



A Starter's Guide

Overview on the main provisions of the Water Framework Directive, the Marine Strategy Framework Directive, the Birds and Habitats Directives, and the Floods Directive: similarities and differences

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LIST OF ABBREVIATIONS

BHD	Birds and Habitats Directive
BD	Birds Directive
CFP	Common Fisheries Policy
COM	(European) Commission
EARDF	European Agricultural Fund for Rural Development
EMFF	European, Maritime and Fisheries Fund
EU	European Union
FCS	Favourable Conservation Status
FRMP	Flood Risk Management Plan
FD	Floods Directive
GES	Good Environmental Status
HD	Habitats Directive
IMP	Integrated Maritime Policy
MAES	Mapping and Assessment of Ecosystem Services
MS	Member States
MSFD	Marine Strategy Framework Directive
NCFF	Natural Capital Financing Facility
NGO	Non-Governmental Organisation
RBMP	River Basin Management Plan
RBD	River Basin District
RSC	Regional Sea Convention
SACs	Special Areas of Conservation
SCI	Sites of Community Importance
SPAs	Special Protection Areas
UNCLOS	The United Nations Convention on the Law of the Sea
WFD	Water Framework Directive

1. Introduction

This starter's guide provides a brief overview of the five EU environmental directives that target the protection and management of Europe's freshwater and marine environments. These concern the Habitats Directive (HD), the Birds Directive (BD), the Water Framework Directive (WFD) the Marine Strategy Framework Directive (MSFD) and the Floods Directive (FD).

The document aims to give practitioners working in different thematic fields at the Member State level a basic insight into the key aspects of these Directives. It summarises the main objectives and provisions of each and examines their commonalities and differences, highlighting in particular potential synergies that should be foreseen when implementing the Directives.

The document was presented at the Nature, Biodiversity, Marine and Water (NBMW) Joint Director's meeting in 25-27 November 2015 in Luxembourg and later amended to take account of the Floods Directive. It follows on from the relevant recommendations of a previous NBMW workshop held in December 2014.

The Birds and Habitats Directives form the foundation of Europe's nature protection policy. Adopted in 1979, the Birds Directive aims to protect all wild birds and their most important habitats across the EU. The Habitats Directive, adopted 13 years later in 1992, extends the protection to a further 1,200 rare, threatened or endemic species of wild animals and plants – often collectively referred to as species of Community interest – as well as around 230 rare habitat types (e.g. special types of forests, meadows, wetlands, etc.) in their own right. Together, the two directives aim to establish a network of protected sites (the Natura 2000 network) and introduce a strict regime for protecting species covered by the two directives.

European water legislation began in 1975 with the setting of standards for European rivers and lakes used for drinking water abstraction. In 1980, binding quality targets were set for drinking water and, in subsequent years, legislation was also introduced on the quality of fish waters, shellfish waters, bathing waters and groundwater. At that time, the main emission control instrument applied to water related Directives was the Dangerous Substances Directive.

In 2000, European water policy underwent a major consolidation process which led to the adoption of the Water Framework Directive. Its aim was to promote a more holistic approach to water policy, streamlining existing (fresh) water legislation and adopting a River Basin Management approach (covering ecological and chemical protection of surface waters; and chemical and quantitative status of groundwater).

While the Nature Directives focus on ensuring that the rare and threatened habitats and species they aim to protect reach a favourable conservation status (FCS) across the EU, the measures under the WFD are based instead on an inventory of the physical environment which determines which species and habitats should be present and protected - notwithstanding their current absence.

Eight years after the adoption of the WFD, the Marine Strategy Framework Directive came into existence in 2008, with an overarching aim to protect the marine environment across Europe while enabling the sustainable use of marine goods and services upon which marine-related economic and social activities depend. The MSFD is the first piece of EU legislation to adopt an ecosystems based approach aiming at the protection of the full range of marine biodiversity. Its explicit objective is to ensure that "biodiversity is maintained by 2020".

The Floods Directive (FD) on the assessment and management of flood risks was adopted in 2007 with the aim of managing and reducing the risks that significant floods pose to human health, the environment, cultural heritage and economic activity. The FD prescribes an active involvement of all interested stakeholders in the process. The FD requires Member States to map the extent of floods, to assess the people and assets at risk in these areas and to take adequate and coordinated measures to reduce this flood risk, as detailed in Flood Risk Management Plans (FRMPs). These FRMPs should take into account the relevant environmental objectives of the WFD.

With a view to providing a basic understanding of the FD, HD, the BD, the WFD and the MSFD, the sections that follow first provide an overview of the main similarities and differences between the five Directives and then highlight key areas of common ground that present opportunities for coordinated implementation.

2. The five Directives compared

Targeted features

Each Directive targets specific elements of the environment – the HD aims to protect natural and semi-natural habitats (terrestrial and marine), wild species of flora and fauna while the BD protects all species of wild bird in the EU. The WFD essentially covers inland surface waters, coastal waters and groundwater; the MSFD applies to marine waters, which include coastal waters and the waters, seabed and subsoil on which Member States have jurisdiction under international law. The FD aims to reduce significant flood risk.

Despite the differences in scope, overlaps exist. For example, coastal waters fall within the scope of the FD, WFD and the MSFD¹; water-dependent Natura 2000 sites under the BHD are also often covered by the WFD²; finally marine Natura 2000 sites under the BHD are part of the network of marine protected areas defined by the MSFD³.

Purpose of the Directives

The overall objective of the BHD directives is to ensure that the species and habitat types they protect are maintained and restored to a favourable conservation status⁴ throughout their natural range within the EU. This target is defined in positive terms, oriented towards a favourable situation which needs to be reached and maintained. It therefore goes beyond the requirement of avoiding deterioration. To reach such a situation, management will sometimes be needed to maintain or restore habitats and species so that their conservation status can improve.

The objective of the WFD is to achieve good ecological and good chemical status for surface waters as well as good quantitative and good chemical status for groundwater. As signalled by its title, the WFD sets the “framework” for an integrated and comprehensive approach to water protection. Accordingly, it addresses a variety of water-related matters – improving aquatic ecosystems, promoting sustainable water use, tackling pollution, mitigating floods and droughts. The main objectives of the WFD are to prevent deterioration and to achieve good status for all water bodies by 2015. The definition and scope of good status has a number of commonalities with the MSFD GES. Measures should be adopted to achieve these objectives. Measures should also support the achievement of FCS for species and habitats that depend on water, offering synergies with the HD and BD.

¹ Note, however, that the MSFD applies to coastal waters, their seabed and subsoil, only insofar as aspects of the marine environment are not addressed under the WFD or other EU legislation.

² FAQ – Links between the Water Framework Directive and Nature Directives (Birds Directive 2009/147/EEC (BD) and Habitats Directive 92/43/EEC (HD))

<http://ec.europa.eu/environment/nature/natura2000/management/docs/FAQ-WFD%20final.pdf>

³ FAQ - Links between the Marine Strategy Framework Directive (MSFD 2008/56/EC) and the Nature Directives, see above.

⁴ The concept of "favourable conservation status" is not mentioned in the Birds Directive but there are analogous requirements for wild birds protected by the Directive.

The key objective of the MSFD, which is also a framework Directive, is to achieve or maintain good environmental status (GES) in the marine environment by 2020. The existence of a deadline by which the objective should be achieved is characteristic of this Directive and of the WFD – others often set deadlines for activities, rather than for delivering results. GES takes into account a variety of environmental aspects, including ecosystem functions, hydro-morphological, physical and chemical properties, as well as the protection of marine species and habitats. Again, overlaps can be found with the HD and where species and habitats protected by the nature directives are concerned.

The main objective of the FD on the assessment and management of flood risks, which was adopted in 2007, is to reduce and manage the risks that significant floods pose to human health, the environment, cultural heritage and economic activity. The FD aims to reduce the risk of adverse consequences to the environment including providing information on potential sources of environmental pollution as a consequence of floods. FRMPs produced as part of the FD should consider giving rivers more space and, where possible, promote the maintenance and/or restoration of floodplains.

Detailed objectives and measures

The WFD and the MSFD take a “strategic approach” to environmental protection, starting from an assessment of the characteristics, pressures, impacts and current status of the relevant waters within the basic units of management of the two Directives (river basin districts under the WFD, marine regions or sub-regions under the MSFD) and resulting in the preparation of strategies or plans (river basin management plans under the WFD, marine strategies under the MSFD) detailing the measures envisaged to achieve the objectives thus identified.

Detailed objectives are set out in the WFD for different water categories (rivers, lakes, coastal, transitional and groundwater). Under the MSFD, the GES objective is mentioned in Article 3.5, but the GES determination that applies to each marine region or sub-region is not embedded in the Directive, instead it must be determined based on the characteristics of the region or sub-region concerned. For the FD, the objective is the establishment of a framework for measures to reduce the risks of flood damage.

While the WFD and the MSFD rely on this holistic framework approach, the HD and the BD are characterised by a dual structure of measures. The first pillar consists of the identification of core sites for the protection and restoration of the listed habitats and species to be included in an EU wide ecological network of protected conservation areas, called the Natura 2000 network. For each Natura 2000 site, Member States should implement necessary conservation measures in accordance with the ecological requirements of the species and habitats of EU importance present. This may include active management or restoration as well as avoiding deterioration and preventing/mitigating impacts from plans and projects. Although not obligatory, the Habitats Directive recommends the use of Natura 2000 management plans as a means of setting conservation objectives and measures in an open and transparent manner.

The second pillar of the BHD Directives concerns the protection of species in the wider landscape, ie both within and outside Natura 2000 sites. Thus, a system of strict protection must be established, under which activities such as killing, capture or picking, destruction of protected flora and fauna are prohibited. Derogations from this strict protection regime are allowed under specific conditions. In addition, both Directives include provisions for the sustainable use of species, e.g. the sustainable hunting of birds listed in Annex II BD.

The WFD, the FD and the MSFD make reference to protected areas (e.g. Natura 2000 sites under the HD and the BD). The WFD requires compliance with standards and objectives applicable under the legislation governing the protected areas. Specific monitoring requirements are established for the water-related requirements of protected habitats and species. The MSFD requires the adoption of spatial protection measures adequately covering ecosystem diversity, including protected areas established under the HD and BD and international or regional agreements.

Within the FD there are a series of references to the WFD to support coordination and where possible integration between the two Directives, as part of a holistic approach to water management. Article 9 of the FD explicitly states that Member States shall take appropriate steps to coordinate the application of the FD and WFD, focusing on opportunities for improving efficiency, information exchange and for achieving common synergies and benefits with respect to the environmental objectives in Article 4 of the WFD. The cycles of the FD will be synchronised with the cycles of the WFD.

Both the HD and the BD explicitly require Member States to encourage research and scientific work. The HD further mandates enhancing education and general information on the need to protect habitats and species. Article 19 of the MSFD and Article 14 of the WFD require the dissemination of information and public consultations.

As to the timelines for relevant implementing measures, there is no obvious correspondence among the deadlines set out in the different Directives. One characteristic of the BHD is precisely that, unlike the WFD and MSFD, they do not include explicit deadlines for reaching FCS, but milestone targets are included in the Biodiversity Strategy to 2020. The FD also does not include an explicit deadline for the reduction of flood risk, it does however include milestones of the risk management cycle. For further information, the reader should refer to Annex I.

Administration, cooperation and procedural rules

The FD, WFD and the MSFD address the transboundary nature of water protection by requiring supranational cooperation both within the EU and with third-countries. The WFD and FD both call on Member States to nominate existing international bodies as competent authorities for administering the Directives and encourage the use of existing structures under international agreements to coordinate actions in international river basin districts. Similarly, the MSFD encourages the use of regional institutional structures such as those established under Regional Sea Conventions as forums for cooperation.

The three Directives further provide for coordinated strategies among Member States. In particular, the MSFD encourages Member States bordering a marine region or sub-region whose status requires urgent action to devise a plan of action. The Commission can provide support by making the region a pilot project. The WFD and FD foresee Member States to jointly elaborate international river basin management plans and flood risk management plans for the international river basin districts that concern them.

Another aspect the MSFD has in common with the HD is the possibility of EU funding for measures taken under the Directives (marine strategies and programmes under the MSFD, sites of Community interest under the HD).

The HD also has a strong transboundary element: the implementation of the Directive is based on so-called biogeographical regions (i.e. regions having similar climate, topography and geology and vegetation). The selection of Sites of Community Importance (Natura 2000 sites) under the Habitats Directive is done at the level of each of these nine biogeographical regions. Sites under the BD are selected at the Member State level rather than a biogeographical level but the transboundary nature of the Directive is implicit in its provisions which target the conservation of species, eg migratory species, across their entire natural range within the EU⁵.

Unlike the BD, the FD and the WFD, the HD and the MSFD involve the Commission in some aspects of the Directives. For instance, under the HD, sites are identified by the Member States and then assessed at EU/biogeographical level under steering of the Commission. Under the MSFD and the WFD, the Commission reviews the documents prepared by Member States, e.g. programmes of measures, and may request additional information or give guidance on necessary modifications. In addition, the Directive requires Member States to grant the Commission access and use rights over data resulting from, among other things, monitoring programmes.

While under the WFD, the FD and MSFD, Member States are explicitly required to promote the active involvement of all interested parties in the implementation of the Directives, the (older) BHD leave this to the discretion of the Member States. Specific public consultation procedures are set out in view of the adoption of river basin management plans under the WFD, and of the marine strategies under the MSFD.

As part of their obligations under the BD, WFD, HD and the MSFD, Member States must report to the Commission at different intervals. This is also the case for the FD, however for this Directive the intervals are dictated by the distinct risk management process steps. In addition, under the WFD, FD and the MSFD, Member States must inform the Commission of the authorities they have designated as competent for the administration of the Directives. Several other notifications are required under those two Directives, each within a timeline of 3 months. For a broader overview of reporting obligations under all five Directives, please refer to Annex 1

⁵ See European Species Action Plans.
http://ec.europa.eu/environment/nature/conservation/wildbirds/action_plans/index_en.htm

Finally, Member States are required to periodically review and update relevant strategies developed under the FD, WFD and the MSFD every six years.

3. Key areas of common ground

In general, all Directives work for the benefit of nature and the environment. Where overlaps exist between the Directives, possible conflicts can arise but generally speaking more synergies than problems have been observed⁶. For the FD the process of highlighting and employing synergies is underway⁷, by for instance identifying and implementing natural solutions for flood prevention and protection⁸. Besides theoretical overlaps, common ground between the Directives are particularly visible in the following five spheres of implementation: adoption of measures, monitoring, reporting, financing and cross-border cooperation.

This section aims to provide practical suggestions for taking advantages of these synergies in these five areas in particular.

Measures

The five Directives require actions, measures or programmes of measures to be implemented by the Member States. As fresh water, marine water and biodiversity are interlinked, a coordinated approach between programmes of measures (elaboration, endorsement, and implementation) and related public consultations (timing, duration, content, and objectives) can be both beneficial and cost-effective, potentially contributing to more efficient environmental protection on the ground and to less overall public spending (win-win).

At the operational level, challenges in the coordination of measures can however appear and the differing spatial scales used may create complexities. For instance, combining public consultations may appear difficult due to their different timings and scopes, yet more and more examples exist of Member States adopting and testing different approaches to overcome these overlaps and to promote a closer integration of the provisions of the different Directives.

Table 1 – Practices in coordinated implementation of measures

Examples of practices in coordinated implementation of measures

Coordinated governance

- Exchanges and joint working between national and local FD, MSFD and WFD stakeholders and authorities on the establishment of coordinated measures (e.g. for the MSFD and the WFD SI⁹, FR¹⁰)

⁶ Workshop on coordinated implementation of nature, biodiversity, marine and water, Summary Report, February 2015.

⁷ <https://circabc.europa.eu/w/browse/a2edd7d0-8d12-4550-a8de-9579423b457c>

⁸ <http://www.nwrm.eu/>

⁹ Fitness Check of the Birds and Habitats Directives, Evaluation Gathering Questionnaires.

¹⁰ Workshop on coordinated implementation of nature, biodiversity, marine and water policies – Background document, December 2014.

- Cross-participation in governing bodies: revision of the composition of the WFD water basin committees in order to integrate stakeholders from the fields of biodiversity or marine environments (FR¹¹).
- Joint competent authority. Competent authorities can be merged under the same ministry or department (DE¹², HU¹³, FR¹⁴).
- Creation of coordination boards (DE, IE¹⁵).

Coordination of public consultation

- Alignment of the FD, MSFD and WFD consultation process, both in terms of timing and duration (FR¹⁶).
- Joint public consultation on MSFD programmes of measures, WFD river basin management plans and FRMPs under the FD to promote coherence and visibility (e.g. for the MSFD and the WFD, FR¹⁷).

Partnerships

- Partnerships in areas displaying specific cross-linkages can help support greater integration of the different policies. For instance, well-managed peatlands offer carbon storage, biodiversity, flood alleviation and improved water quality. In these cases, different actors (e.g. national park authorities, environmental agency, water companies, farmers association, environmental NGOs) can join forces (UK)¹⁸.

Monitoring

The MSFD and the WFD require Member States to establish coordinated monitoring programmes which should build upon, and be compatible with, relevant provisions for assessment and monitoring laid down by Community legislation, including the Habitats and Birds Directives, or under international agreements. The Birds Directive and the Habitats Directive do not provide specific details with respect to monitoring on the ground. Article 11 of the Habitats Directive however requires that Member States undertake surveillance of the conservation status of the natural habitats and species of community interest. This surveillance is guided by reporting formats and guidelines setting out the basic parameters to be monitored and also guiding the assessment of them. The biological quality elements or organism groups that need to be monitored under WFD and BHD differ, as does the scope (including geographical scope) of the Directives.

Finally, the MSFD covers among others marine habitats and species of the BHD where joint monitoring is therefore useful. MSFD also monitors new topics such as

¹¹ Idem.

¹² Fitness Check of the Birds and Habitats Directives, Evaluation Gathering Questionnaires.

¹³ The regional Directorates and General Directorate are responsible for both the WFD and FD

¹⁴ Workshop on coordinated implementation– Background document, December 2014.

¹⁵ Fitness Check of the Birds and Habitats Directives, Evaluation Gathering Questionnaires.

¹⁶ Workshop on coordinated implementation– Background document, December 2014.

¹⁷ Idem.

¹⁸ Workshop on coordinated implementation of nature, biodiversity, marine and water policies – Background document, December 2014.

noise and litter, which the others do not explicitly address (but do cover if they are considered to be issues that affect the Favourable Conservation Status of species and habitats protected under BHD).

Table 2 - Practices in coordinated monitoring

Examples of practices in coordinated monitoring

Joint monitoring platforms

- Integrated monitoring programmes combine the requirements of related policy frameworks and aim to search for efficiencies and cost-effectiveness. The EU funded pilot projects JMP NS/CS¹⁹, BALSAM (Baltic Sea)²⁰ and IRIS-SES (Black Sea and Mediterranean)²¹ have trialled several approaches that support better integration, ranging from shared databases for monitoring metadata to improving spatial and temporal coverage for monitoring of common indicators through international co-operation. These pilot projects developed integrated monitoring strategies, including supporting tools, based on existing sampling and scoped the potential for joint monitoring programmes within and between MS²².
- At national level a common monitoring platform for marine, nature, biodiversity and water elements can be set up in order to make the monitoring process more cost-effective, practicable and informative. The monitoring platform can be jointly managed by different authorities and research institutes (BE²³, DE, HU²⁴).

Mapping and Assessment of Ecosystems and their Services (MAES)

- MAES is an EU project that supports Member States when mapping and assessing the state of ecosystems and their services in their national territory. It is an integration tool for monitoring and reporting across the different Directives. It helps identify priority actions delivering synergies for nature, biodiversity, marine and water policies from ecosystem-based solutions. It includes a digital atlas, a catalogue of case studies, a visualisation tool and reference data for ecosystem mapping²⁵.

Reporting

All Directives require Member States to report on the measures implemented and progress made under the different legislative frameworks. Under the MSFD, Member States must report on the status of the marine environment, on their monitoring programmes and on their programmes of measures. Similarly the WFD provides a number of deadlines by which Member States have to fulfil particular reporting obligations, including the need to report on the implementation, monitoring programmes, programme of measures, river basin management plans, etc.

¹⁹ Towards a joint monitoring programme for the North Sea and the Celtic Sea, <http://jmp.bmdc.be/>

²⁰ <http://www.helcom.fi/helcom-at-work/projects/balsam>

²¹ Integrated Regional monitoring Implementation Strategy in the South European Seas , <http://iris-ses.eu/>

²² Baltic Sea Pilot Project, <http://helcom.fi/helcom-at-work/projects/balsam/final-conference>

²³ Monit.be, <http://www.msfd-monitoring.be/>

²⁴ Fitness Check of the Birds and Habitats Directives, Evaluation Gathering Questionnaires.

²⁵ MAES, <http://biodiversity.europa.eu/maes>

The Birds and Habitats Directives require reporting on the conservation status of the species and habitats it protects. The reporting cycles for these two Directives were synchronised in 2013 in order to promote a more streamlined reporting process²⁶. Although the reporting cycles differ, reports under one instrument can contribute to reports under different instruments.

The cycles of the Floods Directive are synchronised with the WFD to allow measures to be implemented that fulfil the requirements of both Directives. RBMPs under the WFD and FRMPs under the FD are elements of integrated river basin management. FD Recital 17 states that: “The two processes should therefore use the mutual potential for common synergies and benefits, having regard to the environmental objectives of the WFD, ensuring efficiency and wise use of resources while recognising that the competent authorities and management units might be different under the FD and WFD”.

Table 3 - Practices in reporting

Examples of practices in reporting

Cross cutting approach for EU reporting processes – National reporting pilots can bring together all people involved in reporting in order to build an improved work allocation and understanding of the different actors’ responsibilities (FR27).

Financing

The good status of the environment, seas, coasts, water and species supports the wider economy from fisheries to tourism. Despite this, financing programmes and projects can be a challenge at all levels. Synergies between different policy areas can help to lower the administrative burden of implementing the directives and offers strong arguments in favour of projects that take advantage of the cross-linkages between marine, water, biodiversity and nature-related initiatives (Table 4).

Table 4 – Practices in joint and coordinated financing

Examples of practices in prioritised, joint or coordinated financing

Prioritisation of projects

- Prioritisation of projects that actively take into account the different legislative frameworks (Prioritised Action Frameworks under Article 8 of the Habitats Directive²⁸).
- Prioritisation of projects that promote synergies between the different areas

²⁶ State of Nature in the European Union - Report on the status of and trends for habitat types and species covered by the Birds and Habitats Directives for the 2007-2012 period, May 2015, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2015:219:FIN>

²⁷ Presentation to the NMBW workshop, Quality approach for reporting in France, https://circabc.europa.eu/sd/a/fc6caea3-13f5-4e34-8d00-ebdd12a83c31/Parallel%20session%202_FR_%20Quality%20approach%20for%20reporting%20in%20France.pdf

²⁸ http://ec.europa.eu/environment/nature/natura2000/financing/index_en.htm

- Complementarity of funding instruments.
- Natural Capital Financing Facility (NCFF) that combines European Investment Bank financing and European Commission funding (under the LIFE programme).

EU funding instruments

- **LIFE** - Funding under the new LIFE instrument for the period 2014-2020 amounts to €3.4 billion. LIFE is dedicated to fostering innovative initiatives with a view to developing knowledge, networks of experts and experiences. The new LIFE programme also introduces “integrated projects” of particular relevance for the promotion of synergies. These integrated projects target larger-scale initiatives which focus on ensuring cross-sectoral support for the implementation of projects and policies.
- **Horizon 2020** - The €80 billion allocated to Horizon 2020 reflects the EU's commitment to new research and innovation as a way of addressing emerging challenges. The overarching objective of H2020 is to increase international collaboration, improve alignment of research agendas and develop joint programming initiatives.
- **EARDF** – The €96.3 billion of the European Agricultural Fund for Rural Development contribute to, among other themes, improving the environment and countryside. In this area, the EARDF makes funding available, amongst others, for biodiversity, the management of Natura 2000 sites, water and soil protection and climate change mitigation.
- **Regional Funds** of €340 billion have been made available for the period 2014-2020. These Funds are valuable allies to support projects that foster smart, sustainable and inclusive growth.
- **EMFF** - The European Maritime and Fisheries Fund amounts to €6.5 billion. It supports the implementation of the reformed Common Fisheries Policy (CFP), and the Integrated Maritime Policy (IMP), including its environmental pillar, the MSFD. It promotes sustainable and resource efficient fisheries and aquaculture activities, by supporting, inter alia the achievement of fishing at or below Maximum Sustainable Yield, better integrated conservation measures including for Natura 2000 sites, better control and enforcement, improved data collection measures and an enhanced marine knowledge base.

Private sector and other alternative/innovative financing

- **Public-private partnerships**
- **Payments for Ecosystem Services:** payments for the flows of benefits resulting from natural capital. They are based on the beneficiary pays principle: the beneficiary of an ecosystem service pays the provider for securing that service.
- **Investment in green infrastructure²⁹:** provides the resources (natural capital assets) that underpin ecosystem services from a large area (or network of natural capital) representing assets which the private finance sector could own, and generate profits against, based on payments for ecosystem services.
- **Funding for projects on the protection of biodiversity** - focused on the observation and use ecosystems (FR³⁰)

²⁹ http://ec.europa.eu/environment/enveco/biodiversity/pdf/BD_Finance_summary-300312.pdf

³⁰ <http://www.gouvernement.fr/action/la-protection-de-la-biodiversite>

Cross-border cooperation

Nature knows no borders. This fact was taken into account in all five Directives. Under the MSFD and the WFD: their implementation process is strongly influenced by supra-national organisations and coordination. Regional Sea Conventions are key actors of the implementation and coordination of the MSFD across Member States that share common seas: the Baltic Sea (HELCOM Convention), the Mediterranean (Barcelona Convention), the Black Sea (Bucharest Convention) and the North Sea – East Atlantic (OSPAR Convention).

Under the WFD cross-border River Basin Management Plans were drafted for international river basin districts for the Danube, Rhine, Elbe, Ems, Meuse, Scheldt/Escaut, Odra and Sava rivers. Under the Nature Directives, the concept of biogeographical regions is used for a range of purposes – regardless of the national borders. Under the FD, transboundary FRMPs have been drafted for transboundary river basins including the Danube by the International Commission for the Protection of the Danube River (ICPDR) and the Rhine by the International Commission for the Protection of the Rhine (ICPR). To enable this supra-national work, communication and coordination is crucial.

Table 5 – Practices in coordinated cross-border cooperation

Examples of practices in coordinated cross-border cooperation

Bilateral practices

- Member States can jointly develop harmonised procedures and detailed guidelines for trans-sectoral and cross-border implementation of the Water Framework Directive and the Nature Directives (DE and AT³¹).

Multilateral practices

- New biogeographical process for MS cooperation on N2000 management should be mentioned as a practical example of cross-border cooperation³².

³¹ EU-Water Framework Directive and Natura 2000 – the cross-border implementation in Germany and Austria, <http://www.buchweltshop.de/bv-heft-85-wasserrahmenrichtlinie-und-natura-2000.html>

³² New biogeographical process for MS cooperation on N2000 management
http://ec.europa.eu/environment/nature/natura2000/platform/index_en.htm

Further reading

FAQ – Links between the Water Framework Directive and Nature Directives
<http://ec.europa.eu/environment/nature/natura2000/management/docs/FAQ-WFD%20final.pdf>

FAQ - Links between the Marine Strategy Framework Directive (MSFD 2008/56/EC) and the Nature Directives (Birds Directive 2009/147/EEC (BD) and Habitats Directive 92/43/EEC (HD))
<http://ec.europa.eu/environment/nature/natura2000/marine/docs/FAQ%20final%202012-07-27.pdf>

Preparatory work for the joint Water-Marine-Biodiversity-Nature workshop, November 2014,
https://circabc.europa.eu/sd/a/9db3ee30-9ac5-4a20-bff9-019f472b62cb/NBMW%20Workshop_BHD%20and%20RBMP_background%20document.pdf

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https://circabc.europa.eu/sd/a/7e3142ee-2cf8-4086-a294-3094b6774943/NBMW%20Workshop_Background%20document.pdf

State of Nature in the European Union - Report on the status of and trends for habitat types and species covered by the Birds and Habitats Directives for the 2007-2012 period, May 2015, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2015:219:FIN>

Links between the Floods Directive (FD 2007/60/EC) and Water Framework Directive (WFD 2000/60/EC) Resource Document Technical Report - 2014 - 078
<https://circabc.europa.eu/sd/a/124bcea7-2b7f-47a5-95c7-56e122652899/inks%20between%20the%20Floods%20Directive%20and%20Water%20Framework%20Directive%20-%20Resource%20Document>

Annex 1

Overview of the main features of the five Directives

The following table identifies and contrasts main features of each Directive.³³

	Habitats Directive (HD)	Birds Directive (BD)	Water Framework Directive (WFD)	Marine Strategy Framework Directive (MSFD)	Floods Directive (FD)
Main protected subjects	Habitats and species deemed of Community interest (listed habitats and species)	All naturally occurring wild birds within the EU	Inland surface waters, transitional waters, coastal waters and groundwater	Marine waters including coastal waters, seabed and subsoil.	Human health, the environment, cultural heritage and economic activity
Overall objectives					
Aim	Contribute to biodiversity through conservation of natural habitats and of wild fauna and flora	Conservation of all species of naturally occurring birds in the wild state in the European territory of the Member States	Protection and improvement of inland surface waters, transitional waters, coastal waters and groundwater	Achieve / maintain good environmental status (GES) in the marine environment	Assess and manage significant flood risks to reduce the risks to human health, the environment, cultural heritage and economic activity
Scale	European Territory of MSs (including marine area where MSs exercise jurisdictional rights)	European Territory of MSs (including marine area where MSs exercise jurisdictional rights)	River basin/coastal area	Marine regions or sub-regions where EU-MS exercise jurisdictional rights	River basin/coastal area/ Areas of Potential Significant Flood Risk (APSFs)
Deadline	Not specified but milestones defined in the 2020 Biodiversity Strategy	Not specified but milestones defined in the 2020 Biodiversity Strategy	Consecutive six-yearly cycles (first RBMPs 2009)	Year 2020	Consecutive six yearly cycles (first FRMPs 2015)

³³ The table reports relevant substantive and procedural provisions in some detail. However, the various exceptions, derogations and optional provisions laid down in the directives are not reported in order to limit the complexity of the presentation.

	Habitats Directive (HD)	Birds Directive (BD)	Water Framework Directive (WFD)	Marine Strategy Framework Directive (MSFD)	Floods Directive (FD)
Detailed objectives					
Detailed objectives	<p>Maintain / restore to a favourable conservation status (FCS) the habitats and species listed in the Directive throughout their natural range within the EU.</p> <ul style="list-style-type: none"> Designate core sites essential for the life and reproduction of species and habitat types listed in the Directive Establish a system of strict protection of listed species 	<p>Maintain or adapt the population of the species at a level which corresponds to ecological, scientific and cultural requirements, while taking account of economic and recreational requirements.</p> <ul style="list-style-type: none"> Preserve, maintain or re-establish a sufficient diversity and area of habitats for all the species of birds Establish a system of strict protection for all species of birds 	<p>For surface waters:</p> <ul style="list-style-type: none"> Prevent deterioration of surface water bodies Protect, enhance and restore surface water bodies to achieve good surface water status Protect and enhance artificial and heavily modified surface water bodies to achieve good ecological potential and good surface water chemical status Reduce pollution from priority substances, cease/phase out emissions, discharges and losses of priority hazardous substances Ensure that discharges into surface waters are controlled according to a combined approach 	<ul style="list-style-type: none"> Ecosystems function fully Ecosystems are resilient to human-induced environmental change Species & habitats are protected, biodiversity loss prevented Ecosystem properties support the ecosystems Anthropogenic inputs do not cause pollution Achieve qualitative descriptors used for determining GES: biological diversity, non-indigenous species, commercially exploited fish and shellfish, food webs, eutrophication, sea floor integrity, hydrographical conditions, contaminants, contaminants in fish and seafood, marine litter and noise. 	<ul style="list-style-type: none"> Establish a framework for the assessment and management of significant flood risks, aiming at the reduction of the adverse consequences for human health, the environment, cultural heritage and economic activity associated with floods in the Community Establish a process for producing flood hazard maps and flood risk maps in order to evaluate the flood risk In the flood risk management plans address all aspects of flood risk management focusing on prevention, protection, preparedness, including flood forecasts and early warning systems and

	Habitats Directive (HD)	Birds Directive (BD)	Water Framework Directive (WFD)	Marine Strategy Framework Directive (MSFD)	Floods Directive (FD)
			<p>For groundwater:</p> <ul style="list-style-type: none"> • Prevent or limit the input of pollutants into groundwater and prevent the deterioration of the status of groundwater bodies • Protect, enhance and restore groundwater bodies, ensuring balance between abstraction and recharge, with a view to achieving good groundwater status • Reverse significant and sustained upward trends in pollutants concentration, in order to progressively reduce groundwater pollution <p>For protected areas:</p> <ul style="list-style-type: none"> • Achieve compliance with standards and objectives under protected area legislation • Establish a register of protected areas lying within RBDs 		<p>taking into account the characteristics of the particular river basin or sub-basin.</p> <ul style="list-style-type: none"> • Defining objectives

	Habitats Directive (HD)	Birds Directive (BD)	Water Framework Directive (WFD)	Marine Strategy Framework Directive (MSFD)	Floods Directive (FD)
			<p>For drinking water:</p> <ul style="list-style-type: none"> Identify, within each RBD, the bodies of water that are or will be used for human consumption (above a certain threshold) Ensure that water treatment regime and the resulting water comply with the Drinking Water Directive Protect relevant bodies of water from deterioration, in order to reduce the need for purification treatment 		
Scale	European territory (incl. marine areas) of MSs and individual sites.	European territory (incl. marine areas) of MSs and individual sites	Individual water bodies	Coastal waters and territorial waters to the outmost reach of MS jurisdiction under UNCLOS	River basins and coastal areas APSFRs
Deadline	No specific timelines to reach overall objective but quantified targets under the Biodiversity Strategy for 2020. For SCIs, designate them as SACs within 6 years and establish the necessary conservation measures.	No specific timelines to reach overall objective but quantified targets under the Biodiversity Strategy for 2020	<p>For surface water:</p> <ul style="list-style-type: none"> Good surface water status: 2015 Good ecological potential and good surface water chemical status of artificial and heavily modified bodies: 2015 	No specific deadline	No specific timelines to reach. FRMPs shall include a summary of the measures for achieving the objectives, and a description of the prioritisation and the way in which the implementation of the plans will be monitored.

	Habitats Directive (HD)	Birds Directive (BD)	Water Framework Directive (WFD)	Marine Strategy Framework Directive (MSFD)	Floods Directive (FD)
			<ul style="list-style-type: none"> Discharges controlled according to combined approach: 2012 For groundwater : <ul style="list-style-type: none"> Good groundwater status: 2015 For protected areas : <ul style="list-style-type: none"> Compliance with standards and objectives under protected area legislation: 2015 Register of protected areas lying within RBDs: 2004 		Updates every six years of FRMPs should include a description and explanation of any measures that have not been taken forward and a description of any additional measures since the publication of the previous FRMP.
Assessment elements					
Elements	<p>Natural habitat types:</p> <ul style="list-style-type: none"> Range and areas covered Specific structure and functions Conservation of typical species Future prospects <p>Species (non-bird):</p> <ul style="list-style-type: none"> Range Population Habitat for the species Future prospects 	No detailed definition - but similar logic is used as for species under the Habitats Directive	<p>Detailed in Annex V:</p> <ul style="list-style-type: none"> Biological: aquatic flora, macroinvertebrates, fish, etc Physico-chemical: nutrients, oxygenation, acidification, salinity, etc Hydromorphological: hydrological conditions, continuity, bed substrate, etc Priority substances and chemicals 	<p>11 descriptors in Annex I plus details in Annex III and GES</p> <p>Decision criteria:</p> <ol style="list-style-type: none"> 1: Biodiversity 2: Non-indigenous species 3: Commercial fish and shellfish 4: Food webs 5: Eutrophication 6: Sea-floor integrity 7: Hydrographical conditions 8: Contaminants 9: Contaminants in 	Human and assets (economic, environmental and cultural)

	Habitats Directive (HD)	Birds Directive (BD)	Water Framework Directive (WFD)	Marine Strategy Framework Directive (MSFD)	Floods Directive (FD)
			relevant for groundwater	seafood 10: Marine litter 11: Energy incl. underwater noise	
Scale	At MS level - national part of each biogeographical region. At EU level - biogeographical regions assessments	At EU level – EU wide assessment	Individual water bodies	Variable scales per topic: generally national or sub-national part of marine (sub) region	
Main Measures					
Measures	<p>Within Natura 2000 sites(SACs):</p> <ul style="list-style-type: none"> Avoid deterioration of habitats and the significant disturbance of species for which the sites have been designated (including establishing a permitting procedure for any plans or projects that are likely to have a significant effect on the sites, either individually or in combination with other plans and projects) take conservation measures, where 	<p>Within Natura 2000 sites (SPAs):</p> <ul style="list-style-type: none"> Avoid deterioration of their habitats or disturbance (including establishing a permitting procedure for any plans or projects that are likely to have a significant effect on the sites, either individually or in combination with other plans and projects) apply special conservation measures concerning the habitat of the species in order to 	<ul style="list-style-type: none"> Identify river basis and assign them to river basin districts (RBDs) (international RBD where appropriate) Ensure that water-pricing policies incentivise users to use water efficiently and that different uses contribute adequately to the recovery of costs for water services (recovery of costs for water services) <p>For each RBD:</p> <ul style="list-style-type: none"> Carry out an analysis of its characteristics, a review of the impact of human 	<p>Develop & implement marine strategies, which include:</p> <ul style="list-style-type: none"> Initial assessment of environmental status, impact of human activities and economic and social analysis and cost of degradation. Determination, for each marine region or sub-region, a set of characteristics for GES Establishment of environmental targets with indicators to guide progress towards GES Monitoring 	<ul style="list-style-type: none"> FRMPs will include a summary of the measures for achieving the objectives, and a description of the prioritisation and the way in which the implementation of the plan will be monitored. Updates of FRMPs will include a description and explanation of any measures that have not been taken forward and a description of any additional measures since the publication of the previous FRMP Planning and

	Habitats Directive (HD)	Birds Directive (BD)	Water Framework Directive (WFD)	Marine Strategy Framework Directive (MSFD)	Floods Directive (FD)
	<p>necessary, to maintain and restore the habitats and species present, taking account of the economic, social and cultural requirements and regional and local characteristics of the area concerned.</p> <p>For listed species:</p> <ul style="list-style-type: none"> • Establish a system of strict protection (prohibiting e.g. deliberate capture or picking, destruction, keeping, transport or exchange) • Regulate exploitation of certain species 	<p>ensure their survival and reproduction in their area of distribution.</p> <p>For all EU wild bird species :</p> <p>Establish general system of protection (prohibiting killing or capture, destruction or damage of nests and eggs, taking of eggs, and deliberate disturbance)</p> <ul style="list-style-type: none"> • Regulate exploitation of species, in particular hunting and trading 	<p>activities, an economic analysis of water use (RBD characterisation)</p> <ul style="list-style-type: none"> • Establish a programme of measures based on the RBD characterisation and aiming to achieve the Directive's objectives • Produce a river basin management plan (RBMP) 	<p>programmes</p> <ul style="list-style-type: none"> • Programme of measures to achieve / maintain GES • Spatial protection measures contributing to a coherent and representative network adequately covering the diversity of ecosystems, including SACs under the Habitats Directive and SPAs under the Birds Directive 	<p>management under both the FD and WFD generally use the same geographical unit i.e. the river basin which acts as natural "reference area" for both water quality and flood risk management. Hence, aiding the efficiency of the implementation of measures and increasing the efficient use of resources.</p> <ul style="list-style-type: none"> • Measures taken under the FD and WFD may have an influence the objectives under the other, hence coordination provides an opportunity to maximise synergies by identifying cost-effective measures which serve multiple purposes and can result in "win-win" measures being implemented

	Habitats Directive (HD)	Birds Directive (BD)	Water Framework Directive (WFD)	Marine Strategy Framework Directive (MSFD)	Floods Directive (FD)
Deadline	<p>No defined deadlines (but designation of SCIs as SACs within 6 years at the latest of being placed on list of SCIs)</p> <ul style="list-style-type: none"> Measures for species protection at entry into force of the Directive 	<p>Not defined deadlines. Measures for species protection at entry into force of the Directive</p>	<ul style="list-style-type: none"> RBD characterisation: 2004 Register of protected areas lying within RBDs: 2004 Programmes to monitor water status: 2006 Recovery of costs for water services: 2010 Establishment of RBD programmes of measures: 2009 Publication of RBMPs: 2009 Entry into operation of RBD programmes of measures: 2012 	<p>Marine strategies:</p> <ul style="list-style-type: none"> Preparation of initial assessment, determination of GES, establishment of environmental targets with indicators: 2012 Monitoring programme: 2014 Development of programme of measures: 2015 Entry into operation of programme of measures: 2016 	<ul style="list-style-type: none"> Preliminary Flood Risk Assessments, 2011 Publish flood hazard and flood risk maps, 2013 Publish Flood Risk Management Plans, 2015 Second management cycle ends, 2021
Public information and consultation					
Public information and consultation requirements	<p>Not obligatory but recommended for appropriate assessments and setting of conservation objectives and measures</p>	<p>Not obligatory but recommended for appropriate assessments and setting of conservation objectives and measures</p>	<p>Publish and make available for public comments (at least for 6 months): timetable and work programme for the production of RBMPs, overview of significant water management issues identified in the river basin, and draft RBMPs</p>	<ul style="list-style-type: none"> Make information on spatial protection measures and measures requiring action at an international level available to the public Ensure that all interested parties participate in the implementation of the Directive Consult public on their Marine Strategies 	<ul style="list-style-type: none"> MSs shall encourage active involvement of interested parties in the production, review and updating of FRMPs

	Habitats Directive (HD)	Birds Directive (BD)	Water Framework Directive (WFD)	Marine Strategy Framework Directive (MSFD)	Floods Directive (FD)
Monitoring					
Monitoring	<ul style="list-style-type: none"> MSs undertake surveillance of the conservation status of listed habitats and species present in their territory MSs establish systems to monitor the incidental capture and killings of certain animal species 	Not specified – the practice was adapted to the one on surveillance of the status of species under the Habitats Directive	<p>In general:</p> <ul style="list-style-type: none"> MSs establish programmes for monitoring water status <p>For drinking water:</p> <ul style="list-style-type: none"> MSs monitor water bodies that are used or will be used for human consumption (above a certain threshold) 	MS monitoring programmes (part of marine strategies)	No monitoring of the water environment is explicitly required under the Floods Directive. This is however done, e.g. in terms of hydrology
Reporting					
Member State reporting obligations	<ul style="list-style-type: none"> Every six years, Member States report back to the Commission on the conservation status of protected species and habitats present on their territory. The Commission then pools the data together in order to see how well they are faring across the EU. MSs are to inform COM of compensatory measures adopted when plans or projects are adopted that have a negative 	<ul style="list-style-type: none"> As for Habitats Directive 	<ul style="list-style-type: none"> MSs inform COM of competent authorities identified and of competent authorities of international bodies in which they participate within 6 months after deadline for transposition (year 2003), as well as any updates thereof within 3 months MSs send RBMPs and updates thereon to COM and other MSs concerned within 3 months of publication MSs send summary 	<ul style="list-style-type: none"> MSs inform COM of designated competent authorities and of internal bodies in which they participate by the year 2011, as well as any change thereto within 6 months MSs notify COM of the initial assessment, determination of GES, GES, environmental targets, of monitoring programmes, and programmes of measures within 3 	<ul style="list-style-type: none"> Flood risk maps showing the potential adverse consequences associated with different flood scenarios, including information on potential sources of environmental pollution as a consequence of floods FRMP that should include defined flood risk management objectives and a description of the prioritisation of

	Habitats Directive (HD)	Birds Directive (BD)	Water Framework Directive (WFD)	Marine Strategy Framework Directive (MSFD)	Floods Directive (FD)
	<p>effect on a Natura 2000 site (Art.6.3/4)</p> <ul style="list-style-type: none"> • Every 2 years MS to report to the Commission on the derogations approved to the species protection regime 		<p>reports on first RBD characterisation and monitoring programmes within 3 months of completion</p> <ul style="list-style-type: none"> • MSs send progress report on implementation of programmes of measures within 3 years of publication of RBMPs or update thereof 	<p>months of their establishment MS interim reports to COM on the implementation of programmes of measures, 3 years after publication / update of the programme</p>	<p>measures aimed at achieving those objectives, and the way in which the implementation of the plan will be monitored</p>
Revision and update					
Member States' review and update obligations	<p>MS to regularly update the documentation of the Natura 2000 documentation (Standard Data Forms)</p>	<p>MS to regularly update the documentation of the Natura 2000 documentation (Standard Data Forms)</p>	<ul style="list-style-type: none"> • MSs review and update RBD programmes of measures: 2015, then every 6 years • Review and update of RBD characterisation: 2013, then every 6 years • MSs review and update RBMPs: 2015, then every 6 years 	<ul style="list-style-type: none"> • MSs review and update the different parts of the marine strategies every 6 years • 	<ul style="list-style-type: none"> • MSs produce FRMPs with programmes of measures in 2015, then every 6 years

