

# General Overview of the JASPERS Checklist tool - underlying considerations

## JASPERS Checklist Tool

Budapest, 11 April 2019

# Partners and governance

## JASPERS

Joint Assistance to Support Projects in European Regions

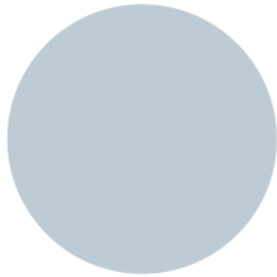
- **Partnership between the European Commission (EC) and the European Investment Bank (EIB) Managed by the EIB on the basis of a Framework Partnership Agreement with the EC**
- **Established in 2006 for the Programming Period 2007-2013, first extension for period 2014-2020**
- **Assistance is free of charge, as a service to the member states**



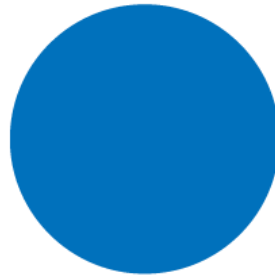
# How we work

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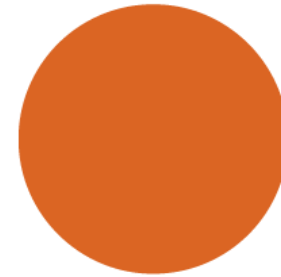
## Three pillars of services



**Advisory**  
Guidance in the  
preparation of projects,  
with upstream  
involvement, in-line  
with ERDF-regulation



**Capacity Building**  
Proximity to  
beneficiaries and  
knowledge sharing with  
hands-on approach and  
training



**IQR**  
Final endorsement for  
project approval as per  
article 102.1 of CPR

# Services

- 1** Support for the preparation of sector strategies and Master Plans
- 2** Support to project screening and prioritisation to maximise effectiveness of available funds in a sector
- 3** Support to project preparation through methodological advice and review and comments on intermediate and final project document
- 4** Capacity building through hands-on approach during project preparation support, dedicated training events, train-the-trainers workshop, and working papers
- 5** Integrated support in cross-sector projects (e.g. urban development projects in the context of the Smart Cities concept)
- 6** Support to the preparation of programmes and schemes (e.g. calls for proposals for non-Major projects, energy efficiency schemes)
- 7** Support for the definition and standardisation of project approval criteria and clarification of issues arising during the approval process
- 8** Support for the removal of bottlenecks to realise projects (e.g. advice on State-aid)
- 9** Methodological guidance (e.g. on feasibility studies, cost-benefit analysis, climate change adaptation)
- 10** Appraisal of projects to ensure their soundness, quality, and compliance with relevant regulations to facilitate EC approval
- 11** Support to project implementation through advice on procurement strategies, draft tender documents and establishment of Projects Implementation Units
- 12** Preparation of technical assessments to serve as the basis for policy decisions and regulations
- 13** Integrated support in cross-sector projects (e.g. urban development projects in the context of the Smart Cities concept)

## Activities

**Networking Platform multi country capacity building**, training, knowledge sharing, dissemination of good practice and lessons learned (in Brussels and at regional level)

- Focus on key competencies for cohesion policy, good practice for project preparation and other relevant horizontal/ sectoral topics
- Discussion forums (online/offline)

### **In-country capacity building actions**

- Request by MSs for targeted capacity building assignments (**train-the-trainers**) and contribution to other JASPERS actions
- Follow-up of multi-country actions (at regional level)

**Advisory on horizontal issues** - State aid, climate change, CBA, environmental issues, etc.

### **Videos and e-learning**

**Publications** and guidance documents

**Web portal:** [www.jaspersnetwork.org](http://www.jaspersnetwork.org)





# JASPERS Checklist Tool



Water Framework Directive  
Project assessment checklist tool



- Version 1.0 released in July 2018
- The checklist is intended for use as a support tool for stakeholders involved in project development and relevant environmental decision-making.
- Steps 1 to 3 of the checklist may be used for assessing whether projects could lead to deterioration or compromise the achievement of the WFD objectives.
- Step 4 can only be used for projects that are within the scope of Article 4(7) of WFD.

<http://www.jaspersnetwork.org/plugins/servlet/documentRepository/displayDocumentDetails?documentId=441>

# JASPERS Checklist Tool

## Underlying concepts

- Before starting with the Checklist steps, the **Preamble** provides the user with an understanding of underlying concepts, such as:
  - what is meant by an effect on water body status
  - ✓ a deterioration across a status class boundary at the scale of the waterbody (for example from good to moderate; or from moderate to poor; or from good to fail) of an individual element or substance

OR

- ✓ a modification or alteration, which prevents or compromises the achievement of an improvement in status that could otherwise reasonably be expected (e.g. because of measures proposed in the River Basin Management Plan)

# JASPERS Checklist Tool

## Underlying concepts

- Before starting with the Checklist steps, the Preamble provides the user with an understanding of underlying concepts, such as:
  - what type of activities can affect water body status

Any type of project can potentially affect a WFD water body – not only flood defence, navigation, hydropower, wastewater treatment or other projects directly involved with water management, but also transport, energy or other types of infrastructure projects.



# JASPERS Checklist Tool

## Underlying concepts

- Before starting with the Checklist steps, the Preamble provides the user with an understanding of underlying concepts, such as:
  - what is meant by residual effects on WFD supporting elements

The WFD assumes that a deterioration between status classes in a supporting element may result in an adverse consequence for one or more of the biological quality elements. With one important exception however, if it can be demonstrated with high certainty that a residual effect on a supporting element will not affect any of the BQEs, Article 4(7) will not need to be applied.

# JASPERS Checklist Tool

## Underlying concepts

- Before starting with the Checklist steps, the Preamble provides the user with an understanding of underlying concepts, such as:
  - the relevance of article 4.7 to new sustainable development in high status water bodies

The second provision of Article 4(7) can only be applied in specific situations.

There is no definition of 'high' status from which WFD chemical status or groundwater status could deteriorate so the second provision cannot be applied to groundwater bodies or to surface water bodies where chemical status would be affected.

# JASPERS Checklist Tool

## Underlying concepts

- Before starting with the Checklist steps, the Preamble provides the user with an understanding of underlying concepts, such as:
  - the relevance to other WFD exemptions

Articles 4(4) and 4(5) are intended to provide Member States with the possibility to extend deadlines or set less stringent targets in relation to the existing status of water bodies. However, there may also be cases where the application of Article 4(4) or 4(5) exemptions can be justified following the successful application of an Article 4(7) exemption and the modification of a water body. If a project that passes the Article 4(7) tests is likely to rely on a subsequent exemption under Article 4(4) or 4(5) exemption, early discussion with the WFD competent authority is recommended. Article 4(6) provides an exemption for a temporary deterioration in the status or potential of a water body only in the case of natural causes or "force majeure". This exemption applies only to events (such as prolonged floods or droughts) that are exceptional or could not reasonably have been foreseen.

# JASPERS Checklist Tool

## Underlying concepts

- Before starting with the Checklist steps, the Preamble provides the user with an understanding of underlying concepts, such as:
  - **streamlining environmental assessments**

The requirements of the WFD are subtly different from those of EIA or assessments under the Habitats Directive, for example in terms of the parameters to be assessed and the level of detail of evaluation needed. That said, once the scope of the respective assessments has been determined individually, there may be opportunities to explore synergies during the data collection and assessment and possibly also the public consultation stages amongst others, before applying the specific 'significance' tests required under each of the individual Directives.

# JASPERS Checklist Tool

## Underlying concepts

- Before starting with the Checklist steps, the Preamble provides the user with an understanding of underlying concepts, such as:
  - **transboundary considerations**

Taking into account that there may be different procedures in different Member States for assessing project compliance, it is worth noting that a proposed project might affect one or more ground or surface water bodies on either side of a national border. In such cases, the WFD project assessment process including the application of Article 4(7) if appropriate will need to be coordinated, and common methodologies (and, where appropriate, thresholds) will need to be agreed with the respective WFD competent authorities. Where relevant, transboundary river basin commissions might act as facilitators of such coordination.

# JASPERS Checklist Tool

## Underlying concepts

- Before starting with the Checklist steps, the Preamble provides the user with an understanding of underlying concepts, such as:
  - engagement with stakeholders

Various European and international instruments (e.g. the Aarhus Convention) anticipate the engagement of interested parties (stakeholders) in the project development process. Such instruments provide the overarching context within which WFD project compliance is assessed.

Furthermore, if an Environmental Impact Assessment is being undertaken for the project, the EIA Directive (Directive 2011/92/EU as amended) requires the environmental authorities, the public, and where relevant affected Member States, to be informed and consulted.



# JASPERS Checklist Tool

## Content Overview

The main body text is divided into 4 parts corresponding to **4 steps**:

1. **Context and screening**: is there a causal mechanism for a direct or indirect effect on status at element level?
2. **Scoping**: consider non-temporary effects, significance at water body level, alone or in-combination effects
3. (further) **Data collection and investigations**
4. **Application of Article 4(7) tests**: mitigation measures, alternatives, overriding public interest, inclusion in RBMP; also Articles 4(8) and 4(9)

The checklist tool was developed in parallel, and is consistent with **CIS Guidance 36**