

# WFD requirements for new projects



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# **WFD objectives**

## **Binding environmental objectives**

**Non-deterioration**

**Good ecological status / potential**



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## **WFD binding objectives also for projects**

### **Article 4(7) exemption**

**Permitting authorities bound to follow the conditions of Article 4(7) when considering whether to grant permits for concrete projects**

**National legal frameworks should allow for effective application of this exemption**



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**New hydromorphological  
modifications**

**or new sustainable human  
development activities**

**Deterioration of  
ecological status**

**or**

**non-achievement of WFD  
objectives**



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## Assessment of the impact of the project on water body status



If Article 4(7) is deemed applicable:  
all conditions should be met for the  
permit to be granted



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## Assessment of impact of projects on status of water bodies

- Assessment at **quality element** level (**Annex V**)
- **Permanent** impacts
- Irrespective of **size, purpose, permitting authorities...**
- **Cumulative** impacts
- Applicable to **HMWBs**
- Impacts on **associated** water bodies





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## Assessment of the impact of the project on water body status



If Article 4(7) is deemed applicable:  
all conditions should be met for the  
permit to be granted





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# **Compliance with ALL conditions of Article 4(7)**

**cumulatively**

**ex-ante  
assessment**



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Are all **practicable steps** taken to mitigate the adverse impact on the status of the water body?

no

Can the beneficial objectives served by the project be achieved by **other means** which are technically feasible, do not lead to disproportionate cost and are a significantly better environmental option?

yes

Are the reasons of **overriding public interest** and/or are the **benefits to the environment and to society** of achieving WFD objectives outweighed by the benefits of the project to human health, maintenance of human safety or sustainable development?

no

Alternative WFD objectives may **NOT** be set under Art 4(7)



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yes

Does the project permanently exclude or compromise the achievement of the WFD objectives in **other water bodies within the same river basin district**? *Article 4(8) WFD*

Alternative  
WFD  
objectives  
may **NOT** be  
set under Art  
4(7)

no

Is the project consistent with the implementation of **other Community environmental legislation**? *Article 4(8) WFD*

no

Does the project guarantee at least the **same level of protection** as the existing Community legislation?  
*Article 4(9) WFD*



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**The reasons for those modifications are specifically set out and explained in the RBMP and objectives reviewed every six years**

**Public consultation if project within planning cycle**

**RBMPs should include information on:**

- projects approved in the previous cycle**
- projects not subject to Article 4(7)**



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## Commission's assessment of 1<sup>st</sup> RBMPs

- **Very few RBMPs** included reference to use of Article 4(7) exemption
- Mainly applied for projects on **flood protection, navigation and port development**
- Many other **projects under development** and not included in RBMPs – lack of integration with other sectors / policies
- Lack of **appropriate and transparent justification** of the criteria applied for the use of exemptions under Articles (7) in the RBMPs



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## COM recommendations

- Improvement of assessment of **impacts** and **compliance** with Article 4(7) conditions
- **Strategic assessment** at the basin level, including cumulative effects and assessment of alternative solutions
- Adequate and transparent **justification** at water body level
- **Inclusive process** from early stages
- Information on **RBMPs** and **public consultation**
- **Guidance documents** (CIS, national)



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