

# Implementation of the Water Framework Directive (WFD) in the Danube region regarding the navigation sector and river works

## JASPERS Project Assessment Checklist Tool

Budapest, 11 September 2019

# Partners and governance

## JASPERS

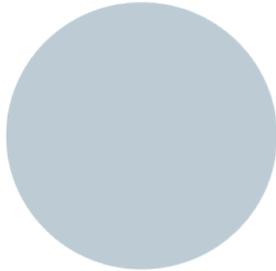
Joint Assistance to Support Projects in European Regions

- **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**
- **Supervised by a Steering Committee composed by representatives of the EIB and the EC**
- **Coordinated with EC and beneficiary countries through periodic tri-partite meetings and a annual stakeholders' meeting**



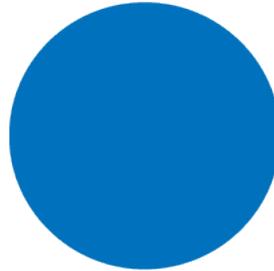
# How we work

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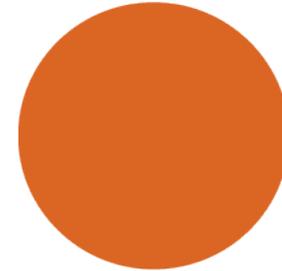
## **Capacity building**

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



## **Project preparation**

Guidance in the preparation of projects, with upstream involvement

# 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)

# JASPERS Checklist Tool



Water Framework Directive  
Project assessment checklist tool



- 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
  - what type of activities can affect water body status
  - what is meant by residual effects on WFD supporting elements
  - the relevance of article 4.7 to new sustainable development in high status water bodies
  - the relevance to other WFD exemptions
  - streamlining environmental assessments
  - transboundary considerations
  - engagement with stakeholders

# 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**

# Step One: Context and Screening

**Information Collation**

- 1.1 Information about the project
- 1.2 Identify potentially affected water bodies
- 1.3 Size, Scale, Location and Mapping of water bodies
- 1.4 Identify water dependent protected areas
- 1.5 Main Characteristics of water bodies and areas identified in steps 1.2 and 1.4
- 1.6 Water body status and status of the water dependent protected areas–  
 "problems, risks and causes"
- 1.7 "Record" future status objectives for each relevant water body and similar information for water dependent protected areas
- 1.8 List of measures in the RBMP linked to the potentially affected water bodies and water dependent protected areas
- 1.9 List of any other projects that could affect the above

**Coarse Evaluation**

- 1.10 For each potentially affected water body, identify possible mechanisms for a direct and indirect effect on status at element level
- 1.11 Consult competent authority on outcome of analysis



# Step Two: Scoping

2.1 Confirm which WFD elements require further consideration

2.2 Taking into account the information collated in 1.2 to 1.9, address the following questions:

2.2 (i) Will the effect be temporary?

2.2 (ii) Will the effect be insignificant in the context of the water body?

2.2 (iii) Can it be concluded that there will be no in-combination effects?



2.3 Establish Scope of investigations and data collections to answer unknowns?

2.4 Confirm scope of investigations with Competent Authorities

2.5 Integrate / coordinate investigations with “other processes” (EIA, Natura ...)

**Step Three**

# Step Three: (further) Data Collection

3.1 Review outcomes of investigations and answer the following

3.1 (i) Could the project have a non-temporary effect on the status of one or more WFD elements at the scale of the WB?

3.1 (ii) Is the project expected to have an adverse effect on the water-depend entfeatures of relevant EU protected area objectives?

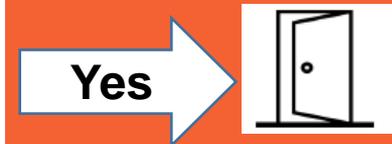
3.1 (iii) Are significant in-combination effects on status possible?



3.2 Where effects on status are expected– identify mitigation measures

3.3 Repeat 3.1 review steps taking account of mitigation measures

3.4 + 3.5 If mitigation is enough to avoid an effect on status:  
 Confirm outcome of 3.3 with Competent Authority and record with the necessary supporting evidence



**Step Four**

# Step Four, Article 4(7) test

4.1 Is it relevant to apply the Article 4(7) tests?

4.2 Identify any additional practicable mitigation measures that could be applied in order to reduce or eliminate the expected effects on status

4.3 Could the project objectives be achieved by alternative means that are technically viable, not disproportionately costly and represent a significantly environmentally better option?

4.4 Are there reasons for the modification or alteration of overriding public interest and/or do the benefits of the proposed project to human health, human safety or sustainable development outweigh the benefits that would otherwise be delivered by achieving the objectives of the WFD ?

4.5 Are the reasons for the modification, alteration or deterioration due to a new sustainable development set out and explained in the River Basin Management Plan RBMP?

4.6, 4.7 Does the project pass all four Article 4(7) tests and the 4(8) and 4(9) tests?

4.8 Does the WFD competent authority agree that all the necessary tests are met?

# More Information

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**For info or further questions on this presentation please contact the JASPERS Networking and Competence Centre:**

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**JASPERS Networking Platform:**

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