

HMWB designation in ports and navigable water bodies

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NAVI Task Group: membership

Members: PIANC, CEDA, ESPO, European Federation of Inland Ports, Inland Navigation Europe, European Dredging Association, European Barge Union, EU Recreational Marine Industries Group, European Boating Association, European Community Shipowners' Associations

Observers: CCNR, Danube Commission and Sava Commission

NAVI Task Group: remit

Terms of Reference

- Increase awareness of WFD across navigation interests
- Collate and disseminate information
- Try to facilitate a level playing field in WFD implementation

NAVI Task Group: activities

- WFD position papers; consultation responses
- Representation on CIS Groups (Strategic Coordination Group; Hydromorphology; Environmental Objectives; Climate Change; Chemical Monitoring)
- International WFD seminar October 2003
- International WFD seminar January 2007 including hydromorphology workshop

HyMo workshop outcomes

- Good practice exists: exchange experiences
- Recognise uncertainties
- 'Current' vs. 'legacy' modifications
- Aim 'win-win' or 'no regrets' solutions
- 'WFD-proof' proposed new modifications
- Ensure consistency of approach
- Need discussion on Article 4(3) application and HMWB designation process

Why does HMWB designation matter?

Q. Why is HMWB designation important to the navigation sector?

A. Because it affects the ecological targets for the water body

Q. Why does consistency matter?

A. Because navigation crosses boundaries (between water bodies, between River Basins, between Member States) AND because ports and shippers compete

Why does HMWB designation matter?

Q. What happens if different Member States interpret Article 4(3) tests differently?

A. Risk that, for two 'equivalent' water bodies, one is designated HMWB with GEP target and the other has to meet GES.

Navigation-related activities in the latter water bodies may thus be subject to proportionally greater constraints, with effects on use/cost and hence competition

Where is consistency needed?

- Defining 'navigation'; interpreting navigation-related hydromorphological modifications and the beneficial objectives served by these modifications
- Determining what constitutes a 'significant effect' on a navigation use
- Agreeing what constitutes an 'other means' and how much 'better' an environmentally better option must be

Follow up workshop

- Held in Brussels, June 2007
- Attended by 14 Member States; 6 stakeholder groups; DG Env; DG Tren

Main objectives

- Discuss how Member States are applying Article 4(3) to navigable water bodies
- Highlight both significant differences and areas of consistency

Workshop structure

- Case study presentations from England/Wales, Germany, Netherlands, Ireland
- Discussion sessions on interpretation and application (including 'significant adverse effect' and 'other means')
- Several areas of similarity/consistency identified; also some potentially significant differences

Important similarities and differences (1)

- *Type* of modification potentially impacting on WFD quality elements similar
- *Nature of impact* leading to HMWB designation broadly similar but differences in *extent of impact* necessary to trigger HMWB designation
- Differences in *numbers/percentages* of navigation-related HMWBs identified
- Also differences in size of individual water bodies and associated scale issues

Important similarities and differences (2)

- General recognition of navigation as being environmentally preferred to air/road transport but differences in role of transport *policy* in determining whether measures to reach good status would have a 'significant effect on use'
- Differences in consideration of what constitutes an 'other means' and the scale of application of this test

Important similarities and differences (3)

- Expectation that all *major ports and navigable waterways* will be HMWB but potential for different outcomes for *other ports and navigable waterways*
- Lack of consideration of hydromorphological effects of *recreational boating*
- Differences in whether *port areas* identified as HMWBs in their own right or as part of a larger water body

Conclusions: what is needed.....

- Improved transparency in application of 4(3) tests
 - where water body size differs/scale is an issue or
 - where data is lacking and decisions rely on expert judgement
- Consideration of recreational boating issues
- Improved consistency in interpretation of key terms
- Better understanding of link between hydromorphological mitigation and ecological monitoring

**Thank you
for your attention**

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