.M. 56/2009, dovrà:

- individuare una rete di monitoraggio conforme alla direttiva 2000/60/CE, soprattutto per quanto concerne le modalità di monitoraggio;
- riportare, per acque superficiali, acque sotterranee, aree protette, la rappresentazione cartografica della rete di monitoraggio, istituita ai sensi della direttiva 2000/60/CE, del D.Lgs. 152/2006 e del D.M. 56/2009, operando la distinzione in monitoraggio operativo, di sorveglianza e d'indagine;
- individuare i relativi programmi di monitoraggio, da attuare sulla base dell'analisi del rischio.
- contenere la rappresentazione cartografica dei risultati del monitoraggio, laddove disponibili, e della classificazione della qualità delle acque, distinguendo tra: corpi idrici in stato elevato, corpi idrici in stato buono, corpi idrici in stato inferiore a buono (distinguendo in sufficiente, scarso, cattivo).

Tali mappe dovranno essere ulteriormente integrate da quelle di seguito riportate.

Per le acque superficiali:

- classe di potenziale ecologico per i corpi idrici fortemente modificati e artificiali includendo i dati sugli elementi di qualità biologica;
- stato dei corpi idrici rispetto al raggiungimento degli obiettivi per le aree protette con

- specificati i motivi dell'eventuale mancato conseguimento dell'obiettivo;
- conformità/superamento degli Standard di Qualità Ambientali per i metalli pesanti della Lista di Priorità;
- conformità/superamento degli Standard di Qualità Ambientali per i pesticidi della Lista di Priorità;
- conformità/superamento degli Standard di Qualità Ambientali per gli inquinanti di origine industriale della Lista di Priorità;
- conformità/superamento degli Standard di Qualità Ambientali per i rimanenti inquinanti della Lista di Priorità;
- conformità/superamento degli Standard di Qualità Ambientali per altri inquinanti (nazionali).
- Specificare se al corpo idrico sono applicate delle esenzioni precisando l'obiettivo previsto/concordato per il 2015.

Per le acque sotterranee:

- raggiungimento/non raggiungimento del buono stato quantitativo;
- conformità/non conformità "buono stato chimico" per il parametro nitrati;
- conformità/non conformità "buono stato chimico" per il parametro pesticidi;
- conformità/non conformità "buono stato chimico" basato sui valori soglia per gli altri parametri previsti dalle norme nazionali vigenti;
- identificazione dei corpi idrici che presentano una tendenza significativa all'aumento (precisando il parametro rilevante);
- identificazione dei corpi idrici che presentano una inversione di tendenza (precisando il parametro rilevante);
- Specificare se al corpo idrico sono applicate delle esenzioni precisando l'obiettivo previsto/concordato per il 2015.

Si sottolinea, infine, la necessità che la rappresentazione dello stato dei corpi idrici rispecchi puntualmente il quadro dell'inquinamento riscontrato, in particolare nel caso di siti di bonifica.

5. Obiettivi ambientali

Il documento esaminato nel capitolo 11 riporta gli obiettivi generali previsti dall'art. 4 della direttiva, ma non rappresenta gli obiettivi ambientali dei singoli corpi idrici, così come previsti dalla direttiva 2000/60/CE (raggiungimento del buono stato e relativa tempistica - stato buono entro il 2015 o successivamente al 2021 o al 2027).

Il piano individua tuttavia i corpi idrici a rischio di non raggiungimento degli obiettivi ambientali nel paragrafo 7.6, con allegata la relativa rappresentazione cartografica, ma non fornisce il quadro dei corpi idrici per i quali sono stati fissati obiettivi ambientali meno rigorosi ovvero di quei corpi idrici per i quali è previsto il differimento del raggiungimento degli stessi.

Osservazioni: l'individuazione degli obiettivi ambientali è essenziale per la stesura del piano: gli obiettivi da raggiungere, a fronte dello stato di fatto, determinano infatti il programma di misure. Per ognuno dei corpi idrici individuati attraverso i processi di caratterizzazione di cui al D.M. 131/2008 il piano deve individuare il corrispondente obiettivo di qualità, riassumendo attraverso la predisposizione di tabelle riassuntive della situazione a livello di distretto il quadro relativo al raggiungimento del buono stato e la relativa tempistica (stato buono entro il 2015 o successivamente al 2021 o al 2027). Inoltre in apposito allegato dovrà essere riportato il dettaglio degli obiettivi ambientali, con la relativa tempistica, dei singoli corpi idrici.

6. Analisi economica

La relazione generale di piano esplicita l'analisi economica a livello di distretto idrografico attraverso i dati sulla spesa pubblica destinata al ciclo dell'acqua; la metodologia per la valutazione dell'attuale livello di recupero dei costi dell'utilizzo idrico; la descrizione degli strumenti di recupero costi attraverso l'imposizione di tariffe, canoni e tributi nei diversi settori di impiego; l'analisi economica del settore civile, irriguo e industriale, nonché la metodologia per la stima dei costi ambientali e della risorsa.

È importante che il piano, in fase di finalizzazione, riporti una stima dei costi previsti per l'attuazione dei programmi di misure.

7. Sintesi programmi di misure

Il programma di misure è dettagliato nell'allegato 12.1 che riguarda le misure di base; nell'allegato 12.2 che riassume le misure già in atto e/o programmate; e nell'allegato 12.4 che consiste in una sintesi di tutte le misure e che rappresenta il quadro delle linee strategiche del distretto della Sardegna finalizzate alla tutela quali-quantitativa dei corpi idrici.

Per ciascuna misura viene indicato:

- la ripartizione per ambito tematico di riferimento;
- l'obiettivo specifico;
- la tipologia della misura (infrastrutturale; normativa ecc.);
- la priorità o fase temporale;
- lo stato di attuazione.

Osservazioni: il programma di misure dovrà essere dettagliato per settore (civile, industria, agricoltura, idroelettrico etc.).

E' inoltre necessario che, in fase di finalizzazione:

- i programmi di misure vengano declinati per ambiti territoriali, (assegnando a ciascun sottobacino le relative le misure) arrivando, ove richiesto, al livello di corpo idrico e che siano indicati gli interventi specifici per il raggiungimento degli obiettivi;
- sia specificata la stima dei costi previsti per l'attuazione di dette misure.

In linea generale si raccomanda vivamente di considerare, in vista della stesura definitiva del piano di gestione, il **documento predisposto dalla Commissione Europea** sulle procedure generali che la Commissione intende seguire per la verifica di conformità dei piani e che si allega alla presente nota (allegato B).

8. Repertorio piani e programmi più dettagliati

L'allegato 12.2 "*Elenco dei piani correlati*" sintetizza i contenuti dei seguenti piani:

- Piano di tutela delle acque;
- Piano regolatore regionale degli acquedotti;
- Piano d'ambito;
- Piano stralcio per l'utilizzazione delle risorse idriche;
- Piano di bonifica dei siti inquinati;
- Piano di bonifica delle aree minerarie dismesse del Sulcis Iglesiente – Guspinese – 2008;
- Piano paesaggistico regionale.

Allegato B

Status box

Title: Concept Paper on the assessment of WFD River Basin Management Plans

Version no.: 4

Date: 9 November 2009

Author(s): DG ENV.D.1

Background:

In December 2008, the Water Directors discussed the compliance checking approach proposed by DG ENV for the river basin management plans (room document "Towards a concept for compliance checking of the WFD river basin management plans"). As a follow up, DG ENV prepared a document entitled "An inventory of questions for compliance checking of River Basin Management Plans" that was discussed at the WG D Reporting in September 2009, and commented in writing afterwards (comments were received from AT, BE-FL, CZ, ES, FR, IT, PL and SK). This document follows that first detailed discussion on the subject.

The compliance checking approach has several elements; the key components being a check of completeness and clarity a screening against general compliance indicators and in-depth assessment of a number of key issues. The purpose of the in-depth assessments is to extract both legal/technical and strategic findings from the RBMPs. This paper identifies questions that are intended to be relevant in both the legal/technical assessment and from the strategic perspective. These key questions will guide the assessments on the various aspects of WFD RBMP.

Follow-up

This version will be presented and discussed at the Water Directors meeting on 30 November 2009. **Comments in writing are welcome by 15 December 2009 to the contacts below.** The document and the comments received will be considered by DG ENV in developing further the methodology for the assessment of WFD RBMPs.

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WATER FRAMEWORK DIRECTIVE



CONCEPT PAPER ON THE ASSESSMENT OF WFD RIVER BASIN MANAGEMENT PLANS

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Disclaimer: this document does not necessarily represent the official position of the European Commission.

Introduction

Expectations

The Water Framework Directive (WFD) introduces a number of new concepts in water management, most importantly the integration of water policy objectives for all waters, all sectors and across national borders. With this holistic approach and the demanding time-table, the WFD is expected to set the basis for a forward-looking water policy integrating all aspects of water protection and sustainable water use. The river basin management plans will for the first time enable an assessment to be undertaken to determine if the aims and objectives of the WFD have materialised, and if the plans deliver appropriate measures to tackle existing pressures on water. It is therefore expected that the river basin management plans will show that i.a.

- the river basin approach has delivered on the required coordination of upstream and downstream water management issues, including transboundary cooperation;
- requirements of other water directives have been successfully integrated;
- water pricing policy is used effectively to foster a rational use of water, promoting water saving;
- participation of stakeholders and NGOs has improved the quality of the plans and their acceptance, and that
- it is possible to achieve a better balance between the protection of water and the sustainable use of water, by more effectively integrating environmental concerns in sectoral policies like agriculture, energy, transport, etc.

The Commission is expected to publish a report on the WFD implementation based on the assessment of the river basin management plans (RBMPs) by 2012. The assessment will necessarily look at the legal and technical implementation of the WFD requirements. Moreover it will also go beyond that to enable a strategic review of policy effectiveness aspects and achievements in these first steps of the implementation of the directive, with particular attention to the key elements mentioned above.

Requirements of the Directive

According to Art. 15.1 WFD the Member States have to report their river basin management plans (RBMPs) by March 2010 and, on this basis, the Commission has to publish a report and submit it to the European Parliament and the Council by December 2012. The contents of the report are laid down in the Article 18 of the WFD:

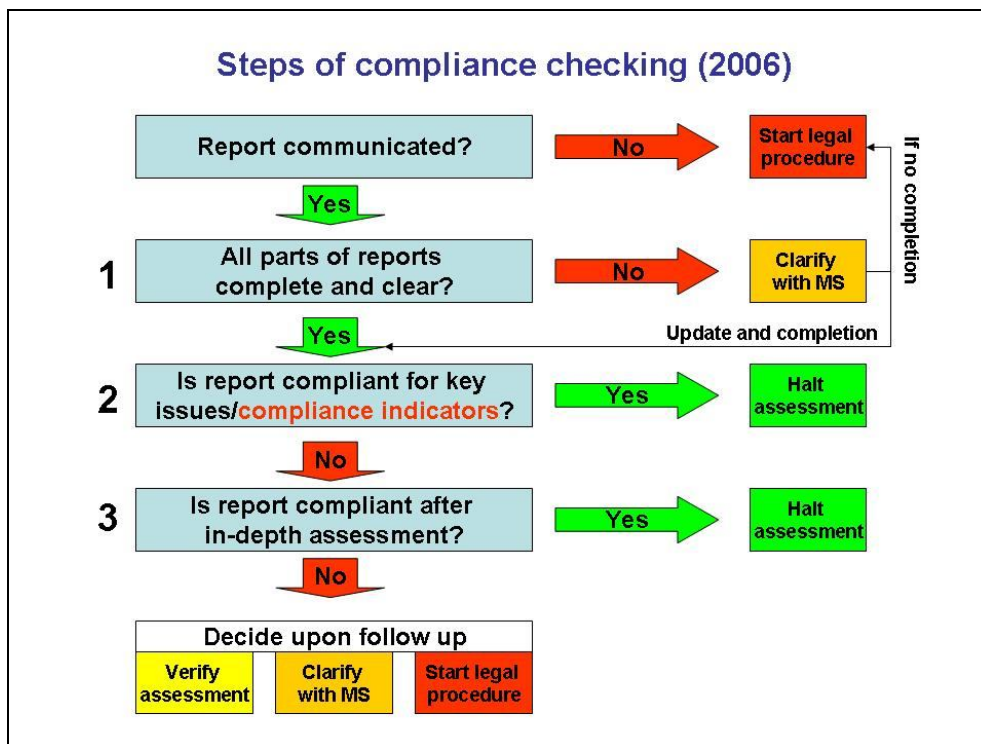
- a review of progress in the implementation of the Directive;
- a review of the status of surface water and groundwater in the Community undertaken in coordination with the European Environment Agency;
- a survey of the River Basin Management Plans submitted in accordance with Article 15, including suggestions for the improvement of future plans;
- a summary of the response to each of the reports or recommendations to the Commission made by Member States pursuant to Article 12;
- a summary of any proposals, control measures and strategies developed under Article 16;

- a summary of the responses to comments made by the European Parliament and the Council on previous implementation reports.

Following the agreements in the context of the CIS and at Water Directors meeting in Paris, the Commission expects Member States to report by 22 March 2010 through WISE both the xml schemas reflecting the reporting sheets and the RBMP and background information (i.e. no paper copies!), as required by WFD Article 15.1.

General approach to compliance checking used to date

The Room Document presented to the Water Directors in December 2008 'TOWARDS A CONCEPT FOR COMPLIANCE CHECKING OF THE WFD RIVER BASIN MANAGEMENT PLANS'¹, made reference to the overall approach for compliance checking that was used for the assessment of article 5 and 8 reports (2005 and 2007 reporting exercises). The figure below shows this general approach to compliance checking that the Commission has used to date.



An obvious precondition for the assessment is the communication of the report. Then, the proper assessment started in a three step process.

A first step was the assessment of **completeness and clarity**. This first assessment allowed the identification of important gaps, e.g. missing information for a particular water category.

As a second step, the reports were subject to a **screening** and their contents were checked with the help of compliance indicators². The purpose of the screening was to cover all potential contents of the reports. In this sense, the depth of the assessment was necessarily limited.

¹

http://circa.europa.eu/Members/irc/env/wfd/library?l=/water_directors/documents_november_2/documents_meeting/compliance_rbmpdoc/EN_1.0_&a=i

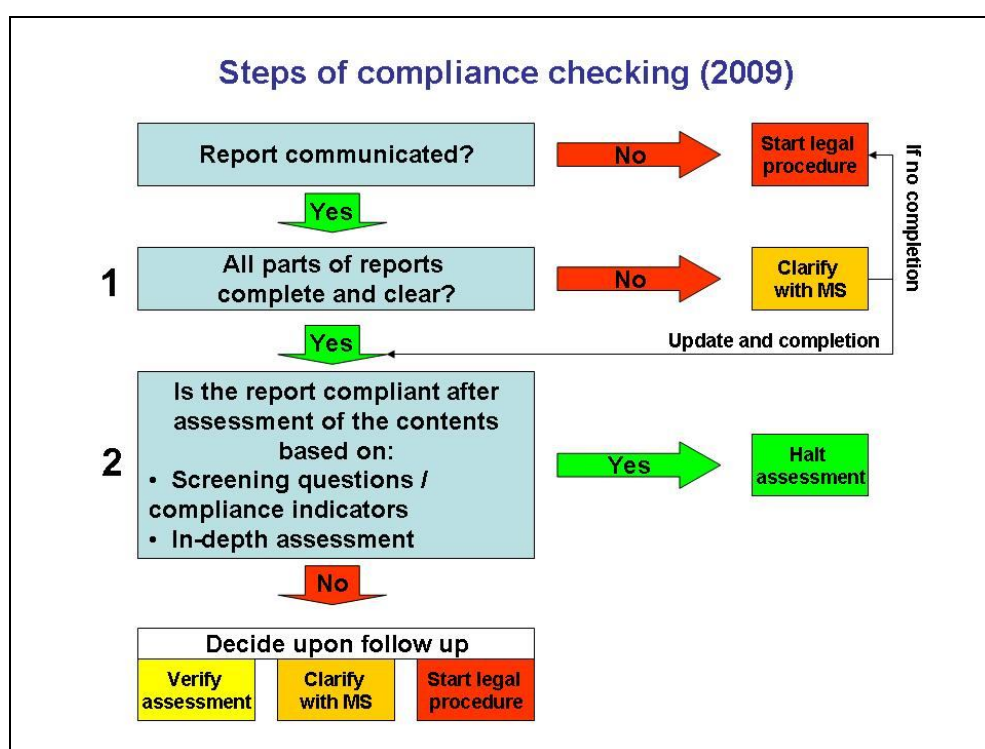
² Compliance indicators are used for screening assessments to identify where a more detailed examination of compliance may be required. They are not indicators of legal compliance. They may be simple (for example: have Competent Authorities been identified?– yes, no, to a certain extent, unclear – not sufficient information) or more complex and numeric indicators (for example: percentage of water bodies per water body category). For information on compliance indicators see CIS Guidance No 21 - Guidance for reporting under the WFD:

A final step of the process involved an **in-depth assessment** on specific topics that are deemed of key importance and have been identified in the screening step as potentially problematic or of strategic importance. Following the 2005 screening assessment which led to the Commission implementation report of 2007³, in-depth assessments were carried out on issues like the designation of heavily modified water bodies or the economic analysis.

One of the main objectives of this stepwise approach was to use the available resources efficiently by focusing the assessment on the most important issues.

Approach for the assessment of the RBMPs

Building on the experience of previous compliance checking exercises, the overall approach has been adjusted to merge the screening and in-depth assessment in a single step. The following chart presents this updated approach that will be used for the RBMPs assessment:



There are two main reasons for this adjustment in the approach:

- The experience from previous compliance checking shows that if the three stages are taken one after the other, two years will not be enough to perform in-depth assessments of key issues.
- A number of key topics have been already identified that will merit an in-depth assessment in any case. These have been selected on the basis of the results of earlier compliance checks, their strategic importance to the achievement of the WFD goals, and their complexity.

For these reasons, the screening and the in-depth analysis on a number of key issues will be undertaken simultaneously. However, the depth of the assessment will vary depending on the subject. For some topics the analysis will be mainly a screening exercise with the help of compliance indicators (for example characterisation of the river basin district and monitoring

http://circa.europa.eu/Public/irc/env/wfd/library?l=/framework_directive/guidance_documents/guidance_guidance_report/ EN_1.0_&a=i
³ http://ec.europa.eu/environment/water/water-framework/implrep2007/index_en.htm

programmes). For other topics, the assessment will be more detailed. The questions identified in this document provide an indication of the intended depth of analysis for various topics.

The only change in relation to the approach used before is that for a number of important issues the assessment will not necessarily stop even if the screening/compliance indicator step does not identify any issue.

Assessment of water scarcity and droughts and adaptation to climate change

Although not part of the legal assessment, the aspects related to water scarcity and droughts and to adaptation to climate change will be assessed to provide insights on how the WFD is contributing to the objectives under these important policies. For this purpose, two chapters have been added at the end of the document to identify key questions in those areas. In case of water scarcity and droughts, the WFD related requirements are included in the various chapters along the document (see chapter 16 for further explanation).

What information will be used in the assessment?

The assessment of **completeness** will be mainly based on the information provided through WISE. For this purpose summaries of the WISE electronic reporting will be prepared which set out all the provided information in a readable format per river basin district.

The **screening** will be also based mainly on the WISE electronic delivery. For this purpose, the summary of the electronic delivery will include the calculation of compliance indicators. For the **in-depth assessment**, as the depth of the assessment increases, there will be more need to use the information contained in the RBMPs and background documents (see next section for further explanation on background documents). In particular, it is expected that the RBMPs and background documents will be the basis of the assessment of methodologies for the most complex issues, as the electronic reporting is not designed to report these.

A number of topics have been identified as meriting an in-depth assessment and those are covered in the following chapters of this document. It should be noted that in the course of the screening, other topics for in-depth assessment may be identified. Identification of a list of topics for the in-depth assessment does not imply that other issues are not assessed in the overall compliance checking exercise as the purpose of the screening is to cover all aspects of the RBMPs.

This document identifies questions that will be the basis of the assessment of the RBMPs. The questions provide an indication of the intended depth of analysis for the various RBMP topics. In some cases they are necessarily broad, and will be subject to further elaboration and specification at a later stage of the process. The questions for each topic are divided into two sections:

- Key Questions from a technical and/or legal perspective

These questions will address how the technical and legal provisions of the Directive have been implemented. Some questions are also purely informative, i.e. describe the situation, but are not necessarily directly linked to an obligation of the WFD. The questions identified here will be the basis for the development of detailed templates to be used in the compliance checking. As explained above, the assessment will use all the information provided by Member States, either through WISE, the RBMPs or the background documents.

- Strategic Questions related to the WFD policy objectives

The strategic questions are those the Commission would like to answer at the end of the assessment of the RBMPs. The purpose of these questions is to guide the assessment of the

policy achievements and effectiveness of the WFD. In this sense the replies to many of those questions are not expected to be found directly in the plans, but are the result of the Commission assessment.

The assessment of the RBMPs will be made in cooperation with EEA (WFD art.18.2.b) where it relates to status and pressure assessments, defining a baseline for the later evaluation of achievements and effectiveness of the Directive.

The Commission and the EEA intend to keep a fluid dialogue with the Member States during the compliance check of the river basin management plans. In this context Working Group D on reporting will serve as a platform for discussion of wider topics affecting several Member States. The Commission may request additional information from Member States where the provided information is deemed incomplete or unclear. Furthermore, the Commission may ask for bilateral meetings with the Member State to clarify any issues of concern.

What do we mean by "Background documents"


The Water Directors, at their meeting in Paris in 2008, highlighted the need to clarify what is understood by background documents.

Both the WFD and the guidance documents developed under the CIS require justification and transparency on some of the key contents of the RBMP. This information will be important for the assessment of the RBMPs⁴. It is clear that the level of detail of the RBMP will vary among Member States and river basin districts. In some cases the RBMPs may include sufficient detail in chapters and annexes so that no additional background document will be necessary, but in most cases it is expected that not all the relevant information for the assessment will be included in the RBMPs, and therefore, additional background documents will need to be provided. However, due to the differences in level of detail in the RBMPs between Member States and river basin districts, it is not possible to generalise which topics will require which kinds of background documents.

One exception is the Programme of Measures. As the WFD in Annex VII only asks for a summary, the most important background document to the RBMP will be the (full) programme of measures.

Member States know the background documents that were produced as part of the preparation of RBMPs. They may also decide to elaborate specific background documents to send to the Commission. It is up to the Member States to judge which background documents are provided to the Commission to be the basis of the RBMP assessment. This document identifies some topics that due to their complexity and importance are likely to require additional background documents, as usually such detailed information is not included in final plans and programmes.

Purpose of this document

	<p>The purpose of this paper is to describe the overall approach for the assessment of the river basin management plans that are due to be reported by 22 March 2010. It identifies a number of questions that will be the basis of the assessment of the RBMPs. The questions also provide an indication of the intended depth of analysis for the various RBMP topics. The intention is to get feedback from Member States and stakeholders on the overall approach and priority setting. An open discussion should benefit both the Commission and the Member States.</p> <p><u>This document is NOT</u></p>
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⁴ The WFD also highlights the importance of background information as part of the public participation process (see article 14).

	<ul style="list-style-type: none"> – a set of questions to be answered by the Member States, – the final version. It may be refined during the assessment process, – intended to be agreed with Member States.
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Governance

Introduction

The section on governance focuses on three main aspects: administrative arrangements, public consultation and international cooperation. These aspects are covered by the following main requirements of the Directive and the following guidance:

- Article 3
- Article 14
- Guidance Document No. 8: Public participation.
- Guidance Document No. 11: Planning process.

It is expected that the international river basin management plans are reported in electronic format by the countries that are part of that district.

Key Questions from a technical and/or legal perspective

- Have cooperation mechanisms been established within the river basin between the relevant authorities covering different regions, water categories and water uses?
- How has the participatory approach (public, stakeholders) to water management been established?
- In case of international RBDs, is there an international RBMP and a coordinated PoM?
- How did the international RBMP feed back to the national reports?
- Are there specific sub-plans as mentioned in Art. 13.5?

Strategic Questions related to the WFD policy objectives

- Have MS adapted their water management practices to the WFD, particularly regarding the following issues?
 - River basin approach
 - International cooperation
 - Address all pressures and impacts
 - Comprehensive definition of status (ecological and chemical)
 - Integrate all water-related policies (e.g. floods, bathing water, urban waste water, industrial pollution, energy, transport, agriculture, land use planning)
 - Incorporate recovery of costs of water services
 - Establish a participatory approach to water management
- How have the WFD principles have been incorporated into the legal, administrative and implementation practice in MS?
- What was the impact of the public consultation process on the RBMPs?
- In which aspects are the international RBMPs complementary to the national ones?

Background documents

-Outcomes of public participation (main comments received during consultation, changes introduced, etc)

-To be judged by MS, also depending on the level of detail of the RBMP

Characterisation of the river basin district

This topic will be addressed in the screening exercise based on the electronic reporting through WISE. At the moment, no in-depth assessment is foreseen related to this topic. The starting point will be the templates used in the assessment of article 5 reports (2005 reporting).

Monitoring of surface waters and groundwater

This topic will be addressed in the screening exercise based on the electronic reporting through WISE. At the moment, no in-depth assessment is foreseen related to this topic. The starting point will be the templates used in the assessment of article 8 reports (2007 reporting).

Classification of ecological status

Introduction

The section on ecological status assessment addresses three main aspects: the development of assessment methods, intercalibration, and the actual application of assessment methods. The following WFD provisions and guidance documents apply to this topic:

- Article 8, Annex V and VIII
- Guidance Document No. 2: Identification of Water Bodies.
- Guidance Document No. 5: Transitional and Coastal Waters – Typology, Reference Conditions and Classification Systems
- Guidance Document No. 7: Monitoring under the Water Framework Directive.
- Guidance Document No. 10: Reference conditions inland waters.
- Guidance Document No. 13: Overall Approach to the Classification of Ecological Status and Ecological Potential.
- Guidance Document No. 14: Guidance on the Intercalibration Process 2004-2006
- Guidance Document No. 23: Eutrophication Assessment in the context of European Water Policies.
- Summary of the key conclusions of the ECOSTAT Classification workshop, 6-7 March 2008.
- Commission Decision of 30 October 2008 establishing, pursuant to Directive 2000/60/EC of the European Parliament and of the Council, the values of the Member State monitoring system classifications as a result of the intercalibration exercise. (2008/915/EC).
- Guidelines to translate the intercalibration results into the national classification systems and to derive reference conditions, 20 November 2007

Key Questions from a technical and/or legal perspective

Development of assessment methods

- Have biological assessment methods for determining ecological status been developed for all Biological Quality Elements (BQEs) in all water categories? If not, how and by when will these gaps be filled?
- Have environmental quality standards been set for national or river basin pollutants? Is it transparent how have those specific pollutants been identified? Have the standards been set in accordance with the procedure in WFD Annex V 1.2.6?
- How have the chemical and physicochemical QEs (including specific pollutants) been used in the classification system? Have type specific standards been established for chemical and physicochemical QEs?
- How have the hydromorphological QEs been used in the classification system?
- How is the overall classification of a water body derived? Is the one-out-all-out principle applied – if not, what method has been used, and what are the justifications?
- Is the classification responsive to all pressures (identified in the risk assessment) – what are the gaps?
- How is confidence and precision of ecological status assessed?

- Are there classification systems for all national types?

Intercalibration of assessment methods

- How have the results of the intercalibration exercise been translated to national types, and is this consistent with guidelines for translating the results into national classification systems (see COM Decision)?
- Have the results of the intercalibration exercise been translated to all national types – what gaps are there?
- Are classifications consistent in international river basin (e.g. do the assessments match at MS borders)?

Application of assessment methods

Selection of QEs

- How many QEs have been used to monitor the significant pressures on water bodies and how are the results of this used to determine water body status? For operational monitoring, different numbers of quality elements have been used by different MS to monitor water bodies subject to the same combinations of pressures. The effect of this in combination with the one-out, all-out principle (i.e. tendency to increase the risk of misclassification as more quality elements are monitored) may contribute to a reduction in the comparability of the overall classification results.

Overall status assessment

- How transparent is the information on how the overall class has been determined for water bodies? E.g. has a class been assigned to each monitored QE?
- Mismatches in biological and chemical results: how have type-specific standards been established for chemical and physicochemical QEs, and are they consistent with the biological quality observed/expected in the water body?
- How has the spatial extent of any ecological impacts (particularly from physical modifications) within water bodies been taken into account when deriving the overall status of a water body?
- How has the no-deterioration objective been dealt with in classifying water bodies? What is the risk of not detecting deterioration in a water body's status?

Dealing with uncertainty

- How has the uncertainty in the results of monitoring been taken into account before classifying water bodies? – only classifying water bodies as worse than good where confidence in results is adequate, classifying on face value results.
- How has uncertainty of ecological status classification been reported – for example has the risk of misclassification been reported and if so on what basis (average risk, risk with WBs close to class boundaries)?
- What information has been reported on the confidence and precision of classification methods?

- What measures have been taken to improve the level of confidence and precision (more and/or improved monitoring, refining assessment systems)?

Grouping of water bodies

- How has grouping been applied in terms of classification of status? All water bodies of the same type and subject to the same pressures?

Strategic Questions related to the WFD policy objectives

- Is the quality of the ecological status assessment methods sufficient to detect the existing pressures?
- Do the ecological status assessments provide a sound basis for a proper selection of measures?
- Is the overall assessment of ecological status comparable across the EU? And does this provide a sound basis to compare Member States' efforts in establishing the Programme of Measures?

Background documents

- Description of ecological assessment method for each BQE, including confidence and precision of the results and overall assessment of ecological status
- Methodology for the identification and for setting standards for specific pollutants of national and/or river basin district importance
- Further to be judged by MS, also depending on the level of detail of the RBMP

Designation of heavily modified water bodies and definition of good ecological potential

Introduction

This topic is will be assessed in close conjunction with the screening of the electronic reporting related to this topic, and with the in-depth assessment on classification of ecological status (see previous chapter).

The following WFD provisions and guidance documents are relevant for this topic:

- Article 4
- Guidance Document No. 4 (HMWB) with case studies
- Guidance Document No. 13: Overall Approach to the Classification of Ecological Status and Ecological Potential.
- Heavily Modified Water Bodies: "Information Exchange on Designation, Assessment of Ecological Potential, Objective Setting and Measures". Updated Discussion Paper and Key Conclusions 23 April 2009.
- Annex II. Alternative methodology for defining Good Ecological Potential (GEP) for Heavily Modified Water Bodies (HMWB) and Artificial Water Bodies (AWB).

Key Questions from a technical and/or legal perspective

HMWB designation

- Which water uses are considered for HMWB designation (i.e. what is included in "other equally important sustainable human development activities")?
- What types of morphological modification are being considered in designation of HMWBs?
- How has uncertainty had an effect on the final designation of HWMB?
- Have all designation steps as presented in the HMWB guidance No 4 (page 5) been applied?
- How has the significant adverse impact on the use (Article 4(3)a) been defined?
- Which other means which are a significant better environmental option (Article 4(3)b) have been considered?

Definition of GEP

- How has Good Ecological Potential (GEP) been related to Good Ecological Status (GES)?
- Is the methodology for setting GEP water body specific or water use specific?
- Which ways of setting objectives did MS use (mitigation measures approach or CIS guidance approach)?
- What mitigation measures for GEP are considered?
- Is it clear which ecological improvements will be achieved by GEP?

Strategic Questions related to the WFD policy objectives

- Is the approach for HMWB designation utilised to:
 - select modifications that are the best environmental option for the water use;
 - restore the water body to the utmost?
- Is the setting of GEP and the linked PoM a driver for improvements of HMWB?

Background documents

- Approach for HMWB designation
- Methodology for setting GEP and its results
- Further to be judged by MS, also depending on the level of detail of the RBMP

Assessment of groundwater status

Introduction

References to key legislation and guidance:

- 2000/60/EC Art 4, Art 17, Annex V
- 2006/118/EC
- Guidance Document No. 2: Identification of Water Bodies
- Guidance Document No. 7: Monitoring under the Water Framework Directive
- Guidance Document No. 12: Wetlands
- Guidance Document No. 15: Groundwater Monitoring
- Guidance Document No. 16: Groundwater in Drinking Water Protection Areas
- Guidance Document No. 17: Direct and indirect inputs in the light of the 2006/118/EC Directive
- Guidance Document No. 18: Groundwater Status and Trend Assessment

Key Questions from a technical and/or legal perspective

- What investigations, methods and criteria have been used in the final assessment of the status of a groundwater body or group of groundwater bodies when groundwater quality standards or threshold values are exceeded at individual monitoring points?
- How has the establishment of threshold values taken into account interrelationships with associated surface waters and directly dependent terrestrial ecosystems and wetlands?
- What are the relationships between threshold values and background level of naturally occurring substances, other objectives and standards for water protection?
- What is the methodology for identifying significant and sustained upward trends in any pollutant's concentration
- What are the criteria for the reversal of those trends?
- What are reasons for establishing the starting point for trend reversals when different from 75% of groundwater quality standards or threshold values?
- What is the methodology (including, for example, the use of monitoring data and a conceptual model) for determining good groundwater chemical status?
- When applying Art 4.2 c) GWD how assessment described in Annex III GWD was followed?
- How has the establishment of threshold values used the results of the pressures and impacts analysis particularly in the identification of pollutants that may be contributing to groundwater bodies at risk of failing environmental objectives?
- How has the establishment of threshold values been coordinated in transboundary ground water bodies?
- In cases where it was considered that the GW QS could result in failure of WFD environmental objectives, were more stringent threshold values established?
- How Annex II GWD was followed when establishing threshold values?
- How Annex IV GWD is considered for the identification and reversal of trends?
- What is the methodology for assessing groundwater quantitative status including the criteria used to determine poor status groundwater bodies?
- How balance between discharge and abstraction of groundwaters is ensured?

Strategic Questions related to the WFD policy objectives

- Are the methodologies to assess groundwater providing a comprehensive picture of the qualitative and quantitative status of the groundwater bodies?
- How comparable is the assessment of status in case of transboundary groundwater bodies?

Background documents

- To be judged by MS, also depending on the level of detail of the RBMP

Environmental objectives and exemptions

Introduction

Key legislation and guidance document applicable to this topic are:

- WFD article 4
- GWD Article 6
- Environmental Objectives under the Water Framework Directive: Policy Summary Final version, 20 June 2005.
- Guidance Document No. 20 - Exemptions to the environmental objectives
- Conclusions of Water Directors on exemptions – Annex III to final synthesis of the Water Directors meeting in Slovenia, June 2008

Key Questions from a technical and/or legal perspective

- How have uncertainties (for example in status of water bodies or effectiveness of measures) been dealt with in setting environmental objectives and exemptions for water bodies?
- Has the application of exemptions been coordinated in a transboundary context, and how has this affected the application?
- Are the additional objectives for protected areas (Art 4.1.c, Art 7.2) explicitly identified?
Including:
 - For areas designated for the abstraction of water intended for human consumption, considering WFD article 7.2
 - For areas designated for the protection of habitats and species, including Natura 2000 sites, where water is an important factor in their protection
 - For shellfish protected areas, including microbiological standards as a minimum as set in Directive 2006/113/EC
 - For bathing waters, including the microbiological standards as set in the Bathing Water Directive

Justification of exemptions

- How has 'disproportionately expensive' been determined, and what are the underlying data and assessments?
- Which affordability arguments have been used?
- When affordability arguments are used to extend the deadline, which possibilities to use relevant alternative financing mechanisms were considered?
- How have consequences of non-action been taken into account?
- In cases of administrative or legal constraints leading to disproportionate costs, what are they and how will they be addressed?
- What are reasons for measures to be not technically feasible?
- What are the natural conditions that prohibit the (timely) achievement of the objectives?

Article 4.4 - extension of deadlines for phased achievement of objectives as long as no further deterioration:

- What are the reasons for any significant delay in making the measures operational;
- Which measures will be taken to bring the bodies of water *progressively* to the required status?
- What is the expected timetable for the implementation of the measures (that are delayed);
- When are measures expected to deliver the objectives?

Article 4.5 - less stringent objectives when measures are infeasible or disproportionately expensive because of certain human activities or natural conditions

- What are natural conditions causing the achievement of the objectives to be infeasible or disproportionately expensive?
- Which human activities are causing the achievement of the objectives to be infeasible or disproportionately expensive?
- Disproportionate costs: see above

Article 4.6 - temporary deterioration because of events which “could not reasonably have been foreseen”

In advance

- Which are conditions under which circumstances that are exceptional or that could not reasonably have been foreseen may be declared, and which appropriate indicators are used to indicate this? Are drought management plans developed that include such criteria?
- Which measures will be taken under the exceptional circumstances?
- Which practicable steps will be taken to prevent further status deterioration?

In cases Article 4(6) is already applied:

- On the basis of which criteria has it been defined that the event was an extreme flood or a prolonged drought and how did this distinct from a 'normal' flood or drought?
- What was the length of temporary deterioration?
- Which measures were taken under the exceptional circumstances?
- Which practicable steps were taken to prevent further deterioration of status?

Article 4.7 - new modifications to the physical characteristics of a surface water body or alterations to the level of bodies of surface waters, or failure to prevent status deterioration of a body of surface water as a result of new sustainable human development activities

- What new modifications and sustainable human development activities have been considered?
- How has the assessment been combined with an SEA / EIA/ Habitats Directive assessment?
- In which stage is the new modification (planning phase, design phase)?
- How have the impacts on the water status been assessed? Are the relevant quality elements assessed, are possible cumulative effects included and are the effects on other water bodies assessed?
- What practicable steps are taken to mitigate the adverse impacts on the status of the affected water body(ies)?
- How has it been assessed that the project is of overriding public interest, and whether the benefits of the project outweigh the benefits of achieving the WFD objectives?
- What alternatives (better environmental options) are taken into account?

Exemptions based on **Article 6 GWD**

- Has an inventory been established of exemptions from measures required to prevent or limit inputs of pollutants into groundwater? If so what are the reasons for the exemptions

and is efficient or appropriate monitoring of the affected groundwater bodies being carried out?

Strategic Questions related to the WFD policy objectives

- What is the level of ambition established for the environmental objectives for water bodies for 2015, 2021 and 2027?
- Are improvements to the water body being achieved to the utmost despite the use of exemptions?
- Were transparent criteria established for exemptions? How are exemptions justified?
- Is there a specific water use for which exemptions have been applied on a significant scale?
- Is the application of exemptions for new modifications properly reflecting the integration of water uses in the river basin management plans?
- Is the same level of protection given in existing EU legislation being maintained when applying exemptions to Protected Areas?

Background documents

- Detailed description of methodologies and application of exemptions, including
 - Justification of application of Article 4(4)
 - Justification of application of Article 4(5)
 - Justification of application of Article 4(6)
 - Justification of application of Article 4(7)
 - Methodology to define disproportionate costs
 - Plan to deal with events which "could not reasonably have been foreseen"
 - Plan to bring water bodies in good status when applying 4(4)
 - Inventory of exemptions from measures required to prevent or limit inputs of pollutants into groundwater
- Further to be judged by MS, also depending on the level of detail of the RBMP

Programme of measures - general

Introduction

Relevant provisions and guidance related to the Programme of Measures are:

- WFD Article 11 and Annex VII.
- Guidance Document No. 11: Planning process.

The in-depth analysis will not include the assessment basic measures under Art. 11.3 a), since these are generally assessed under the provisions of the relevant EU Directives (see Part A in Annex VI).

Key Questions from a technical and/or legal perspective

- Are all the significant and main pressures and impacts identified for surface waters and ground waters addressed in the Programme of Measures? If not what is the justification for non-inclusion?
- How have the requirements, objectives and measures associated with water-related sectoral policies (e.g. navigation, renewable energy) been integrated into the RBMP?
- In case of a transboundary river basin, how have the measures been coordinated?
- Is the Programme of Measures clear about:
 - The type of measure(s) (voluntary, legislative, etc)
 - The scope of application of the measure (geographical area, sector or part of sector, type of installation, etc)
 - The responsible authority for implementing and enforcing the measure(s)
 - The costs of the measure(s) and the financing mechanisms
 - The expected effects of the measure(s) (the ways in which the objectives established under Article 4 are to be achieved)
 - The cost-effectiveness of the measures
 - The time-table for implementation (2012 as the default)
- Is there a clear financial commitment link to the Programme of Measures? If not, is there any explanation on how funds will be allocated and from which sources?
- How have the requirements in terms of Protected Areas been established in the Programme of Measures?
- Is there an identification of measures linked to pre-WFD legislation (Article 11(3)a)?
- What is the balance of measures listed under Article 11(3)a and other measures?
- How has the uncertainty in the effectiveness of measures been dealt with (e.g. with respect to diffuse pollution and hydromorphology)?

Strategic Questions related to the WFD policy objectives

- Is it clear how the proposed measures have been selected?

- Is the PoM sufficiently concrete to deliver good status in 2015⁵?
- Is the WFD PoM going significantly further than the pre-WFD measures (Article 11(3)a)?
- Do the programmes of measures apply the principle of tackling pollution at source?
- Have MS integrated flood risk management measures and plans with the River Basin Management Plans?

Background documents

- Programmes of Measures
- Further to be judged by MS, also depending on the level of detail of the RBMP

⁵ In case of HWMB, read GEP and GCS. In case of an extension of the deadline, read the later deadline.

Measures related to agriculture

Introduction

Key legislation and guidance document applicable to agriculture are:

- Directives related to water included in the Cross Compliance scheme as Statutory Management Requirements :
 - The Nitrates Directive (91/676/EEC)
 - The Plant Protection Products Directive (91/414/EEC)
 - The Habitats Directive (92/43/EEC)
 - The Sewage Sludge Directive (86/278/EEC)
 - The Birds Directive (79/409/EEC)
 - The Groundwater Directive (80/68/EEC)
- COUNCIL REGULATION (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)
 - Rural Development Axis I :
 - Natural disaster & prevention actions (Art. 20 b ((vi))
 - Vocational training and information actions (Art. 21)
 - Setting up of young farmers (Art. 22)
 - Early retirement (Art. 23)
 - Use of advisory services (Art. 24)
 - Setting up management, relief and advisory services (Art. 25)
 - Modernisation of agricultural holdings (Art. 26)
 - Improvement of the economic value of forests (Art. 27)
 - Infrastructure related to the development and adaptation of agriculture and forestry (Art. 30)
 - Meeting standards based on community legislation (Art.31)
 - Semi-subsistence farming (Art. 34)
 - Rural Development Axis II :
 - Natural handicap payments in mountain areas and payments in other areas with handicaps (Art. 37)
 - NATURA 2000 payments and payments linked to the WFD (Art. 38)
 - Agri-environmental payments (Art. 39)
 - Non-productive investments (Art. 41)
 - First afforestation of agricultural land (Art. 43)
 - First establishment of agroforestry systems on agricultural land (Art. 44)
 - First afforestation of non- agricultural land (Art. 45)
 - Natura 2000 payments (Art. 46)
 - Forest-environment payments (Art. 47)
 - Restoring forestry potential and introducing prevention actions (Art. 48)
 - Non-productive investments (Art. 49)
 - Rural Development Axis III :
 - Conservation and upgrading of the rural heritage (Art. 57)
 - Skills acquisition and animation (Art. 59)
- Health Check of the Common Agricultural Policy, November 2008.
 - First pillar (Regulation 73/2009)
 - Cross-compliance: addition of water issue in Good Agricultural and Environmental Condition (article 6) with 2 compulsory standards:

- Buffer strips along water courses (no later than 2012)
- Compliance with authorisation procedures for irrigation (2010)
- amounts resulting from modulation (article 9)
- specific support (article 68)

Second pillar (Regulation 74/2009)

As of 1 Jan. 2010 Member States shall provide support in their rural development programmes in accordance with their specific needs for types of operations referring to the new challenges such as water management.

- Guidance Document No. 23: Eutrophication Assessment in the Context of European Water Policies.
- Deliverables from the CIS Strategic Steering Group on WFD & agriculture (catalogue of measures)
- Directive 2009/.../EC on Sustainable Use of Pesticides

Key Questions from a technical and/or legal perspective

- What is the extent of agricultural pressures and impacts in the RBD, including eutrophication, effects of soil erosion, pesticides, hydromorphological degradation and water abstraction?
- Have the agricultural measures been sufficiently described as outlined in chapter 0?
- How have measures been discussed and agreed with farmers and other stakeholders?
- Is there any intention of implementing article 38 EARFD?
- To which extent does the programme of measures include or refer to measures from action programmes established under the Nitrates Directive for river basins located, partly or entirely, in designated nitrate vulnerable zones?
- To what extent will farm advisory services and other training and education activities brief farmers on measures included in the Programme of Measures ?

Strategic Questions related to the WFD policy objectives

- To what extent does the Programme of Measures show a clear commitment to reduce impacts from agricultural sources in order to reach good status of surface water and groundwater?
- What is the share of voluntary measures applied for agriculture compared to regulatory measures?
- How does the level of commitment to implement the selected agricultural measures compare between regions within a MS, between MS or between European regions (e.g. Southern Europe, Western Europe, Northern Europe, Central Europe)?
- To what extent did the new objectives of good ecological status determine the measures selected to address agriculture pressure?

- What is the impact of the CAP health check in RBMP (new mandatory GAEC related to water, new amounts through modulation, new specific support through article 68, new operations referring to water management as a "new challenge")?
- to what extent are agri-measures contributing to the abatement of eutrophication?

Background documents

- To be judged by MS, also depending on the level of detail of the RBMP

Measures related to hydromorphology

Introduction

This topic is will be assessed in close conjunction with the in-depth assessment on classification of ecological status (chapter 0) and the one on the designation of heavily modified water bodies (chapter 0).

Relevant WFD provisions and guidance related to the Programme of Measures are:

- Article 11.3 e) and i) - basic measures
- Article 11.4 - supplementary measures
- WFD and Hydromorphological Pressures – Policy paper: Focus on hydropower, navigation and flood defence – activities, recommendations for better policy integration, November 2006
- WFD and Hydromorphological Pressures – Technical Report: Good practice in managing the ecological impacts of hydropower schemes; flood protection works; and works designed to facilitate navigation under the Water Framework Directive, November 2006

Key Questions from a technical and/or legal perspective

- What is the extent of hydromorphological pressures and impacts in the RBD?
- Have the relevant hydromorphological pressures been targeted with appropriate measures?
- How effective are restoration measures expected to be (e.g. restoration of degraded rivers) in terms of achieving ecological status?
- To what extent are related measures designed in such a way that they support hydromorphological restoration (e.g. flood protection measures)?
- Have minimum flow conditions been established when necessary to ensure the achievement of good status, and are additional measures taken to achieve this?
- How have stakeholders (navigation, hydropower, etc) been involved in selecting measures?
- What evidence and examples of good practice are there of integrated water management, for example by the use of win-win measures (e.g. in relation to flood protection and nature protection)?
- How has the uncertainty in the effectiveness of measures been managed?
- How will knowledge gaps in relation to effectiveness of hydromorphological measures be filled?
- Have transboundary effects of hydromorphological pressures been taken into account in the selection and priority setting of appropriate measures? Have these been coordinated in the river basin?
- Who is responsible for the application and enforcement of measures related to hydromorphological pressures described in the RBMP?

Strategic Questions related to the WFD policy objectives

- Hydromorphological alterations have been assessed as being one of the major reasons for not achieving the environmental objectives of the WFD. Do the programmes of measures of the MS reflect the magnitude of hydromorphological measures needed?
- If the magnitude of the problem in the river basin district is such that it is not possible to solve the environmental problems related to hydromorphological alterations in the short term, then what are the time scales envisaged for reaching good ecological status/potential in these water bodies?
- How well has the balance been achieved between sustainable water use, e.g. for hydropower production, navigation and ports, and flood protection, and the protection of water?
- How well has the integration of the WFD with other policy sectors been achieved related to needed hydromorphological measures (e.g. with the Renewable Energy Sources Policy, Inland Water and Maritime Transport in the EU, or the Flood Management Policy)?
- To what extent have hydromorphological measures benefited reaching the objectives of the Habitats Directive and the Birds Directive (Natura 2000)?

Background documents

- To be judged by MS, also depending on the level of detail of the RBMP

Measures related to chemical pollution

Introduction

The following legislation and guidance is relevant for measures related to chemical pollution:

- Articles 10 and 16 and Annexes VII, IX and X of Water Framework Directive
- Directive 2008/105/EC of the European Parliament and of the Council of 16 December 2008 on environmental quality standards in the field of water policy, amending and subsequently repealing Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC of the European Parliament and of the Council
- Commission Directive 2009/90/EC laying down, pursuant to Directive 2000/60/EC of the European Parliament and of the Council, technical specifications for chemical analysis and monitoring of water status
- Guidance document Number 3: Analysis of pressures and impacts, IMPRESS
- Guidance document number 19: Surface water chemical monitoring.
- Guidance document on mixing zones (in preparation)

Key Questions from a technical and/or legal perspective

- Is there a clear picture of the sources (both point and diffuse) of priority substances causing problems on which to base the selection of measures?
- Is there an assessment of the need for additional national/RBD measures for priority substances on top of EU wide measures? If this is the case, are those national/RBD measures taken in view of the reduction of pollution from priority substances and of ceasing/phasing out of priority hazardous substances?
- What is the statistical approach to compliance checking of EQS? Is this set in legislation?⁶

Strategic Questions related to the WFD policy objectives

- How comprehensive and transparent is the assessment of the situation in terms of the sources of pollution from priority substances and the effectiveness of existing measures? How determined is the programme of measures to achieve the reduction and ceasing/phasing-out targets for priority substances and priority hazardous substances respectively?
- How effective is the implementation of the transition from the regime to control dangerous substances set in Directive 76/464/EEC to the new regime under the Water Framework Directive?
- For the control of priority substances, how well is it working the integration of WFD implementation with IPPC implementation?

Background documents

- To be judged by MS, also depending on the level of detail of the RBMP

⁶ Although this is not a measure it is related it has been included in this chapter.

Measures related to groundwater

Introduction

The following legislation and guidance is relevant for measures related to groundwater:

- 2000/60/EC Art 4, Art 17, Annex V
- 2006/118/EC
- Guidance Document No. 2: Identification of Water Bodies
- Guidance Document No. 7: Monitoring under the Water Framework Directive
- Guidance Document No. 12: Wetlands
- Guidance Document No. 15: Groundwater Monitoring
- Guidance Document No. 16: Groundwater in Drinking Water Protection Areas
- Guidance Document No. 17: Direct and indirect inputs in the light of the 2006/118/EC Directive
- Guidance Document No. 18: Groundwater Status and Trend Assessment

Key Questions from a technical and/or legal perspective

- What kind of measures are implemented
 - for groundwater use, abstraction of fresh water?
 - to tackle overexploitation of groundwater?
 - to reverse trends?
 - to prevent or limit inputs of substances?
 - to avoid pollution from artificial recharges?
- In case of overexploitation of groundwater how is Art. 11.3, e) WFD (control of abstractions) being implemented?
- How have the objectives for water-dependent terrestrial ecosystems and associated surface waters been considered in the selection of measures?

Strategic Questions related to the WFD policy objectives

- In case of groundwater overexploitation, to what extent does the PoM show determination to halt overabstraction and to reach good groundwater quantitative status?
- In case of pollution from nitrates and pesticides, to what extent does the PoM show determination to halt overabstraction and to reach good groundwater quantitative status?

Background documents

- To be judged by MS, also depending on the level of detail of the RBMP

Additional measures in protected areas

Introduction

This chapter looks at protected areas and related EU legislation in the case it sets environmental objectives to protect specific uses, which can drive the establishment of measures under the WFD. The relevant WFD provisions and the relevant EU legislation for this are the following:

- Article 4.1 c)
- Article 6 and Annex IV
- Article 11.3 a) and Part A of Annex VI
- Drinking Water Directive (80/778/EEC, as amended by Directive 98/83/EC)
- Bathing Water Directive (2006/7/EC and 76/160/EEC)
- Birds Directive (79/409/EEC)
- Habitats Directive (92/43/EEC)
- Shellfish Directive (79/923/EEC)
- Freshwater Fish Directive (78/659/EEC)

Key Questions from a technical and/or legal perspective

- Have additional measures been included to reach the objectives of the Habitats Directive, Birds Directive, Bathing Water Directive, Shellfish Directive and/or Freshwater Fish Directive?
- Have additional measures been included to meet the objectives of the Drinking Water Directive and of WFD article 7.2? Have safeguard zones been established to protect drinking water abstraction areas?

Strategic Questions related to the WFD policy objectives

- To what extent does the Programme of Measures of WFD contribute to reaching the objectives of protected areas?

Background documents

- To be judged by MS, also depending on the level of detail of the RBMP

Measures related to article 9 (water pricing policies)

Introduction

Relevant legislation and guidance related to water pricing policies is as follows:

- Water Framework Directive Articles 5, 9 and Annex III
- Guidance Document No. 1: WATECO.
- Summary of the results of the in-depth assessment of Article 5 economic analysis, 6 March 2009.
- Information sheets on economics⁷

Key Questions from a technical and/or legal perspective

- How has the definition of water services and uses been applied in practice?
- How has water pricing been dealt with in the agricultural sector?

How have environmental and resource costs been considered and estimated?

- Have the provisions of article 9.4 been applied, and if so how?
- How have Member States ensured that “water-pricing policies provide adequate incentives for users to use water resources efficiently, thereby contributing to the environmental objectives of the Directive” (Article 9.1)?
- How have Member States ensured an adequate contribution of the different water uses to the recovery of the costs of water services taking account of the polluter pays principle?
- What is the cost recovery level, how has it been calculated and what are the sectors covered?
- How has the issue of cross-subsidies been handled in cost recovery calculations?
- How will water pricing policies contribute to achievement of the Article 4 objectives of the Directive?
- How has the flexibility given in Article 9.1 been applied? (Taking account of the social, environmental and economic effects of the recovery as well as the geographic and climatic conditions of the region or regions affected).
- What efforts have been made in terms of transboundary cooperation in applying water pricing policies?

Strategic Questions related to the WFD policy objectives

- To what extent have water pricing policies been adapted to reflect the WFD principles of cost recovery and incentive pricing?

⁷

http://circa.europa.eu/Public/irc/env/wfd/library?l=/framework_directive/thematic_documents/economic_issues/information_economic&vm=detailed&sb=Title

- To what extent has the recovery of environmental and resource costs lead to significant changes to water pricing policies and assisted in the contribution of water pricing policies to meeting the objectives of the WFD?

Background documents

- To be judged by MS, also depending on the level of detail of the RBMP

Strategy to deal with water scarcity and droughts

Introduction

This chapter addresses additional questions related to water scarcity and droughts on top of WFD-related questions which are integrated in the following chapters above:

- CH7 (groundwater assessment) and CH13 (groundwater measures): groundwater quantitative status
- CH11 (hydromorphology measures): minimum surface water flow
- CH15 (water pricing): rational use of water

In addition to the WFD, relevant policies and guidance related to water scarcity and droughts are as follows:

- COM (2008) 875 final. Follow up report to the Communication on water scarcity and droughts in the European Union COM(2007)414 final.
- SEC (2008) 3069. Commission Staff working document accompanying Follow up report to the Communication on water scarcity and droughts in the European Union COM(2007)414 final.
- Water scarcity and droughts expert network (2008) Drought Management Plan Report including agricultural, drought indicators and climate change aspects. Technical report – 2008-023.
- EEA (2009) Water resources across Europe – confronting water scarcity and drought. EEA Report No2/2009.

Questions on water scarcity and droughts

- What evidence is there that the water hierarchy is being implemented in measures associated with water scarcity and drought (WS&D)? Is its application cost effective and does it contribute to the achievement of good water status?
- Do the measures on WS&D ensure the achievement of Good Ecological Status and the status of wetlands?
- Do measures on WS&D ensure good groundwater quantitative status?
- Have minimum/reserve flows been defined in legislation?
- What measures have been established in relation to new and alternative water supplies – e.g. desalination?
- Will the measures on WS&D include the recovery of depleted and overexploited groundwater bodies/aquifers, particularly in southern European countries? If not, will exemptions be applied, and if so, on what basis? Is there a clear long term plan to solve the most difficult issues?
- Do the measures associated with WS&D lead to conflict of interest between different water users – e.g. for drinking water and for groundwater dependent ecosystems? Have those conflicts been solved? Has there been an active public participation that encouraged conflict resolution?
- How have measures been agreed with stakeholders, how likely is that they will be implemented?

- Are the proposed measures sufficient to ensure surface water quantitative status and to protect areas of nature/conservation interest (e.g wetlands)?
- How has land use planning been incorporated into measures associated with WS&D and the achievement of WFD objectives? Is the infiltration of water at local level sufficiently ensured to reach the optimal water saturated land in case of large scale- agricultural, industrial and urban developments (rainwater retention, ground water recharge etc)?
- Have drought management plans been developed as part of the RBMP or in association with it? Are there any national drought warning or information systems in place?
- Who is responsible for the application and enforcement of WS&D measures described in the RBMP?
- What are the linkages between other sectoral policies such as on rural development, and in relation to land use planning?
- Have appropriate regulations (including land-use planning) been included in WFD PoMs in order to restore a sustainable balance in all water-scarce river basins?
- Have any measures planned targeting the reuse of treated waste water and the use of rainwater to reduce fresh water uses?
- Are there any measures presented concerning the further spreading of metering programmes in all water using sectors?
- Is sustainable water abstraction part of the plans (e.g. efficient irrigation) ? Are water abstraction control measures foreseen?
- Is biofuel production issues addressed in the PoMs? If yes, is the possible increase of the pressure on the water needs tackled?
- Is the improvement of the use of national and EU funds for water management part of the plans (e.g. funds should not be used to finance inefficient water uses)?
- What efforts have been made to further develop fiscal incentives to promote water-efficient devices and practices?
- Have all adverse effects linked to any new water supply infrastructure been taken fully into account in the environmental assessment of WS&D measures?
- What efforts have been made to further adopt binding performance criteria for new buildings and for public and private networks, with systems of fines for excessive leakage?
- What efforts have been made to develop voluntary agreements with all economic sectors that need water?
- What efforts have been made to develop actions of education, information, communication and research on the efficient use of water?

Strategic Questions related to the WFD policy objectives

- How is water scarcity and drought tackled by the Programme of Measures?

- Were climate adaptation measures taken into consideration when planning the measures?

Adaptation to climate change in RBMP

Introduction

Although it is not expected that climate change will play a major role in the first RBMP (based on the findings in the MS Article 5 reports and a CIS 2008 questionnaire), climate change concerns will be incorporated somehow in the first Plans.

Guidance and policy documents related to this topic is as follows:

- COM(2009) 147 final: White Paper on Adapting to Climate Change, including Impact Assessment
- June 2009 CIS Water Directors Policy Paper on Climate Change and Water

Key questions on adaptation to climate change

- How has climate change been considered in the first RBMPs and how has it been incorporated (e.g. separate chapter / throughout several chapters of the Plan)?
- How has a 'climate check' of the Programme of Measures been carried out?
- Has climate change already lead to adaptation of measures?
- Has insight been given on how climate change will be taken up in the 2nd/3rd cycle?