

Objectives and exemptions for ecological status according to article 4 WFD

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Agenda

- 12.30 Introduction and presentation
- 12.45 Norway: Sunniva Hartman
- 13.00 Denmark: Stig Eggert Pedersen
- 13.15 Finland: Antton Keto
- 13.30 Sweden: Katrin Herrlin Sjöberg
- 13.45 Discussion and conclusions
- 14.30 End of session



Discussion

- Justification of exemptions
 - Expedited deadlines
 - Less stringent objectives
- How to handle measures planned to be done after 2027?
- Usage of 4.4 natural conditions after 2027 – methodes
- Impact of Weser judgement
- Coordination with other directives



WFD Article 4.4 Extended deadlines

The deadlines established under paragraph 1 may be extended for the purposes of phased achievement of the objectives for bodies of water, provided that no further deterioration occurs in the status of the affected body of water when all of the following conditions are met:

(a) Member States determine that all necessary improvements in the status of bodies of water cannot reasonably be achieved within the timescales set out in that paragraph for at least one of the following reasons:

- (i) the scale of improvements required can only be achieved in phases exceeding the timescale, for reasons of technical feasibility;
- (ii) completing the improvements within the timescale would be disproportionately expensive;
- (iii) natural conditions do not allow timely improvement in the status of the body of water.

(b) Extension of the deadline, and the reasons for it, are specifically set out and explained in the river basin management plan required under Article 13.

(c) Extensions shall be limited to a maximum of two further updates of the river basin management plan except in cases where the natural conditions are such that the objectives cannot be achieved within this period.

(d) A summary of the measures required under Article 11 which are envisaged as necessary to bring the bodies of water progressively to the required status by the extended deadline, the reasons for any significant delay in making these measures operational, and the expected timetable for their implementation are set out in the river basin management plan. A review of the implementation of these measures and a summary of any additional measures shall be included in updates of the river basin management plan.



WFD Article 4.5 Less stringent objectives

Member States may aim to achieve less stringent environmental objectives than those required under paragraph 1 for specific bodies of water when they are **so affected by human activity**, as determined in accordance with Article 5(1), or **their natural condition** is such that the **achievement of these objectives would be infeasible or disproportionately expensive**, and all the following conditions are met:

(a) the **environmental and socioeconomic needs served by such human activity cannot be achieved by other means**, which are a **significantly better environmental option not entailing disproportionate costs**;

(b) Member States ensure,

- for surface water, the **highest ecological and chemical status possible is achieved**, given impacts that could not reasonably have been avoided due to the nature of the human activity or pollution,
- **for groundwater**, the least possible changes to **good groundwater status**, given impacts that could not reasonably have been avoided **due to the nature of the human activity or pollution**;

(c) **no further deterioration** occurs in the status of the affected body of water;

(d) the establishment of less stringent environmental objectives, and the reasons for it, are **specifically mentioned in the river basin management plan** required under Article 13 and those objectives are reviewed every six years.



WFD Article 4.7 New modifications

Member States will not be in breach of this Directive when:

- failure to achieve good groundwater status, good ecological status or, where relevant, good ecological potential or to prevent deterioration in the status of a body of surface water or groundwater is the result of new modifications to the physical characteristics of a surface water body or alterations to the level of bodies of groundwater, or
- failure to prevent deterioration from high status to good status of a body of surface water is the result of new sustainable human development activities

and all the following conditions are met:

- all practicable steps are taken to mitigate the adverse impact on the status of the body of water;
- the reasons for those modifications or alterations are specifically set out and explained in the river basin management plan required under Article 13 and the objectives are reviewed every six years;
- the reasons for those modifications or alterations are of overriding public interest and/or the benefits to the environment and to society of achieving the objectives set out in paragraph 1 are outweighed by the benefits of the new modifications or alterations to human health, to the maintenance of human safety or to sustainable development, and
- the beneficial objectives served by those modifications or alterations of the water body cannot for reasons of technical feasibility or disproportionate cost be achieved by other means, which are a significantly better environmental option.



Objectives for protected areas WFD article 4.1 c

Member States shall achieve compliance with any standards and objectives at the latest 15 years after the date of entry into force of this Directive, unless otherwise specified in the Community legislation under which the individual protected areas have been established.

2. Where more than one of the objectives under paragraph 1 relates to a given body of water, the most stringent shall apply.



Article 7 Waters used for the abstraction of **drinking water**

Member States shall ensure the necessary protection for the bodies of water identified with the aim of avoiding deterioration in their quality in order to reduce the level of purification treatment required in the production of drinking water. Member States may establish safeguard zones for those bodies of water.

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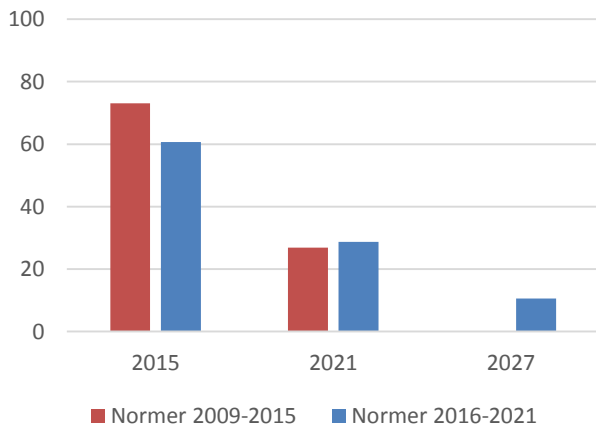
Sweden

Katrin Herrlin Sjöberg

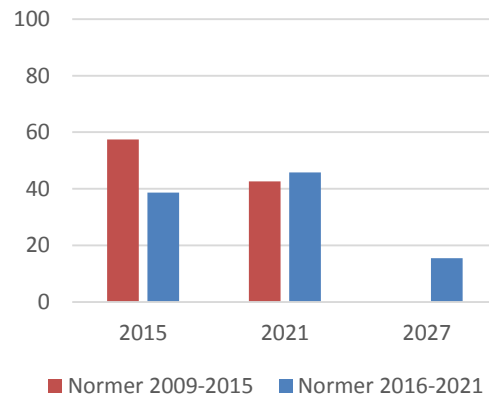


Extended deadlines, decision 2016

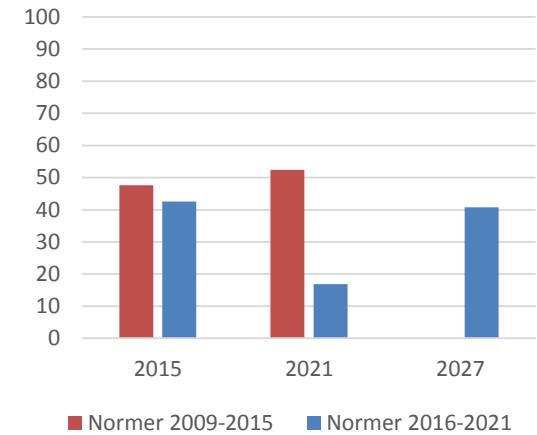
Bottenviken



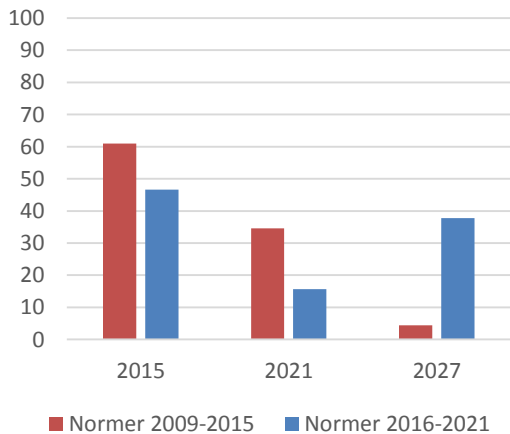
Bottenhavet



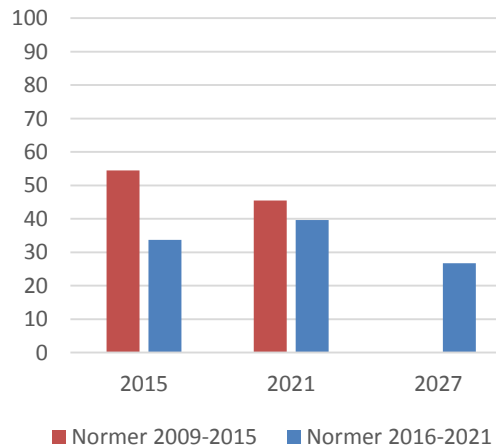
Norra Östersjön



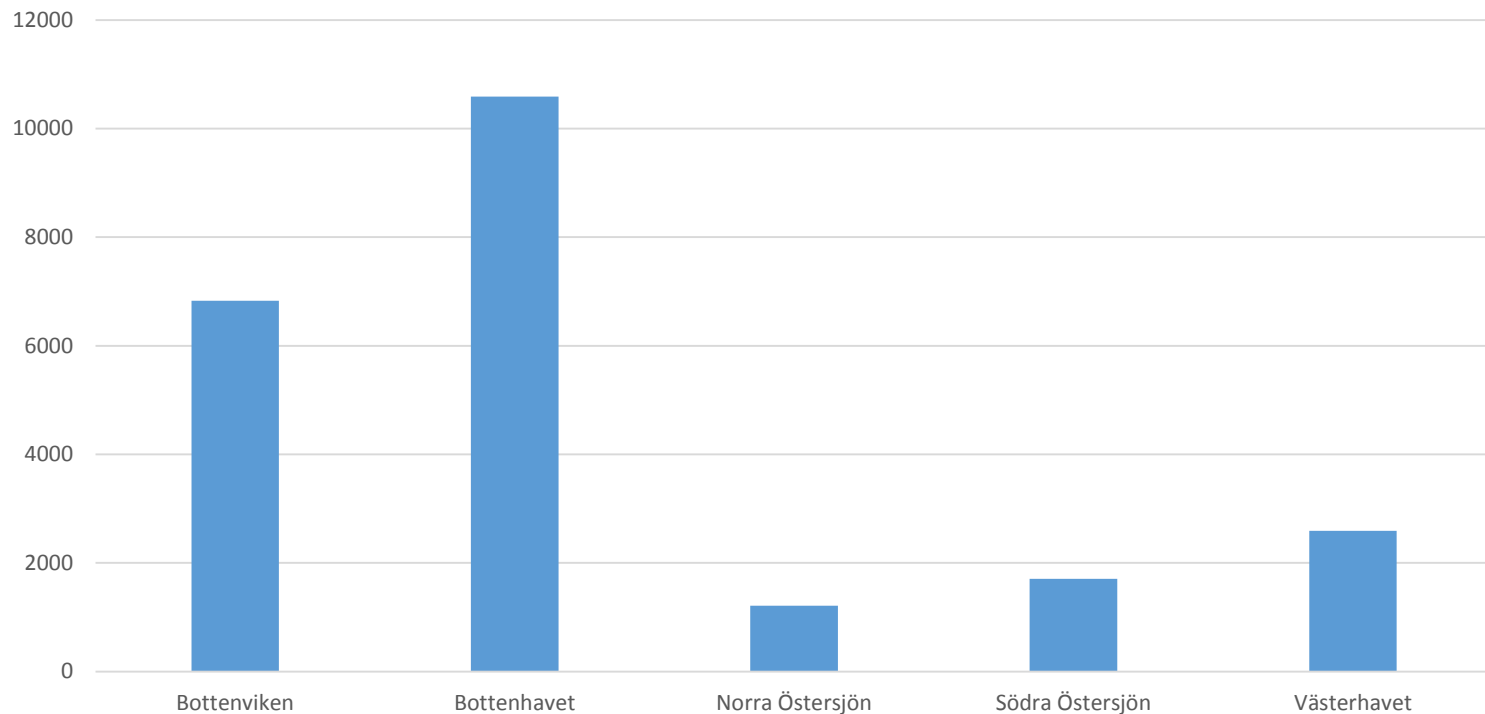
Södra Östersjön



Västerhavet



Less stringent objectives, decision 2016



General principles 2016

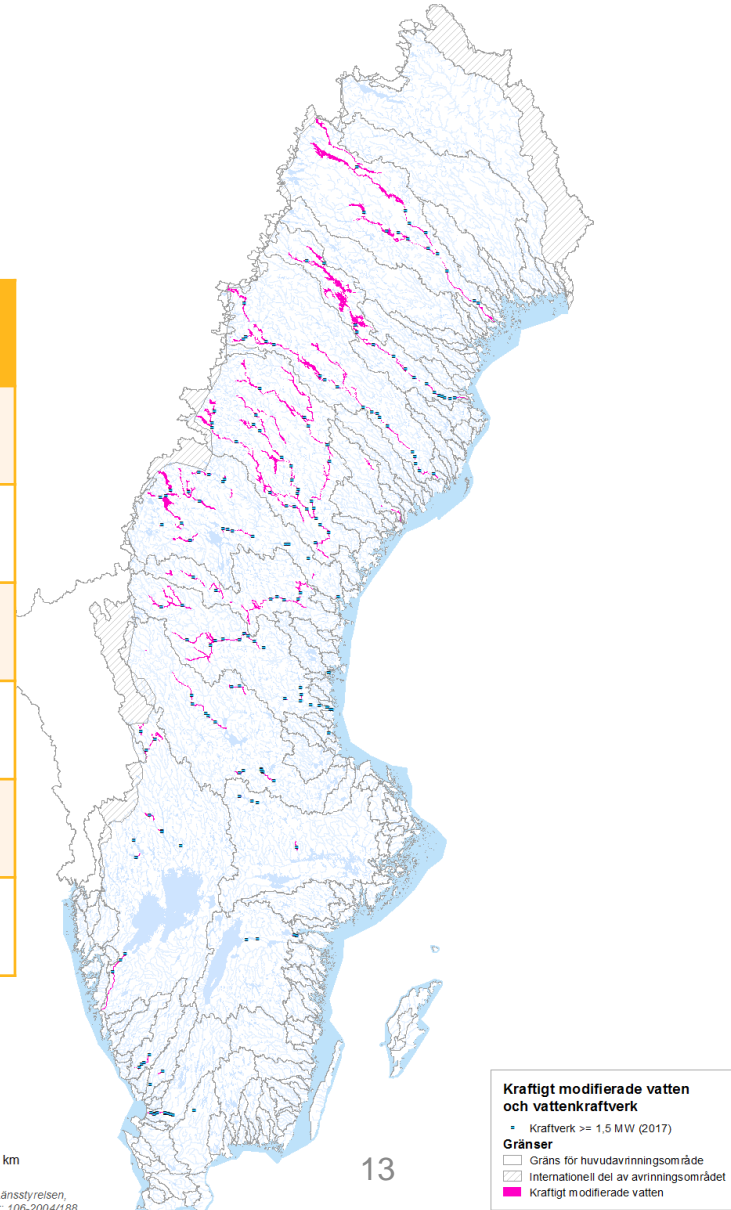
- Exemptions from 2009-2015
- New data or new classification guidance documents could motivate a changed objective
- Focus on the motivations of exemptions
- "Few" less stringent objectives
- Exemption for new modification not used
- Temporary deterioration not identified



Vilka vatten ingår i beslutet nationellt?

Vattendistrikt	Antal KMV	Antal kraftverk och dammar
Bottenviken	182	55
Bottenhavet	416	154
Norra Östersjön	4	4
Södra Östersjön	4	5
Västerhavet	52	29
Summa	658	247

I 18 huvudavrinningsområden i hela landet

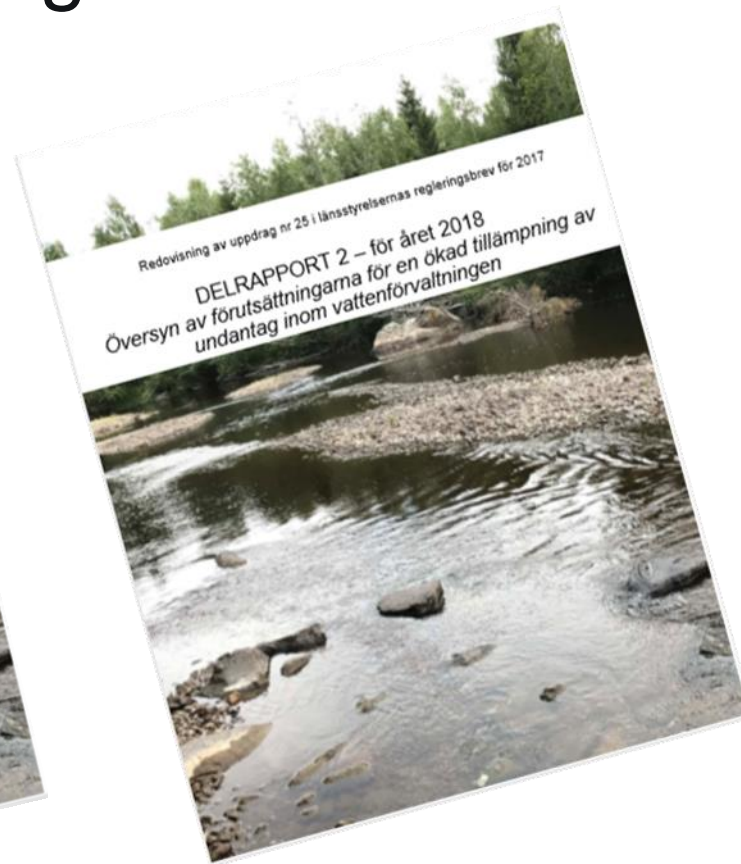


0 50 100 150 km

© Vattenmyndigheterna, Länsstyrelsen, SMHI, Lantmateriet Dnr: 106-2004/188

Vattendistrikt	Huvudavrinnings- område	God ekologisk potential	Måttlig ekologisk potential	Otillfredställande ekologisk potential	Dålig ekologisk potential	Totalsumma
Bottenviken	Luleälven	10	18	36	3	67
Bottenviken	Skellefteälven	32	10	13	6	61
Bottenviken	Umeälven	17	11	26		54
Bottenhavet	Gideälven	5	3	1		9
Bottenhavet	Ångermanälven	14	32	138		184
Bottenhavet	Indalsälven	14	13	52	2	81
Bottenhavet	Ljungan	16	7	33		56
Bottenhavet	Delångersån	5				5
Bottenhavet	Ljusnan	11	3	47		61
Bottenhavet	Hamrångeån	1				1
Bottenhavet	Dalälven	12	2	5		19
Norra Östersjön	Norrström	4				4
Södra Östersjön	Motala ström	3				3
Södra Östersjön	Helge å	1				1
Västerhavet	Lagan	5	2	2		9
Västerhavet	Nissan			4		4
Västerhavet	Ätran	6				6
Västerhavet	Göta älv	11	2	20		33
Summa	Totalsumma	167	103	377	11	658

Governmental assignment 2017-2019



Two important definitions

Beneficial objectives served by the artificial or modified characteristics of the water body **cannot, for reasons of technical feasibility or disproportionate costs, reasonably be achieved by other means, which are a significantly better environmental option**

Environmental and socioeconomic needs served by such human activity **cannot be achieved by other means**, which are a significantly better environmental option not entailing disproportionate costs



Activities normally seen as critical for society

National interests

- Commercial fishing
- Cultural heritage and nature
- Valuable minerals
- Industrial production
- Energy production and distribution
- Infrastructure
- Water supply
- Military and civil defence

Other

- Public ports
- Public fairways
- Sewage treatment plants
- Municipal water supply
- Decontaminated land
- Flood protection
- Farm land
- Forestry



Tests 2018-2019

- 4.4 Natural condition for groundwater with BAM
- 4.5 Valuable minerals
- 4.5 Industrial production
- 4.5 Sewage treatment plants



Preparations for 3rd cycle



- 23 manuals for different pressures
- Measures
- Relation to other laws
- HMWB
- Objectives and exemptions

WFD Article 4.7



European Commission - Fact Sheet

January infringements package: key decisions

Brussels, 25 January 2018

Overview by policy area

In its monthly package of infringement decisions, the European Commission ('Commission') is pursuing legal action against Member States for failing to comply with their obligations under EU law. These decisions, covering various sectors and EU policy areas, aim to ensure the proper application of EU law for the benefit of citizens and businesses.

The key decisions taken by the Commission are presented below and grouped by policy area. The Commission is also closing 86 cases in which the issues with the Member States concerned have been solved without the Commission needing to pursue the procedure further.

For more information on the EU infringement procedure, see the full [MEMO/12/12](#). For more detail on all decisions taken, consult the [infringement decisions' register](#).

Water: Commission urges SWEDEN to modify its legislation on water

The Commission decided today to send a reasoned opinion to **Sweden** as there are still a number of instances of non-conformity and shortcomings in the Swedish transposition of the Water Framework Directive ([Directive 2000/60/EC](#)). These concern the failure to consider cost recovery for activities likely to have an impact on water quality. Moreover, the Swedish legislation currently does not consider that the obligations to avoid deterioration of water are relevant for the authorisation of projects, such as hydropower installations. Sweden is preparing new legislation on the latter point but has not adopted it yet. The Commission is, therefore, sending a reasoned opinion and giving Sweden two months to react. In the absence of a satisfactory response, the Commission may refer the case to the Court of Justice of the EU.



Changes in legislation from January 2019

4 § En myndighet eller en kommun får inte tillåta att en verksamhet eller en åtgärd påbörjas eller ändras om detta, trots åtgärder för att minska föroreningar eller störningar från andra verksamheter, ger upphov till en sådan ökad förorening eller störning som innebär att vattenmiljön försämras på ett otillåtet sätt eller som har sådan betydelse att det äventyrar möjligheten att uppnå den status eller potential som vattnet ska ha enligt en miljökvalitetsnorm.

Vid prövning för ett nytt tillstånd och vid omprövning av tillstånd ska de bestämmelser och villkor beslutas som behövs för att verksamheten inte ska medföra en sådan försämring eller ett sådant äventyr. *Lag (2018:1407).*

11 § Trots 5 kap. 4 § miljöbalken får en myndighet eller kommun tillåta en verksamhet eller åtgärd som

1. ändrar en ytvattenförekomsts fysiska karaktär eller en grundvattenförekomsts nivå, eller
2. medför en risk att en ytvattenförekomsts kvalitet försämras från hög status till god status och verksamheten eller åtgärden är en hållbar mänsklig utvecklingsverksamhet. Förordning (2018:2103).

12 § En verksamhet eller åtgärd får tillåtas enligt 11 § endast om

1. verksamheten eller åtgärden
 - a) behöver vidtas för att tillgodose ett allmänintresse av större vikt, eller
 - b) innebär att dess fördelar för människors hälsa och säkerhet eller för hållbar utveckling uppväger nackdelarna med en sådan ändring eller försämring som avses i 11 §,
2. det av tekniska skäl eller på grund av orimliga kostnader inte är möjligt att uppfylla syftet med verksamheten eller åtgärden på något annat sätt som är väsentligt bättre för miljön, och
3. alla genomförbara åtgärder vidtas för att mildra de negativa konsekvenserna för vattenförekomstens status. Förordning (2018:2103).



Objectives for protected areas – 2nd cycle

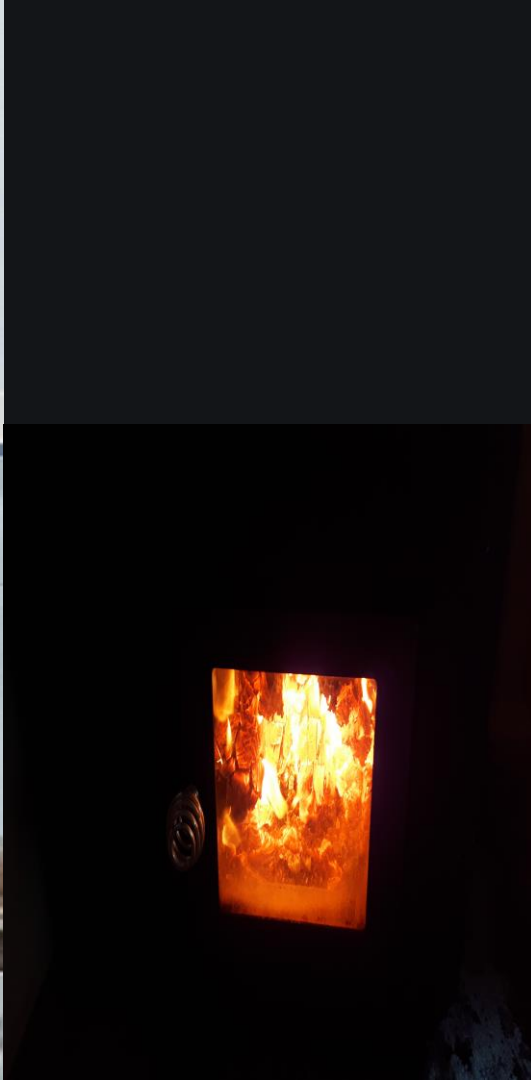
- Groundwater
 - Drinking water threshold values for assessing chemical status



Objectives for protected areas – 3rd cycle

- Groundwater
 - Drinking water threshold values for assessing chemical status
 - Threshold for groundwater-dependent ecosystems
- Surface water
 - Key question - responsibility of the implementation of objectives of other directive
 - WFD shall not obstructe reaching the objectives of other directives (e.g by using article 4.3 and 4.5)
 - Check of the most stringent objective (e.g Good or High Status for N2000-areas)





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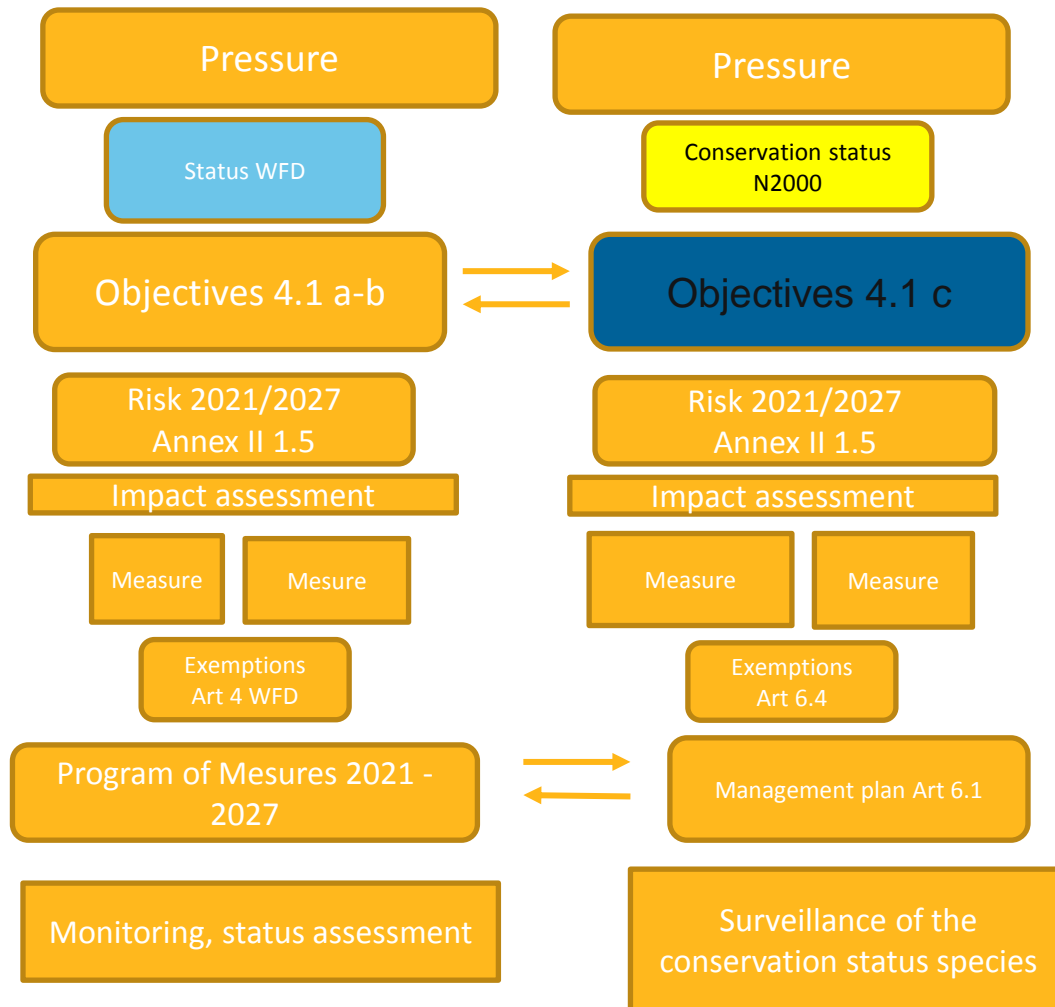


ANNEX VI

LISTS OF MEASURES TO BE INCLUDED WITHIN THE PROGRAMMES OF MEASURES

Measures required under the following Directives:

- (i) The Bathing Water Directive (76/160/EEC);
- (ii) The Birds Directive (79/409/EEC)(1);**
- (iii) The Drinking Water Directive (80/778/EEC) as amended by Directive (98/83/EC);**
- (iv) The Major Accidents (Seveso) Directive (96/82/EC)(2);
- (v) The Environmental Impact Assessment Directive (85/337/EEC)(3);
- (vi) The Sewage Sludge Directive (86/278/EEC)(4);
- (vii) The Urban Waste-water Treatment Directive (91/271/EEC);
- (viii) The Plant Protection Products Directive (91/414/EEC);
- (ix) The Nitrates Directive (91/676/EEC);
- (x) The Habitats Directive (92/43/EEC)(5);**
- (xi) The Integrated Pollution Prevention Control Directive (96/61/EC).



Mesures to reach objectives in protected areas

2 § Innan vattenmyndigheten fastställer en miljökvalitetsnorm för en ytvattenförekomst som ingår i register över skyddade områden enligt 3 kap. 2 § vattenförvaltningsförordningen (2004:660) ska vattenmyndigheten bedöma om bestämmelserna för det skyddade området ställer särskilda krav avseende en enskild kvalitetsfaktor eller parameter som ligger till grund för miljökvalitetsnormen.

Allmänna råd till 3 kap. 2 § : Vattenmyndigheten ska göra en bedömning av hur bestämmelserna enligt vattenförvaltningsförordningen (2004:660) och dessa föreskrifter förhåller sig till bestämmelser för skyddade områden enligt 3 kap. 2 § vattenförvaltningsförordningen (2004:660), som innefattar:

- Erforderligt skydd enligt artikel 7.3 direktiv 2000/60/EG gäller för ytvattenförekomster där dricksvattenuttag görs > 10 m³/dygn eller fler än 50 personer. – Badvattenförordningen (2008:218) gäller för vattenförekomster som är skyddade EU-bad.
- Förordning (1998:1252) om områdesskydd enligt miljöbalken m.m. gäller för ytvattenförekomster som utgör eller ingår i Natura 2000 områden.
- Artskyddsförordning (2007:845) gäller för fridlysta arter inom och utom i Natura 2000 områden.
- Förordning (2001:554) om miljökvalitetsnormer för fisk- och musselvatten gäller för vattenförekomster identifierade som ekonomiskt värdefulla vatten.
- Föreskrifter om rening och kontroll av utsläpp av avloppsvatten från tätbebyggelse (NFS 2016:6) gäller för ytvattenförekomster känsliga för avloppsvatten.
- Förordning (1998:915) om miljöhänsyn i jordbruket gäller för vattenförekomster som är känsliga för nitrat.