

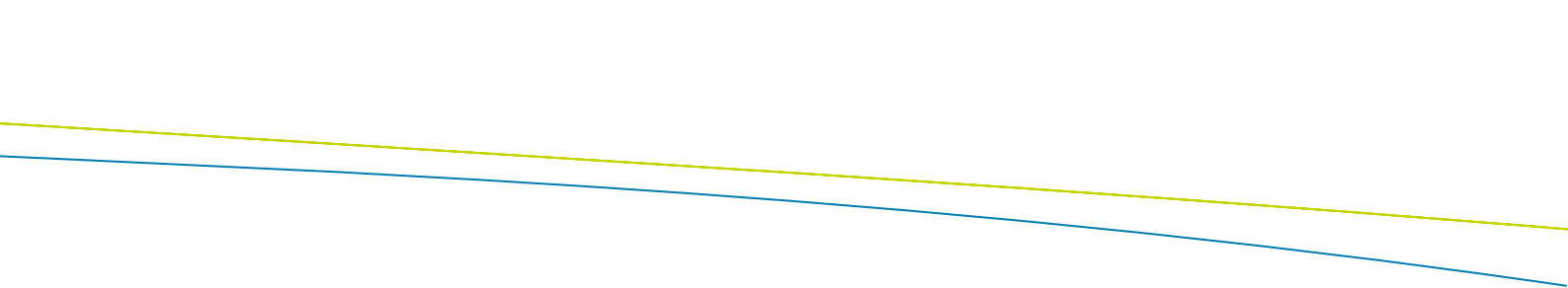


Is the 2030 EU Biodiversity Strategy running out of water?

**Barriers holding back better
integration of the EU Nature Directives
and Water Framework Directive**



Wetlands
INTERNATIONAL



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Acronyms

AWB	Artificial Water Body
BD	Birds Directive
BHD	Birds and Habitats Directives
EC	European Commission
EU	European Union
HD	Habitats Directive
HMWB	Heavily Modified Water Body
NGO	Non Governmental Organisation
RBMP	River Basin Management Plan
WFD	Water Framework Directive

1. Executive summary

The European Green Deal and the Biodiversity Strategy for 2030 offer new opportunities to address the interlinked climate and biodiversity crises more effectively than in the past. However, this cannot be achieved without better implementation and integration between the EU's existing nature and water laws.

Defining and adopting nature conservation objectives that contribute to achieving the objectives of the Birds and Habitats Directives, and integrating them into River Basin Management Plans (RBMPs), is an essential obligation for EU Member States under the Water Framework Directive (WFD) and contributes to meeting the ambitions of the Biodiversity Strategy. This is a vast and complex activity that is often beyond the resources available.

This snapshot assessment based on eight interviews from seven European Union (EU) Member States does not provide a statistical basis for the degree of current integration but shows that the three-step process faces severe barriers which cannot be overcome only at the national or regional level.

The main barriers to successful integration are the lack of resources and knowledge, as well as time. EU Member States have accumulated a delay of decades in defining site-specific conservation objectives, which could be included as measurable requirements in sectoral plans such as the RBMPs. In addition, integration is hampered – at least in some cases – by an insufficient consideration in the RBMPs of nature conservation ambition compared to the interests of other water users.

The main enabler of success so far is action from the European Commission (EC), in particular the commitment to enforce EU Directives through infringement procedures, which have motivated several countries/regions to take action, and to provide further resources to the process.

However, with the level of integration and ambition reflected in most interviews, it is unlikely that the third RBMPs implemented from 2022 – 2027 will help achieve the objectives of the EU Biodiversity Strategy for 2030 in terms of the improved conservation status of species and habitats or healthy freshwater ecosystems. Even more concerning is that the widespread use of exemptions and implementation gaps within the RBMPs is likely to lead to further deterioration. Thinking beyond the current timelines, fundamental improvements are needed to deliver any relevant targets by 2040 and 2050.

The 2022 declaration of Strasbourg¹ expressed the commitment of EU Member States' to significantly strengthen the implementation and enforcement of the Birds and Habitats Directives (BHD) and to support the objectives of the EU Biodiversity Strategy for 2030. Within the planned actions to increase biodiversity mainstreaming, this assessment recommends two priority actions to improve the integration of nature conservation objectives in river basin management:

1. Nature conservation authorities of EU Member States must catch up with their delay of several decades and prepare and present to the European Commission a 3-year plan² to establish measurable on-site conservation objectives for all

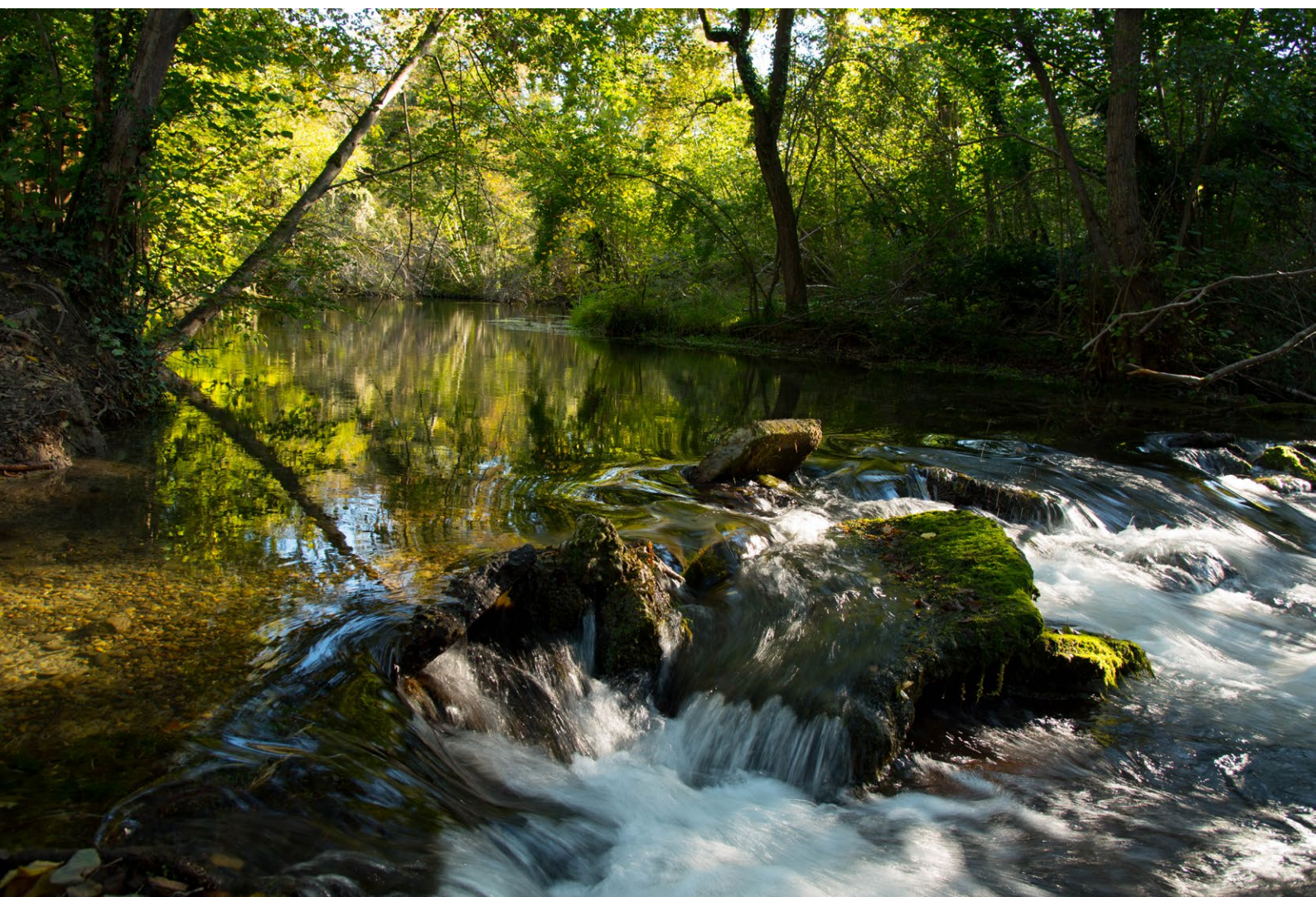
1 https://presidence-francaise.consilium.europa.eu/media/n3xpjy4x/25-02-2022_declaration_strasbourg_en.pdf

2 In advance to the drafting of the expected fourth cycle RBMPs (2028-2033)

relevant freshwater habitats and species, including research and inter-administrative coordination activities.

2. The European Commission should initiate infringement processes against those EU Member States demonstrating insufficient compliance regarding the incorporation of conservation objectives in the third cycle RBMPs, following and in parallel to the next 7th WFD implementation analysis reports after the 2022 adaption of the RBMPs.

Further recommendations to improve guidance and knowledge management are presented in the report. As previous attempts to integrate nature conservation and water legislation have only partly been successful, the European Commission should further elaborate the specific actions needed to achieve the Biodiversity Strategy's targets for freshwater and incorporate them into the associated Action Plan.



2. Introduction

The EU Biodiversity Strategy for 2030 states powerfully upfront that nature is in a state of crisis and that “Biodiversity loss and ecosystem collapse are one of the biggest threats facing humanity in the next decade”.³

The European Environment Agency’s State of Nature in the EU highlights that wetlands, including mires, bogs and fens, are among the most threatened ecosystems in Europe.⁴ Moreover, the conservation status assessments show that 85% of habitats related to wetlands have an unfavourable status. Along with grasslands, this is the highest proportion of habitats with an unfavourable-bad and deteriorating status.⁵

When it comes to migratory species like fish and waterbirds, freshwater fish populations have collapsed by 93% since 1970.⁶ Waterbird conservation status is poor or bad for more than 50% of the species amongst ducks, geese and swans, waders, gulls and auks as well as cranes, rails, gallinules and coots, with most of these species in trouble at least partially because of the degradation of their habitats.

2.1. Why is it important to integrate biodiversity conservation in river basin planning and management?

The Water Framework Directive (WFD⁷) is seen as an integral piece of environmental legislation that must make a major contribution

to achieving the freshwater targets of the EU Biodiversity Strategy.

Under the WFD, Member States are required to develop River Basin Management Plans (RBMPs) every six years to meet the objectives of the law for achieving the good status for EU waters. The draft plans for 2022-2027 are the third and last round of plans before the 2027 target and are Europe’s final opportunity to revive rivers to help achieve the biodiversity and climate goals under the Biodiversity Strategy.

The ecosystem approach of the WFD can contribute to the achievement of conservation objectives when reaching the good ecological status of surface waters which has positive effects on their function as habitat for animals and plants in relation to the Birds⁸ and Habitats Directives⁹ (Kastens 2003, p. 292 in Janauer et al).

The core element of an RBMP is the Programme of Measures, which identifies the necessary measures to reach the environmental objectives for all surface waters and groundwater. The Programme of Measures (Art. 11 WFD) needs to include “basic measures” (consisting of Community legislation and other measures) and “supplementary measures” (any additional measures needed to reach the environmental objectives). The Birds Directive (BD) and the Habitats Directive (HD) are listed in Annex VI, Part A as basic measures that need to be implemented and the full implementation of these directives under the RBMPs is not optional. The Programme of Measures must

3 <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1590574123338&uri=CELEX:52020DC0380>

4 <https://www.eea.europa.eu/publications/state-of-nature-in-the-eu-2020>

5 <https://www.eea.europa.eu/publications/state-of-water/>

6 World Fish Migration Foundation, [Living Planet Index \(LPI\) for migratory freshwater fish](#), 2020

7 Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy

8 Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds

9 Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora

therefore include any measures necessary to achieve compliance with standards and objectives for Natura 2000 sites listed in the register of protected areas as far as their ecological status is concerned. Measures needed under the BHD can be included either directly into the RBMPs, or as a reference to the relevant Natura 2000 management plan or other conservation instruments containing Natura 2000 related conservation measures. In any case, the Programme of Measures must take into account the provisions of the HD on the conservation of Natura 2000 areas and the strict protection of animal and plant species of Community Interest listed in Annex IV HD. It must be kept in mind that such measures may also apply outside a Site of Community Importance (SCI). (EC, 2011)

2.2. What is the status of integration?

The EC's 2019 overview report on the implementation of the second RBMPs concluded that for nearly half of the Natura 2000 sites no conservation objectives were set because the additional ecological requirements of these sites were not known. Only for 17% of the sites were specific water quality and quantity objectives set. As a result, the report concluded that the second RBMPs will not bring significant progress in the status of protected areas.¹⁰

This left a significant task for the third cycle for most Member States to live up to the requirements. Unfortunately, a review of 21 draft RBMPs for 2022-2027 by the Living Rivers Europe NGO coalition published in 2021 revealed that, apart from Finland, the assessed RBMPs demonstrated severe gaps in relation to freshwater ecosystem protection, restoration and nature-based solutions. As a result, it is predicted that 90% of the water bodies studied will not reach good status by 2027 as required by law.¹¹

2.3. Methodology

This assessment aims to investigate why most EU Member States fail to integrate the requirements of the Nature Directives into the new set of RBMPs. It is based on interviews with eight EU Member States' nature protection and water management authority representatives from Central, Eastern and Southern Europe, reflecting on challenges described through guided interview questions, providing quantitative and qualitative input for the assessment.

It should be highlighted that several interviewees preferred not to be identified as contributors to this report, and that one contact was forbidden by his/her supervisor to facilitate information for this exercise. This fact is certainly worrying and deepens our concerns about a just and transparent consideration of nature protection objectives in river basin management planning.



¹⁰ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=SWD:2019:30:FIN&qid=1551267381862&from=EN>

¹¹ WWF, [The Final Sprint For Europe's Rivers: An NGO Analysis of 2022-2027 Draft River Basin Management Plans](#), 2021

3. Causes for success and failure

In order to achieve the objectives of the WFD and the targets of the EU Biodiversity Strategy for 2030 regarding the conservation of freshwater-related habitats and species, several

steps need to be taken, with different starting points in the individual EU Member States, according to their progress regarding BHD implementation.



Figure 1: Representation of the three steps needed to integrate nature conservation objectives in RBMPs, and to achieve the objectives of EU Directives and the EU Biodiversity Strategy for 2030

First, site-level conservation objectives of Natura 2000 freshwater habitats and species must be established. In a second step, these objectives should be specified by quantitative measurable means, which in a third step are incorporated as additional components (particularly objectives) in the RBMPs. The causes for success and failure for each of these three steps are assessed in this report.

3.1. Site-level conservation objectives for Natura 2000 freshwater habitats and species

The establishment of site-level conservation objectives for Natura 2000 freshwater habitats and species is the first methodological step to be taken under the BHD, and it is a core competence of those administrations responsible for nature conservation.

The interviewees mention significant progress in the establishment of site-level conservation objectives of Natura 2000 freshwater habitats and species over the past years, but also refer to gaps – such as overall in the country/region, regarding specific Natura 2000 sites or regarding smaller water bodies, the specificity of objectives or the necessary reviews/updates after a management cycle.

3.1.1. Main enablers of success

The main enablers of success raised immediately by the interviewees are in several cases the obligations under EU law, the interconnection between nature and water, as well as the financial resources available.

The following enablers of success were mentioned:

	Yes	No
Global or EU processes or procedures (e.g. adoption of strategies, reporting requirements, infringement)	8	0
Funding (e.g. EU LIFE, Horizon 2020)	7	1
National/regional processes or procedures (e.g. strategies, action plans, enforcement)	4	4
Research projects	3	3
Local/CSO initiatives	0	5

Table 1: *Enablers of success in the establishment of site-specific conservation objectives for Natura 2000 freshwater habitats and species, according to interview responses*

EU strategies, requirements and actions such as reporting, pilot and infringement cases and the decision of the European Court of Justice (ECJ) on Doñana National Park in Spain in 2021 – linking the HD and WFD – were mentioned as the most relevant enablers.

The availability of funds was also mentioned as an enabler by all interviewees; funds being used are related to EU sources such as LIFE (including projects ALNUS, Piros, DESMAN, CIPRINUS), European Agriculture and Rural Development Funds, Cohesion Funds (e.g. the Portuguese *Programa Operacional de Gestão de Sustentabilidade e Eficiência no uso de Recursos*) and Structural Funds, as well as national funds for the preparation of management plans.

Research projects are an enabler in some cases, if they are developed with an adequate process and proper data accessibility and can help to assess the impact. Even where research is not considered an enabler, it is used for informative processes.

National processes and procedures are considered as an enabler, but not in all cases, and sometimes as a consequence of EU action.

Local or civil society organisation initiatives can create some local pressure and are engaged in the process of defining objectives, being a motivator (e.g. raising issues about water pollution), but are too weak to be considered an enabler for success, or are not focusing on the specific issues related to nature conservation.

Studies to improve the correspondence of the WFD with the HD also supported the process in at least one case (Catalonia, Spain).

3.1.2. Main barriers to success

The most important barriers for not achieving the adoption of site-based conservation objectives refer to coordination (between researchers and managers, and regarding language and changing requirements over time), funding of the process, and the conflicts of such objectives with other economic or public interests. Obviously, the conservation authorities are in a disadvantaged position after postponing the development of conservation objectives for too long, since the adoption of the Birds Directive in 1979 and the HD in 1992 should have provided enough time for setting the conservation objectives.

In addition, the following barriers were faced by the interviewees:

	Yes	No
Lack of communication or integration of information from different fields	5	1
Lack of expertise/experts (capacity)	4	2
Lack of studies/research (information)	4	2
Lack of coordination/sense of responsibility towards Natura 2000 water bodies	4	2
Lack of financial resources	2	4

Table 2: Barriers to success in the establishment of site-specific conservation objectives for Natura 2000 freshwater habitats and species, according to interview responses

The lack of (integrated) information generated by studies and research – in particular for some taxonomic groups and habitats, and in some cases regarding physico-chemical water quality parameters – is the most selected barrier for establishing site-specific conservation objectives. In addition, the lack of communication, integration and agreement on information from different fields was also raised by a majority of interviewees. This is very much linked to the lack of capacity – e.g. the low number of experts for some species or habitat types in the country – and the lack of good, practical and feasible examples.

Coordination gaps were also raised; and one interviewee mentioned that while information is available, it is under-utilised or of difficult access.

Some interviewees also referred to the lack of funding for the establishment of the objectives, while it was recognised that funding is no longer

a barrier, but rather the institutional capacity (e.g. people) to manage such funds.

3.2. Translation into measurable water-related Natura 2000 site requirements

Once the on-site conservation objectives are established, these must be “translated” into measurable water-related Natura 2000 site requirements, which as such could be incorporated into RBMPs.

According to the interviews, in many cases, this process has either not yet started, is still in place or has not yet been concluded, and is often still limited to a few species or habitat types. The requirements are better or more developed for water quantity and hydromorphology than for water quality, and with a significant gap for chemical water pollutants, as indicated in the following overview:

	Yes	No
Water quantity	6	2
Hydromorphology (river continuity, floodplains, etc.)	6	2
Water quality (general)	5	3
Specific chemical water pollution	2	6

Table 3: Overview of progress in the development of measurable water-related Natura 2000 site requirements by categories, according to interview responses

Regarding water quantity, in some countries/ regions (minimum) ecological/environmental flow requirements are calculated for river water bodies or relevant areas in all river basins. However, these are often limited to a protected species such as the Pyrenean Desman (*Galemys pyrenaicus*) and the Brown Trout (*Salmo trutta*) in Catalonia (Spain) and do not cover the full range of species and habitats present.

In the area of hydromorphology, the RBMPs consider specific metrics for quality elements. In the case of Catalonia, specific requirements were defined for the Orange-spotted Emerald (*Oxygastra curtissi*) and the Pyrenean Desman (*Galemys pyrenaicus*). In other areas, these measurable requirements led to recommendations for riverbed management such as gravel/sand extraction and the removal of migration barriers.

Regarding the general parameters of water quality, the lack of in-depth studies was

raised by the interviewees, and requirements have only been defined for few sites and species, such as the Atlantic Stream Crayfish (*Austropotamobius pallipes*), a Mediterranean freshwater mussel (*Unio mancus*) and the Pyrenean Desman (*Galemys pyrenaicus*) in Catalonia, or some parameters such as water transparency. Further research is needed. The relation to chemical pollution is even more difficult to establish, as well as considerations about the species' tolerance to temporary deviations.

3.2.1. Main enablers of success

The first and most important enablers raised for translating the objectives into specific requirements refer to knowledge generation (research, WFD ecological status assessment), the EU obligations and a coordinated/common strategy, and the setting of objectives. Other enablers include:

	Yes	No
Research projects	5	2
Funding (e.g. EU LIFE, Horizon 2020)	4	2
Global or EU processes or procedures (e.g. Adoption of strategies, reporting requirements, infringement)	4	3
National/regional procedures (e.g. strategies, action plans, enforcement)	4	3
Local/CSO initiatives	1	5

Table 4: Enablers of success for the development of measurable water-related Natura 2000 site requirements, according to interview responses

Research projects are most frequently mentioned as an enabler, with scientific knowledge supporting decision-making.

EU processes such as the development of specific documents or guidance for common implementation, as well as similar national processes or the setting of priorities by the Minister are considered other relevant enablers.

Furthermore, the sharing of good examples concerning the development of measurable requirements was raised by one interviewee.

3.2.2. Main barriers to success

The main barriers for determining measurable requirements are also related to the lack of or fragmentation of knowledge – bearing in mind the huge diversity of species and habitats that have not yet been studied, and the challenge of establishing such requirements for birds with high mobility, using different (types of) habitats and sites – and the underlying lack of resources to improve such knowledge.

In addition, the following comments were made regarding the presence of barriers:

	Yes	No
Lack of human or financial resources	7	0
Lack of political priority	5	1
Lack of knowledge/expertise/experts (capacity)	4	2
Lack of time	4	2
Lack of monitoring capacity, therefore no requirement set-up in first place	2	4
Lack of relevance	0	5

Table 5: Barriers to success for the development of measurable water-related Natura 2000 site requirements, according to interview responses

The lack of financial and human resources ranks unsurprisingly first, followed by (and also causing) the lack of knowledge and monitoring capacity. The lack of financial resources is also linked to a low level of political prioritisation in several cases, until the EC took action against the specific EU Member State.

Several of the interviewees referred to the lack of time available for establishing the requirements on time, and as a step prior to the drafting of the RBMPs; which e.g. in Spain was aggravated by the fact that until a Supreme Court ruling in 2020 (Extremadura case) it was unclear which administration was responsible for the determination of the specific measurable requirements.

3.3. Integration in River Basin Management Plans (RBMPs)

A third step in the process is the integration of the previously determined measurable requirements within the RBMPs, many of which – at the time of this assessment – are still in the drafting stage. In any case, all interviewees referred to only a partial integration or no integration at all in the draft or final plans. According to the interviews, in some EU Member States there are also differences between the integration level of the plans – e.g. in Spain, the Jucar draft RBMP was referred to as a relatively good example. It can however be summarised that the integration of nature conservation objectives in RBMPs is far from adequate.

The degree to which the following requirements are considered in different sections of the RBMPs, with slight differences, according to interviewees:

	Yes	Partly	No
Programme of Measures aligned with the BHD conservation measures	2	3	1
Establishment of (additional) objectives for the water bodies	1	3	1
Status assessment of water bodies	1	1	2
Monitoring programmes	0	3	2

Table 6: Integration of water-related Natura 2000 site requirements in different sections of the RBMPs, according to interview responses

In most – but not all – of the cases referred to in the interviews, there was progress in the integration of nature conservation objectives since the previous RBMPs (second cycle, 2016-2021) to the third cycle for 2022-2027. Some interviewees used terms such as “reasonable”, and that “more suggestions were taken up” and plans were “more realistic”, indicating a certain progress, but without clear considerations whether the progress will be sufficient to achieve the objectives of the WFD by 2027 and of the EU Biodiversity Strategy for 2030.

3.3.1. Main enablers of success

The first reactions of some interviewees on the main enablers for success referred to an appropriate preparation for the process, such as the existence of conservation objectives and management plan documents, and previous agreements in the preparation of these documents. Other enablers referred to the following:

	Yes	No
Synergies between the goals of the different EU Directives	6	0
EU procedures (e.g. WFD Implementation report recommendations, infringement, guidance documents)	5	1
Mainstreaming of requirements due to institutionalized process of updating RBMP	4	1
Political support or priority by NGOs	4	2
Provision of (additional, specific or temporary) resources for carrying out the integration, e.g. consultancies or research projects	4	2
Political support or priority by governmental, parliamentary or judiciary institutions or decisions	3	3

Table 7: *Enablers of success for the integration of water-related Natura 2000 site requirements in the RBMPs, according to interview responses*

Most mentions address the synergies between the goals of the different EU Directives, referring e.g. to the usefulness of an EU workshop held in 2019 to foster the integration of EU Directives (EC, 2019), and the existing guidance documents (even if they are still often too generic). This is also linked to EU action, such as especially the judgements of the ECJ.

LIFE projects are explicitly mentioned as an enabler, providing habitat or species-specific information, backed by scientific research.

In the case of Spain, some normative changes, such as the adoption of a new regulation for the implementation of the Nitrates Directive, and an upcoming internal regulation on the drafting

of Natura 2000 management plans, are also recognised as enablers of the process.

3.3.2. Main barriers to success

However, there remain significant barriers to integrating properly the specific requirements into the RBMPs. The immediate aspects raised by some interviewees referred to a lack of cooperation in the process of setting up the RBMPs (“no common goal”, “understanding”, “receptiveness”, “not interested”, “only asked for some comments”) and the lack of resources (“too many documents to review – hundreds of pages within one week”).

In addition, the following barriers were mentioned in the interviews:

	Yes	No
The water-related requirements are considered inappropriate by the government unit responsible for the RBMP drafting	5	1
Lack of time	5	1
Political pressure by water users or stakeholders	4	3
Lack of human or financial resources at the government unit responsible for nature conservation	4	2
Different time schedule of fixing requirements and renewing RBMP	3	2
Lack of human or financial resources at the government unit responsible for the RBMP drafting	3	4
Conflicts between the goals or objectives of the EU Directives	3	4
Difficulty in understanding which objectives would be the most stringent one (Art.4(2) WFD)	3	4
No interest from the government unit responsible for the RBMP drafting	2	6
Difficulty to consider nature conservation ambition in heavily modified or artificial water bodies (HMWB, AWB)	2	5
No communication or cooperation is taking place with the government unit responsible for the RBMP drafting	1	6

Table 8: *Barriers to success for the integration of water-related Natura 2000 site requirements in the RBMPs, according to interview responses*

Lack of human resources and time are amongst the most mentioned barriers. For example, much of the available and upcoming information on nature conservation objectives is not yet ready for the RBMPs, and requires a targeted and dedicated assessment of RBMP draft documents for proper integration, in addition to further discussion and negotiation. In addition, at least in one of the EU Member States, the time slot provided by the water management authority to the nature conservation authority was too short to enable an “appropriate assessment of its implications for the site in view of the site’s conservation objectives” (Art.6.3 HD) – which even might constitute the basis for an infringement. Timing constraints also refer to the (im)proper coordination of the drafting and reviews of Natura 2000 and RBMPs – which in theory would nicely fit (every six years according to article 17 HD), but do not in practice.

In addition, the EU Biodiversity Strategy for 2030 and the nature conservation objectives

and related requirements are considered too ambitious or “inappropriate” in several cases, for example regarding the establishment of ecological flows and the recovery of riparian habitats (vs. urban and infrastructure development), and sometimes as too expensive. In one interview, the fear to face further infringement procedures due to not achieving set objectives is considered as a constraint for setting “even more ambitious” objectives relevant for protected species and habitats. The conflict with the interests of other stakeholders or interest groups (agriculture, irrigation, hydropower, flood protection) is considered a relevant barrier for the uptake of conservation objectives, even if in one interview progress on hydromorphological aspects was mentioned.

In most of the referred cases, additional nature conservation objectives for heavily modified water bodies (HMWB) or artificial water bodies (AWB) had not yet been dealt with in the upcoming third cycle RBMPs.

4. Learning from success and failure

The European Green Deal and the Biodiversity Strategy for 2030 offer new opportunities to address the interlinked climate and biodiversity crises more effectively than in the past. However, this cannot be achieved without better implementation and integration between the EU's existing nature and water laws.

Under the WFD, defining and adopting nature conservation objectives that contribute to achieving the objectives of the BHD, and integrating them into RBMPs, is an essential obligation for EU Member States towards achieving the ambitions of the Biodiversity Strategy, while at the same time a vast and complex activity, often beyond the resources available.

Previous attempts to integrate nature conservation and water legislation have only partly been successful, which is reflected in the fact that the conclusions of a workshop in 2019 are similar to those developed as the result of this analysis. This lack of progress raises serious doubts about achieving the targets of the EU Biodiversity Strategy that relates to improved conservation status of wetland-dependent species.

This snapshot assessment based on eight interviews from seven EU Member States does not provide a statistical basis for the degree of current integration, but shows that the three-step process faces severe barriers which cannot be overcome at the national or regional level.

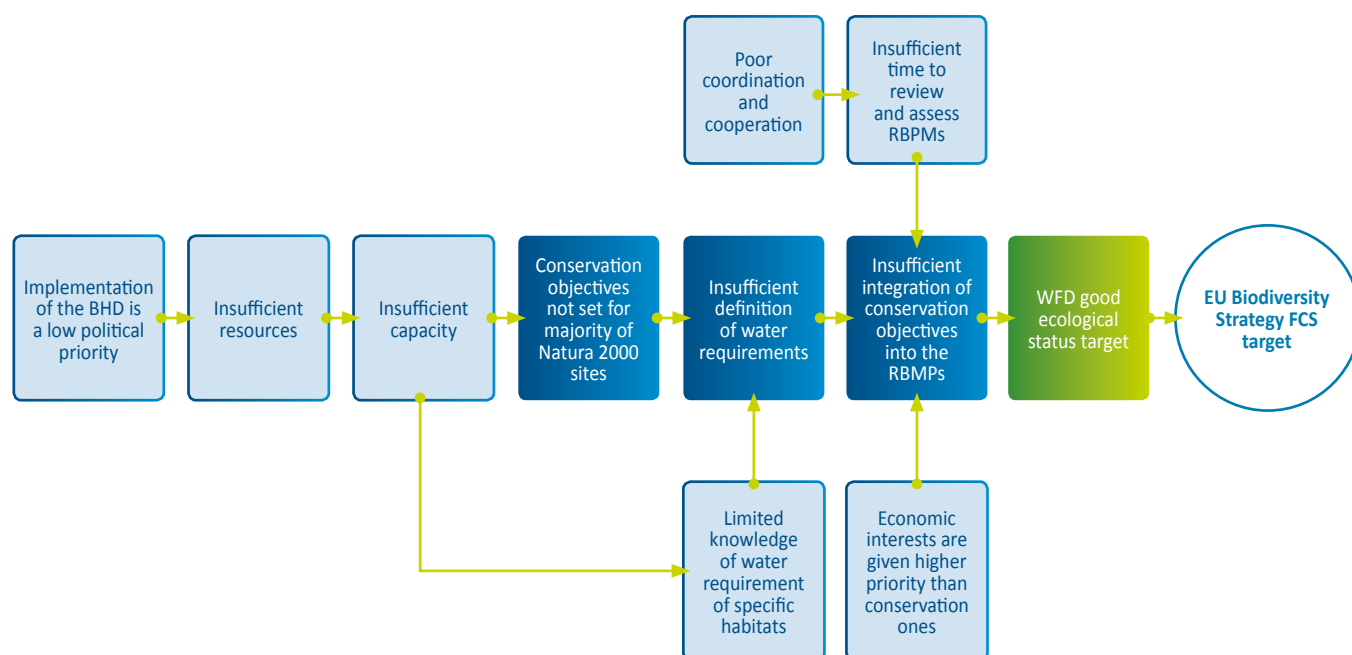


Figure 2: Main barriers to success (yellow boxes) for the integration of nature conservation objectives in River Basin Management Plans, as constraints for the achievement of the objectives of the Water Framework Directive and the EU Biodiversity Strategy for 2030

The main barriers to successful integration are the lack of resources and knowledge, as well as time. EU Member States have accumulated a delay of decades in defining site-specific conservation objectives, which could be included as measurable requirements in sector plans such as the RBMPs. In addition, integration is hampered – at least in some cases – by an insufficient consideration in the RBMPs of nature conservation ambition compared to the interests of traditional water users.

The main enabler of success, so far, is action from the EC, in particular the commitment to enforce EU Directives through infringement procedures, which have motivated several

countries/regions to take action and provide additional resources to the process.

However, with the level of integration and ambition reflected in most interviews, it is unlikely that the third RBMPs implemented from 2022 – 2027 will help achieve the objectives of the EU Biodiversity Strategy for 2030 in terms of improved conservation status of species and habitats or healthy freshwater ecosystems. Even more concerning is that the widespread use of exemptions and implementation gaps within the RBMPs is likely to lead to further deterioration. Thinking beyond the current timelines, fundamental improvements are needed to deliver any relevant targets by 2040 and 2050.



5. Recommendations

The 2022 declaration of Strasbourg¹² expresses the EU Member States' commitment to significantly strengthen the implementation and enforcement of the BHD and to support the objectives of the EU Biodiversity Strategy for 2030. Within the planned actions to increase biodiversity mainstreaming, the integration of nature conservation objectives in river basin management planning should be fostered by the following:

1. Nature conservation authorities of EU Member States must catch up with their delay of several decades and prepare and present to the EC a 3-year plan¹³ to establish measurable on-site conservation objectives for all relevant freshwater habitats and species, including research and inter-administrative coordination activities.
2. The EC should initiate infringement processes against those EU Member States demonstrating insufficient compliance regarding the incorporation of conservation objectives in the third cycle RBMPs, following the next WFD implementation analysis reports.

In addition, the following recommendations should improve the processes, methodology/ knowledge management and the financing of the integration of nature conservation objectives in river basin management planning.

The European Commission:

1. Consider the establishment of a quantitative, binding water-related requirement for priority species and habitats for different biogeographic regions, and develop a corresponding

intercalibration exercise to compare and benchmark such thresholds for same/ similar species across countries.

2. Improve the integration of European freshwater biodiversity knowledge, e.g.
 - a. Generate a database on studies of species and habitat-related objectives and thresholds for water-related requirements in the different biogeographic regions, especially for the "less studied" species.
 - a. Foster systematic accessibility for freshwater biodiversity related open data, including on good practice.
3. Provide further guidance and sharing of good practice examples on how biodiversity objectives can be best integrated in RBMPs, including methodologies, (administrative) processes and use of funding.
4. Further elaborate the specific actions needed to achieve the Biodiversity Strategy's targets for freshwater and incorporate them into the associated Action Plan.

The European Commission and EU Member States:

1. Strengthen the communication about the benefits of strategies and actions addressing biodiversity conservation, sustainable water management and climate resilience and adaptation with an integrated approach.
2. Further explore, provide guidelines for and ease the access to financial resources for

¹² https://presidence-francaise.consilium.europa.eu/media/n3xpjy4x/25-02-2022_declaration_strasbourg_en.pdf

¹³ In advance of the drafting of the expected fourth cycle RBMPs (2028-2033)

the monitoring of freshwater biodiversity-relevant indicators in protected areas.

3. Foster research and other actions to “effectively manage all protected areas, defining clear conservation objectives and measures, and monitoring them appropriately” (EU Biodiversity Strategy for 2030).
4. Promote the use of scientific knowledge for the setting of freshwater-related requirements beyond relying (only) on the information included in adopted Natura 2000 management plans.
5. Foster the adoption of international RBMPs that properly address the conservation objectives of transboundary protected areas.

In those **EU Member States** where progress is needed towards the integration of freshwater biodiversity conservation in river basin management planning:

1. Substantially enhance the capacity of both the conservation and water management

authorities dedicated to the planning, implementation and monitoring of the BHD and WFD and the supporting scientific capacity.

2. Promote cooperation between the different (administrative) bodies responsible for nature conservation and water management.
3. Enable flexible processes to incorporate more stringent objectives in the third cycle RBMPs during their implementation phase, once specific conservation objectives are established by the competent authorities. This can take place via the incorporation of additional objectives during the implementation (e.g. following the Spanish example of adaptation of second cycle RBMPs to the targets and thresholds of a new regulation in place just before the adoption of the RBMPs).
4. Foster synergies and prioritise the implementation of those measures included in the RBMPs which contribute to both good water body status and favourable conservation status.

6. References

- Apeldoorn, R.C. van (2007): Working with biodiversity goals in European directives A comparison of the implementation of the Birds and Habitats Directives and the Water Framework Directive in the Netherlands, Belgium, France and Germany. <https://edepot.wur.nl/32810>
- CEEWeb & ECNC (2015): How can we make the Water Framework Directive and the Birds and Habitats Directives work together? <https://www.ceeweb.org/wp-content/uploads/2015/05/Natura-2000-Workshop-Report-WFD-versus-BHDs3.pdf>
- European Commission (2011): Links between the Water Framework Directive (WFD 2000/60/EC) and Nature Directives (Birds Directive 2009/147/EC and Habitats Directive 92/43/EEC), Frequently Asked Questions. Available at: <https://ec.europa.eu/environment/nature/natura2000/management/docs/FAQ-WFD%20final.pdf>
- European Commission (2019): Workshop on how to improve guidance on the links between the EU Nature-, Water Framework, Floods- and Marine Strategy Framework Directive. https://circabc.europa.eu/ui/group/9ab5926d-bed4-4322-9aa7-9964bbe8312d/library/a2edd7d0-8d12-4550-a8de-9579423b457c?p=1&n=10&sort=modified_DESC
- Giakoumis, Theodoros & Voulvoulis, Nikolaos. (2018). The Transition of EU Water Policy Towards the Water Framework Directive's Integrated River Basin Management Paradigm. Environmental Management. 62. 10.1007/s00267-018-1080-z. https://www.researchgate.net/publication/326283305_The_Transition_of_EU_Water_Policy_Towards_the_Water_Framework_Directive's_Integrated_River_Basin_Management_Paradigm
- Janauer, G.A., Albrecht, J. & Stratman, L. (2015). Synergies and Conflicts Between Water Framework Directive and Natura 2000: Legal Requirements, Technical Guidance and Experiences from Practice. URL: https://link.springer.com/chapter/10.1007/978-3-319-13764-3_2
- Rouillard, Josselin; Manuel Lago, Katrina Abhold, Lina Roeschel, Terri Kafyeke, Helen Klimmek, Verena Mattheiß (2016): AQUACROSS Deliverable 2.1: Synergies and Differences between Biodiversity, Nature, Water and Marine Environment EU Policies. https://www.wur.nl/upload_mm/6/2/2/e1210623-22f5-46a6-9b20-247bd64b26bf_D2.1_Synergies%20and%20Differences%20between%20EU%20Policies%20with%20Annexes%2003112016.pdf
- Zingraff-Hamed, A.; Schröter, B.; Schaub, S.; Lepenies, R.; Stein, U.; Hüscher, F.; Meyer, C.; Schleyer, C.; Schmeier, S. and Pusch, M.T. 2020. Perception of bottlenecks in the implementation of the European Water Framework Directive Water Alternatives 13(3) https://www.mwpweb.eu/1/178/resources/publication_3335_1.pdf



About Wetlands International – European Association

Wetlands International – European Association is a member-based organization with 10 non-governmental partners from six different European countries. We raise awareness about the status and value of wetlands as well as the factors affecting their conservation, restoration and management and their importance in attaining Europe's policy goals. As a member-based organization, our working model is designed to connect knowledge and action at three scales: European, national and on-the-ground, creating a virtuous cycle of information flow between the Secretariat and member organizations that combines bottom-up and top-down approaches, and facilitates the collection of examples of best practices and lessons learned that are used to inform policy processes and decision makers.

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