WFD Article 4.7 implementation in Hungary

Workshop 'New experience in implementation of the Article 4.7 WFD in the Danube Region'

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Date: 12 September 2018

Place: Bratislava, Slovakia

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Transposition of WFD Art 4.7-4.9 to the Hungarian law

- 2004: What do we have to implement? The WFD Art 4.7 – 4.9 itself as substantive rule was transposed

- 2013: Compliance checking of the RBMP1 – Bilateral meeting, legislative proposal for the modifications

- 2014: How? Which public administration procedure? The procedural implementation of the Articles was done

Modification of Gov. Decree transposing the SEA directive

- Competent authority is the env. authority
- Extension of the actions of the Decree – Plans and Programmes which can have an impact on WBs and WFD protected areas
- The aspects to determine the significance of expected env. impacts have been extended: the effect is significant in case of
  - failure of the achievement of the WFD environmental objectives
  - deterioration of the status of waters or protected areas

Modification of Gov. Decree transposing the EIA directive (I)

- Competent authority is the env. authority
- Extension of the actions of the Decree – impact assessment of the new modifications/alterations defined by the Art 4.7
- Terminology: extended with the term ‚new modifications or alteration of the waters'
- In case of projects below the threshold of the EIA Annex II: the env. authority is a joint authority in the water permitting procedure concerning the significance of the impact of the project to waters
- The assessment of the activities below the threshold extended: identification of pressures and impacts ("affecting factor") on waters according to WFD 4.7

Modification of Gov. Decree transposing the EIA directive (II)

- The **content requirements** of the regulatory procedure related to the activities of the EIA Annex II was extended with the intervention (new modification / alteration) to waters:
  - The scope of the planned activity together with the level of public interest
  - Presentation of socio-economic benefits based on CBA
  - The estimation of the impacts to WBs and to WFD protected areas, taken into consideration the content of the RBMP as well
  - The suggested mitigation measures to reduce the identified adverse environmental effects potentially deteriorating the status of the waters

Modification of Gov. Decree transposing the EIA directive (III)

- The **aspects** of the EIA that are needed to be met were extended with the following:
  - Assessment of the sensitivity of the installation site and the impacted area based on the water body status and the measured data of the WFD Monitoring Programme

- The requirements of the obligatory **general assessment** for projects under EIA Annex I extended:
  - The evaluation of the alterations in the status of waters
  - Consideration of the time necessary to reach the environmental objectives according to the RBMP
  - Presentation of the best environmental option based on a cost-benefit analysis

Updating the HU WFD 4.7 national guidance document considering CIS Guidance 36

- The approach is the same, it uses but does not repeat the CIS guidance 36:
  - Explains the steps of the assessment and the relationship with RBMP2 in a clear and understandable way, through Hungarian examples; draws attention to the ‚pitfalls'
  - Uses the good national and international practice including case studies
  - Description in accordance with the national regulations; a proposal for an implementation procedure, the compulsory and suggested coordination steps
  - Practical assistance to all stakeholders involved in the WFD related procedure (investor, designer, author of the EIA, authority)
  - Focusing on the links and differences between the Art 4.7 test and SEA, EIA, NATURA 2000 assessments; on the evaluation of cumulative effects; on the methods that can be applied for the exemption test

Useful Annexes of the National Guidance

1. Indicative list of the project types that may fall under the exemption test
2. Check list for authorities to carry out the Art 4.7 assessment
3. Check list for investors and designers to prepare the exemption test
4. Check list for authors of SEA or EIA to elaborate the exemption test
5. Methods and good practices to be applied
6. List of WBs that are vulnerable for additional pressures (RBMP2)
7. Recommended data sources
8. Thematic Art 4.7 guidance for designing flood protection projects

Experience EIA – 4.7 (I)

- Art 4.7 assessment is carried out within the EIA since 2015. The following experience about the assessment of EIA documentations is based on 31 documents between 2015-2017

- Positives:
  - WBs status evaluation classes, that can be found in the RBMP, are used
  - Impacts on WFD protected areas are assessed
  - Limit values of quality elements are used in some cases

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Experience EIA – 4.7 (II)

- Issues to be improved:
  - None of the assessments so far contains Art. 4(7) exemption test and the justification of the lack of application is weak
  - In most cases the comparison between the expected values of the relevant quality elements and the limit values is missing
  - Not enough attention was put on the quality elements that are already in poor status
  - Documents do not contain assessment whether the modification in the WB may compromise the achievement of the WFD objectives within the time period given in the RBMP
  - In many cases there is a lack of assessment of consistency with RBMP measures
  - There is no or not proper examination whether the local changes/deteriorations are significant to the WB as a whole
  - Due to lack of data, cumulative effects are not evaluated

Experience – authorities decisions

This experience is based on the assessment of 44 decisions of HU environmental authorities between 2015-2017)

- Only a few decisions contained a reference to the WFD objectives and requirements
- This basically means that the significance of hydromorphological pressures and the biological changes stemming from them are not in the focus of the assessments (Methodology complicated? Lack of data?)
- Provisions related to the quantitative protection of groundwater is much more part of the authority practice (Simpler? More data available?)

Conclusions and lessons learnt in Hungary

- Transposition the WFD Articles only word by word is not enough there is a need to create also procedural rules (how, what kind of authority procedure)
- The law is not enough there is a need of national guidance in accordance with the EU level GD

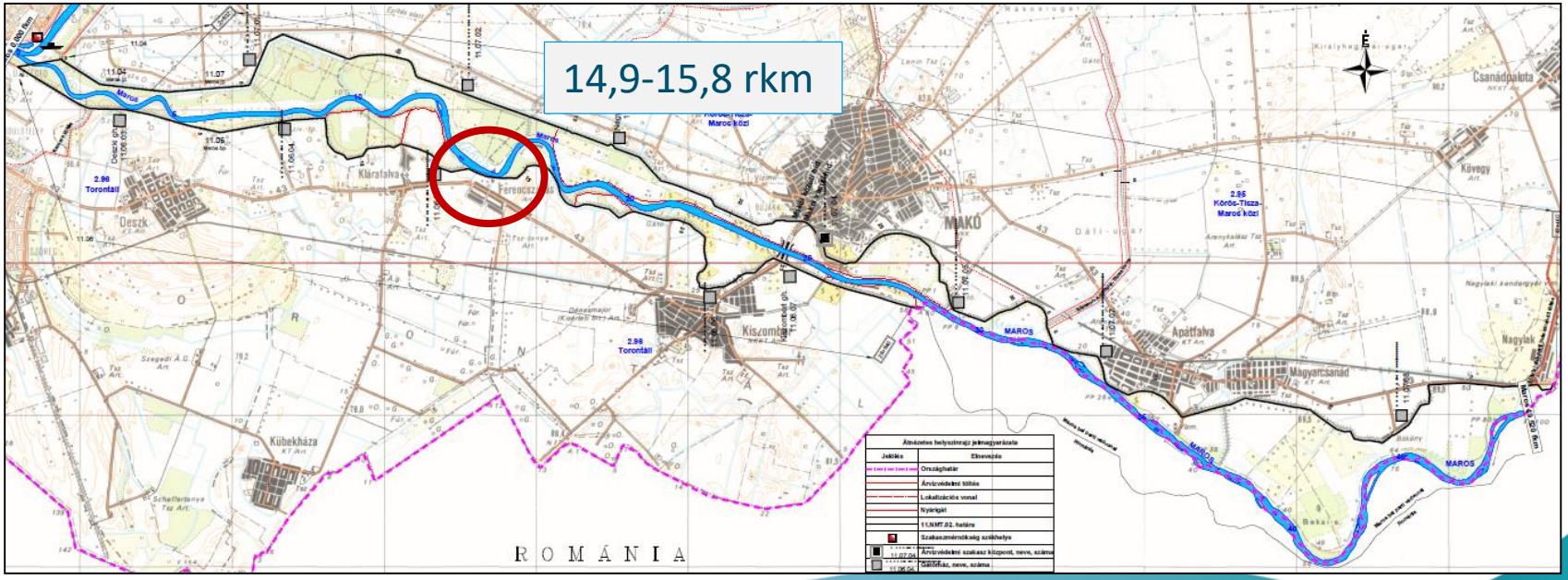
- In Hungary <u>there is a further need</u>
  - promotion of uniform law enforcement: training the designers, EIA authors and authorities, knowledge transfer, guidance, checklists publicly available forms
  - further collection and evaluation of data and information, their presentation in sufficient detail and making them publicly available
  - further methodological development (simplification e.g. in the field of biology)
  - regular exchange of information
  - strengthening the exchange of information between administrative bodies and authorities (RBMP planning organisation and permitting bodies) continuously and during the reviews of the RBMP

- <u>Suggestion for further international level activity:</u>
  - Similarly to the ICPDR level Guiding Principles on Sustainable HP development, develop a thematic Art. 4(7) Guidance Document (with case studies) concerning flood protection on EU or Danube level in accordance with the requirements of the FD, WFD and NATURA 2000 directives.

The pilot case: Ferencszállás Bend of River Maros

Why need to regulate?

- Risk of breaks of flood protection dike
- Shrinking bed width from 120 m to 90 m
- Landslides along shores
- High risk of ice jam
- Destroyed bank protection
- Large trees along bank edges



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Project information

- **Project title: VTT Hullámtér rendezése az Alsó-Tiszán**
- Project No.: KEHOP-1.4.0-15-2015-00003
- Financial contribution by Environmental and Energy Efficiency Operational Programme:
  4.000.000.000 HUF (construction 3,5 billion HUF)
- Support rate: 100%
- Beneficiary:

  General Directorate for Water Management
- Partner:

  Lower Tisza Regional Water Directorate
- End of project: 2020.10.31.

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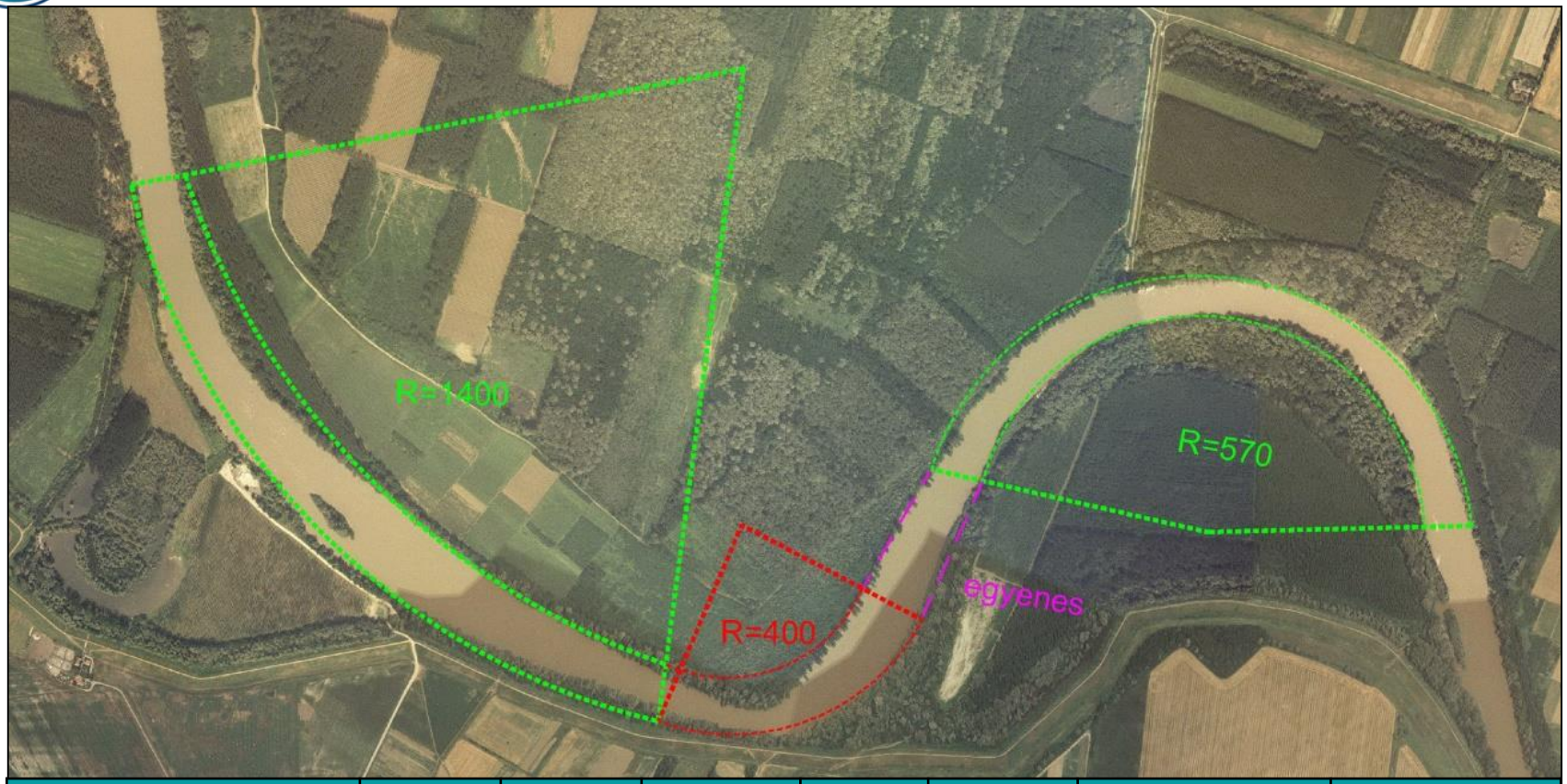
Situation recently: reach sinuosity



River kilometer		L	H	L/H	A	R	Center angle	Note
17,300	15,800	1500	1075	1,395	460	570	140	protected
15,800	15,500	300	300	1,000	0			straight
15,500	14,900	600	510	1,176	150	400	83	protected
14,900	13,230	1670	1580	1,057	240	1400	70	

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Situation recently: edge of dyke

Forrás: ATIVIZIG

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About „Maros mouth” water body

- River Maros 2 WBs: Maros east & Maros mouth
- Type: „8N” very large river basin – lowland – low-sloping – calceareous – medium/fine-grained substrate
- Area of catchment: 30 641 km^2, Mean flow: 180,808 m^3/s, E-flow: 12,949 m^3/s
- Category: heavily modified river WB
- Reasons of HMWB: more than 50% of floodplain and oxbows were cutted by dikes, river regulation (flood protection)
- Dikes 100% both sides, regulation: 75%, cut through bends: 7, spurs: 35, bank reinforcement 40%, channel deepening, water exploitation rate (WEI): 6%
- Natura 2000 areas: HUKM20008 „Maros” & Körös–Maros National Park Monitoring:
  - Szeged (Maros 2 rkm) – surveillance & hydrographic station
  - Makó - operative: hydromorphology & priority substances

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Potential of Maros mouth WB

Hydro-morphology: poor
- Morphology – poor
- Longitudinal continuity – high
- Hydrology – moderate

Physical-chemical: good
- oxygen balance – high
- salinity – good
- pH – high
- nutrients – good

River basin specific pollutants: not good (Cu, Cr)

Biological: moderate
- phytoplankton – moderate
- phytobentos – good
- makrophytes – no data
- makrozoobentos – good
- fishes – good

Ecological potential: moderate

+

Chemical status: good

Significant water management issues:
- narrow floodplain
- no connected side arms, oxbow lakes

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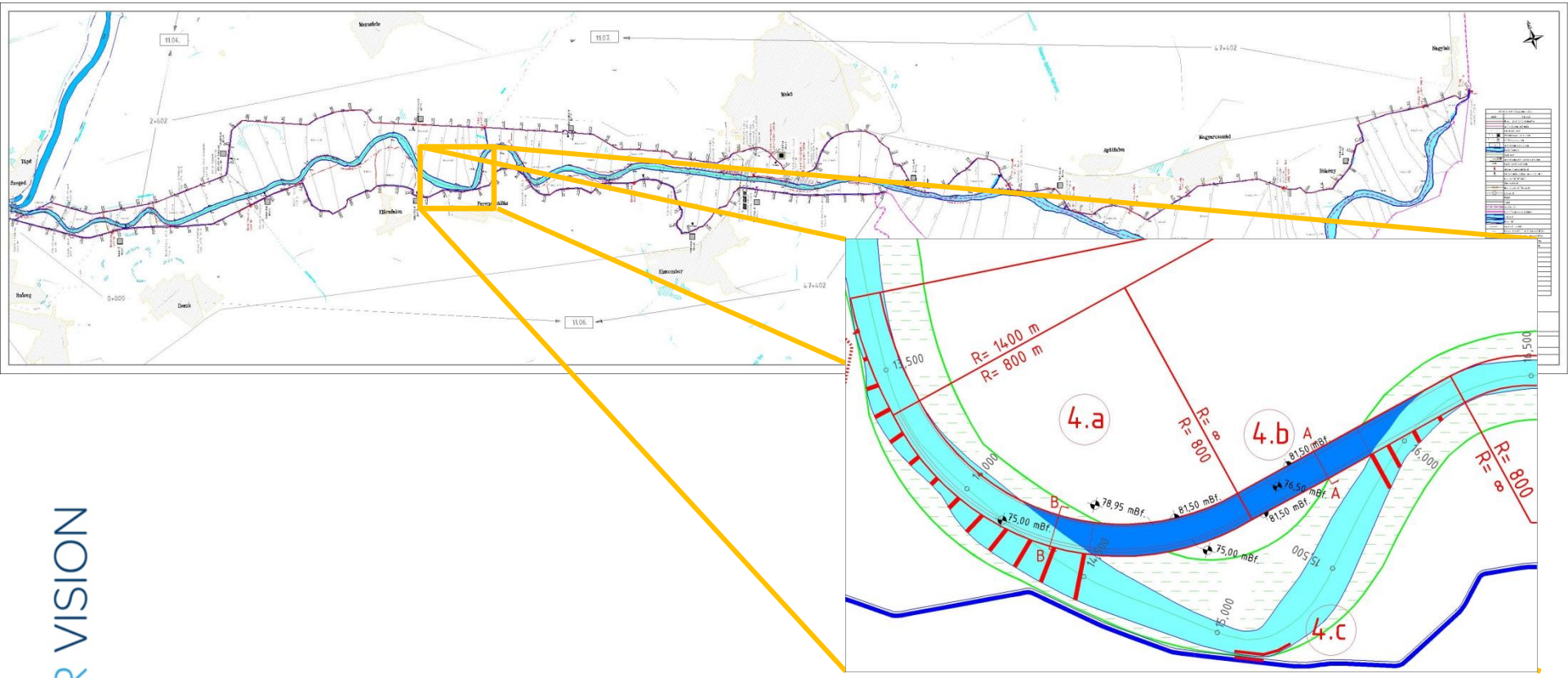
Measures in Flood Risk Management Plan



a.) Cutting through bend, castings, bank protection and sludge works

OR

b.) Hydraulic corridor building

OR

c.) Bed and bank protection, dyke hard engineering

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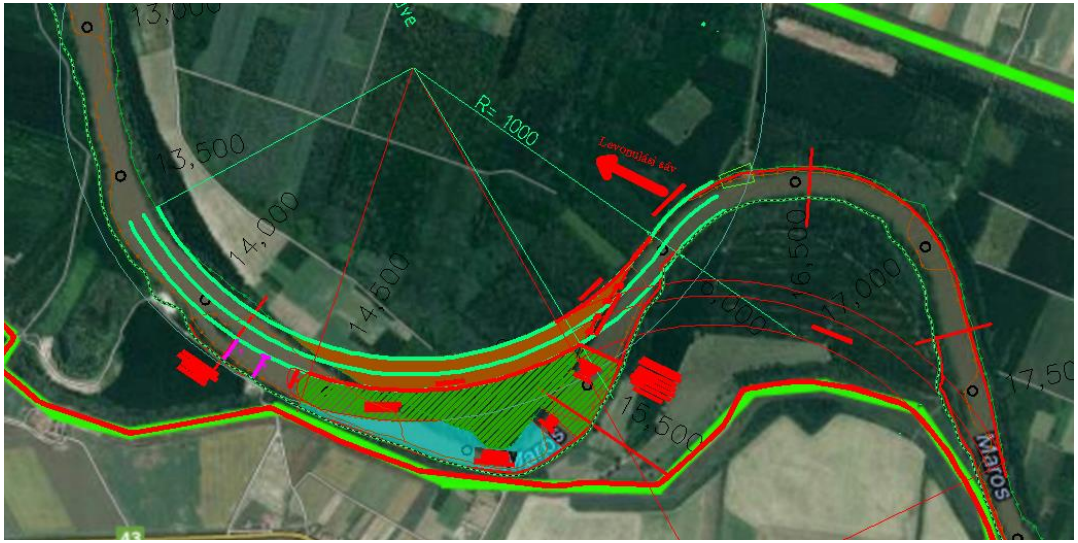
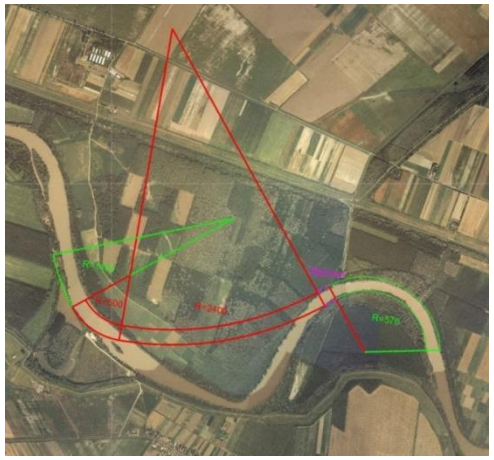
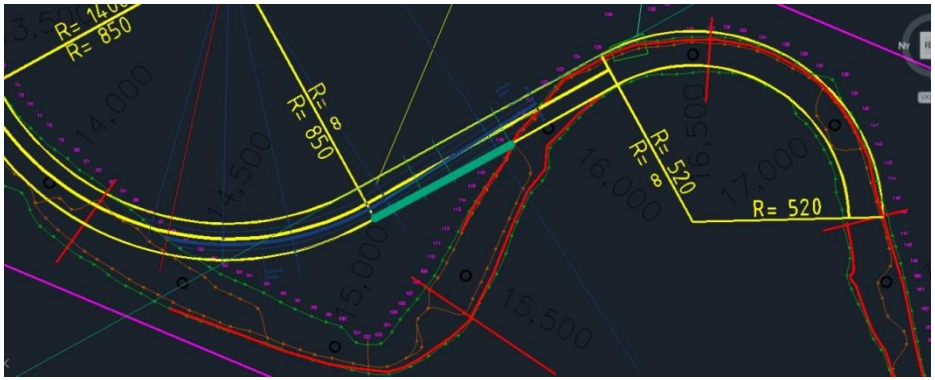
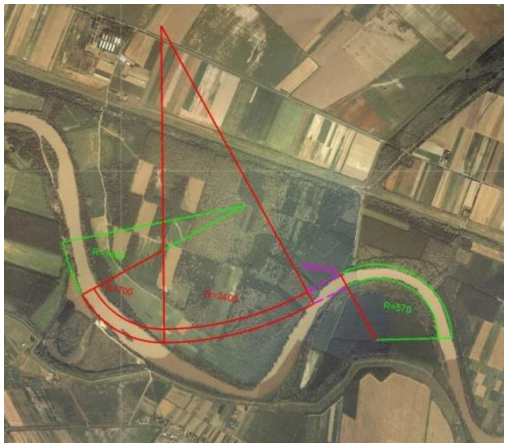
Modelling cutting through

5 versions were modelled , engineers cooperated with nature conservation experts to choose the best solution.









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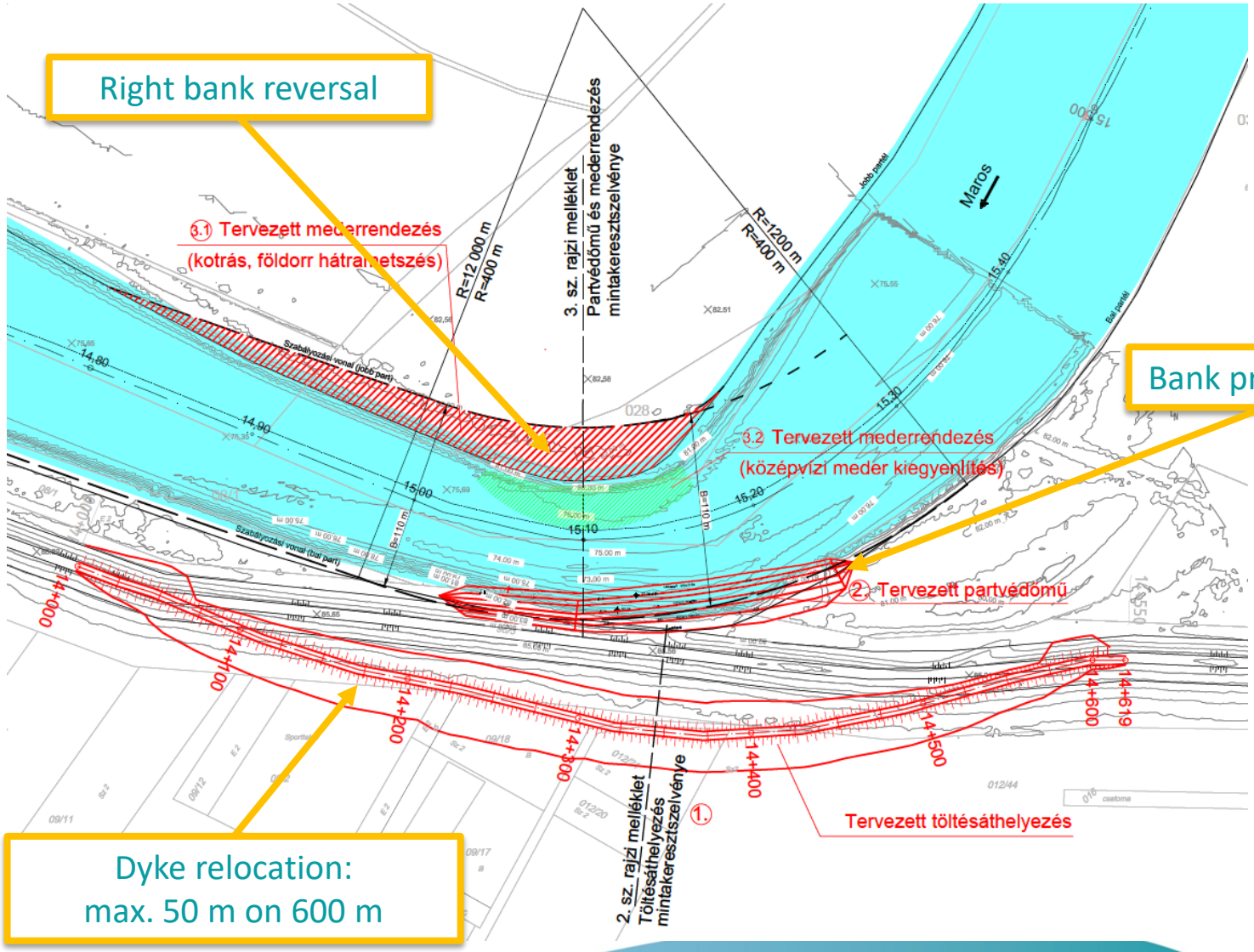
Other solution: relocation of dyke



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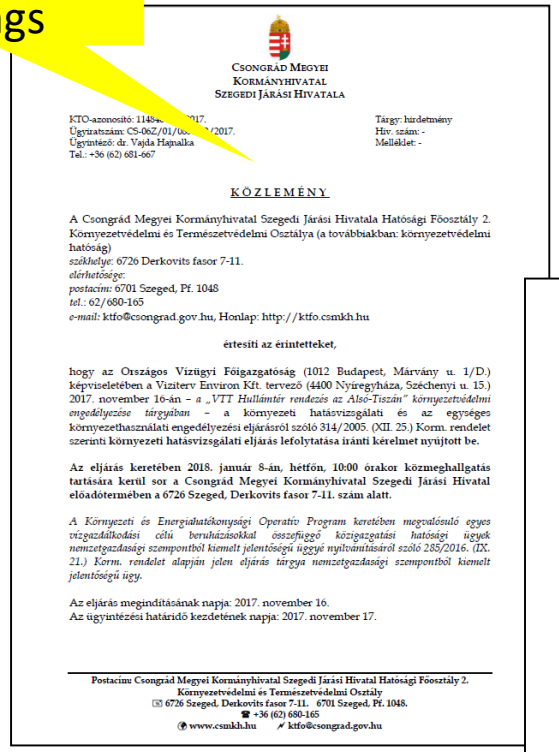
Streamlined EIA process

Start: 16/11/2017
Decision: 15/01/2018

Call of public hearings



CSONGRÁD MEGYEI KORMÁNYHIVATAL
SZEGEDI JÁRÁSI HIVATALA

KTO-azonosító: 114840-1-40/2017.
Ügyiratszám: CS-06Z/01/08561-44/2017.
Ügyintéző: dr. Vajda Hajnalka
Tel.: +36 (62) 681-667

Tárgy: hirdetmény
Hiv. szám: -
Melléklet: -

KÖZLEMÉNY

A Csongrád Megyei Kormányhivatal Szegedi Járási Hivatala Hatósági Főosztály 2. Környezetvédelmi és Természetvédelmi Osztálya (a továbbiakban: környezetvédelmi hatóság)
székhelye: 6726 Derkovits fasor 7-11.
elérhetősége:
postacím: 6701 Szeged, Pf. 1048
tel.: 62/680-165
e-mail: ktfo@csongrad.gov.hu, Honlap: http://ktfo.csmkh.hu

értesíti az érintetteket,

hogy az Országos Vízügyi Főigazgatóság (1012 Budapest, Márvány u. 1/D.) képviseletében a Vízterv Enviro Kft. tervező (4400 Nyíregyháza, Széchenyi u. 15.) 2017. november 16-án – *a „VTT Hullámtér rendezés az Alsó-Tiszán" környezetvédelmi engedélyezése tárgyában* – a környezeti hatásvizsgálati és az egységes környezethasználati engedélyezési eljárásról szóló 314/2005. (XII. 25.) Korm. rendelet szerinti **környezeti hatásvizsgálati eljárás lefolytatása iránti kérelmet nyújtott be.**

Az eljárás keretében 2018. január 8-án, hétfőn, 10:00 órakor közmeghallgatás tartására kerül sor a Csongrád Megyei Kormányhivatal Szegedi Járási Hivatal előadótermében a 6726 Szeged, Derkovits fasor 7-11. szám alatt.

A Környezeti és Energiahatékonysági Operatív Program keretében megvalósuló egyes vízgazdálkodási célú beruházásokkal összefüggő közigazgatási hatósági ügyek nemzetgazdasági szempontból kiemelt jelentőségű ügyek nyilvánításáról szóló 285/2016. (IX. 21.) Korm. rendelet alapján jelen eljárás tárgya nemzetgazdasági szempontból kiemelt jelentőségű ügy.

Az eljárás megindításának napja: 2017. november 16.
Az ügyintézési határidő kezdetének napja: 2017. november 17.

Postacím: Csongrád Megyei Kormányhivatal Szegedi Járási Hivatal Hatósági Főosztály 2. Környezetvédelmi és Természetvédelmi Osztály
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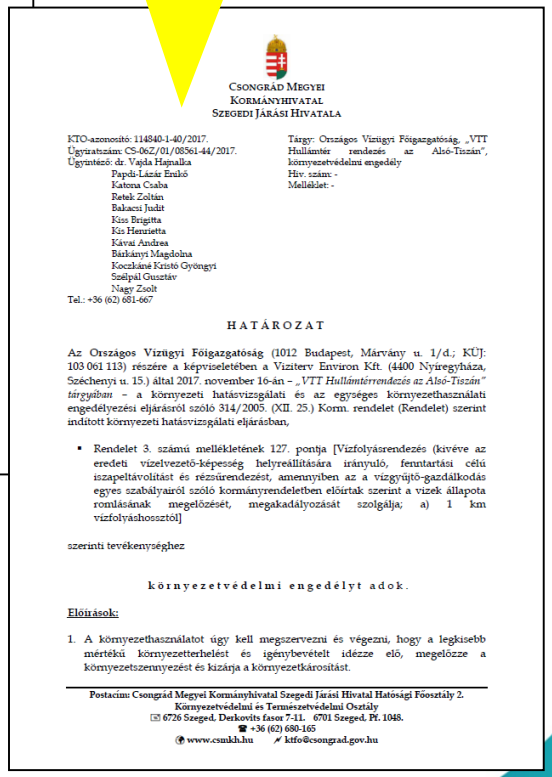

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Ügyiratszám: CS-06Z/01/08561-44/2017.
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Tárgy: Országos Vízügyi Főigazgatóság, „VTT Hullámtér rendezés az Alsó-Tiszán", környezetvédelmi engedély
Hiv. szám: -
Melléklet: -

HATÁROZAT

Az Országos Vízügyi Főigazgatóság (1012 Budapest, Márvány u. 1/d.; KÜJ: 103 061 113) részére a képviseletében a Vízterv Enviro Kft. (4400 Nyíregyháza, Széchenyi u. 15.) által 2017. november 16-án – *„VTT Hullámtérrendezés az Alsó-Tiszán" tárgyában* – a környezeti hatásvizsgálati és az egységes környezethasználati engedélyezési eljárásról szóló 314/2005. (XII. 25.) Korm. rendelet (Rendelet) szerint indított környezeti hatásvizsgálati eljárásban,

- Rendelet 3. számú mellékletének 127. pontja [Vízfolyásrendezés (kivéve az eredeti vízelvezető-képesség helyreállítására irányuló, feruntartási célú iszapeltávolítást és rézsűrendezést, amennyiben az a vízgyűjtő-gazdálkodás egyes szabályairól szóló kormányrendeletben előírtak szerint a vizek állapota romlásának megelőzését, megakadályozását szolgálja; a) 1 km vízfolyáshosszról]

szerinti tevékenységhez

környezetvédelmi engedélyt adok.

Előírások:

1. A környezethasználatot úgy kell megszervezni és végezni, hogy a legkisebb mértékű környezetterhelést és igénybevételt idézze elő, megelőzze a környezetszennyezést és kizárja a környezetkárosítást.

Postacím: Csongrád Megyei Kormányhivatal Szegedi Járási Hivatal Hatósági Főosztály 2. Környezetvédelmi és Természetvédelmi Osztály
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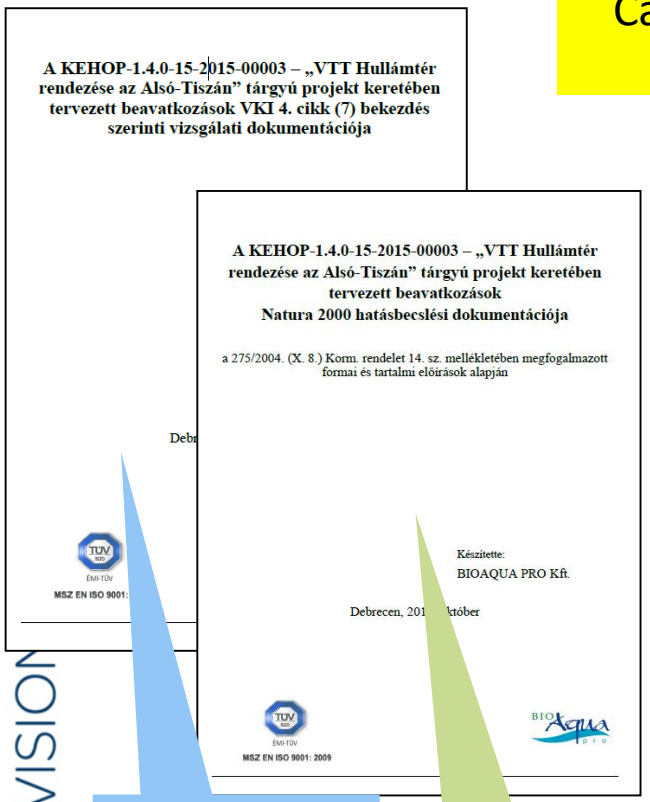

A KEHOP-1.4.0-15-2015-00003 – „VTT Hullámtér rendezése az Alsó-Tiszán" tárgyú projekt keretében tervezett beavatkozások VKI 4. cikk (7) bekezdés szerinti vizsgálati dokumentációja

A KEHOP-1.4.0-15-2015-00003 – „VTT Hullámtér rendezése az Alsó-Tiszán" tárgyú projekt keretében tervezett beavatkozások
Natura 2000 hatásbecslési dokumentációja

a 275/2004. (X. 8.) Korm. rendelet 14. sz. mellékletében megfogalmazott formai és tartalmi előírások alapján

Készítette:
BIOAQUA PRO Kft.

Debrecen, 201 któber

MSZ EN ISO 9001: 2009

WFD Art. 4.7 assessment

Natura2000 assessment

Administrative fee

Env. Impact Assessment

Climate resilience assessment

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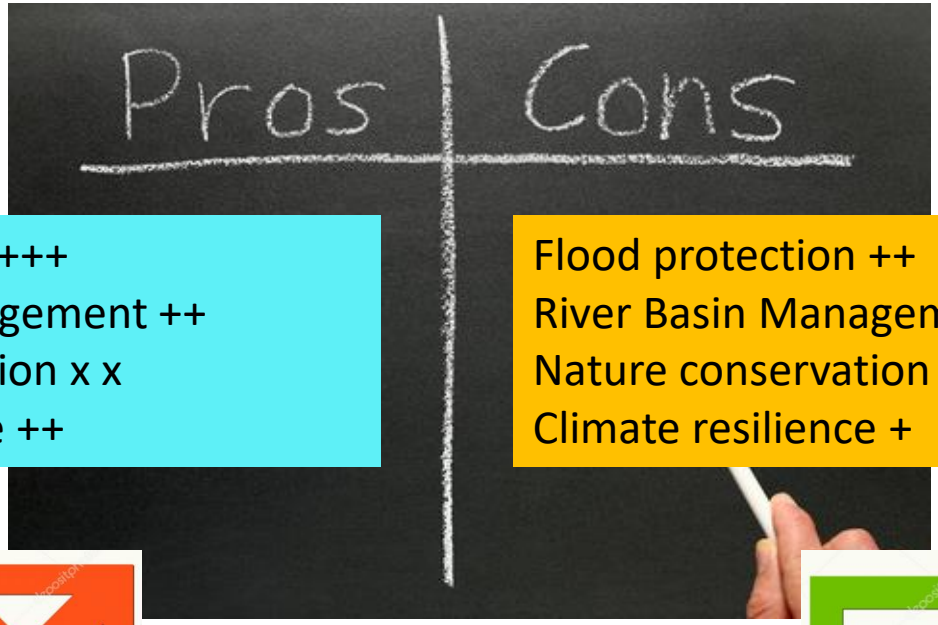
Cutting through or dyke relocation?

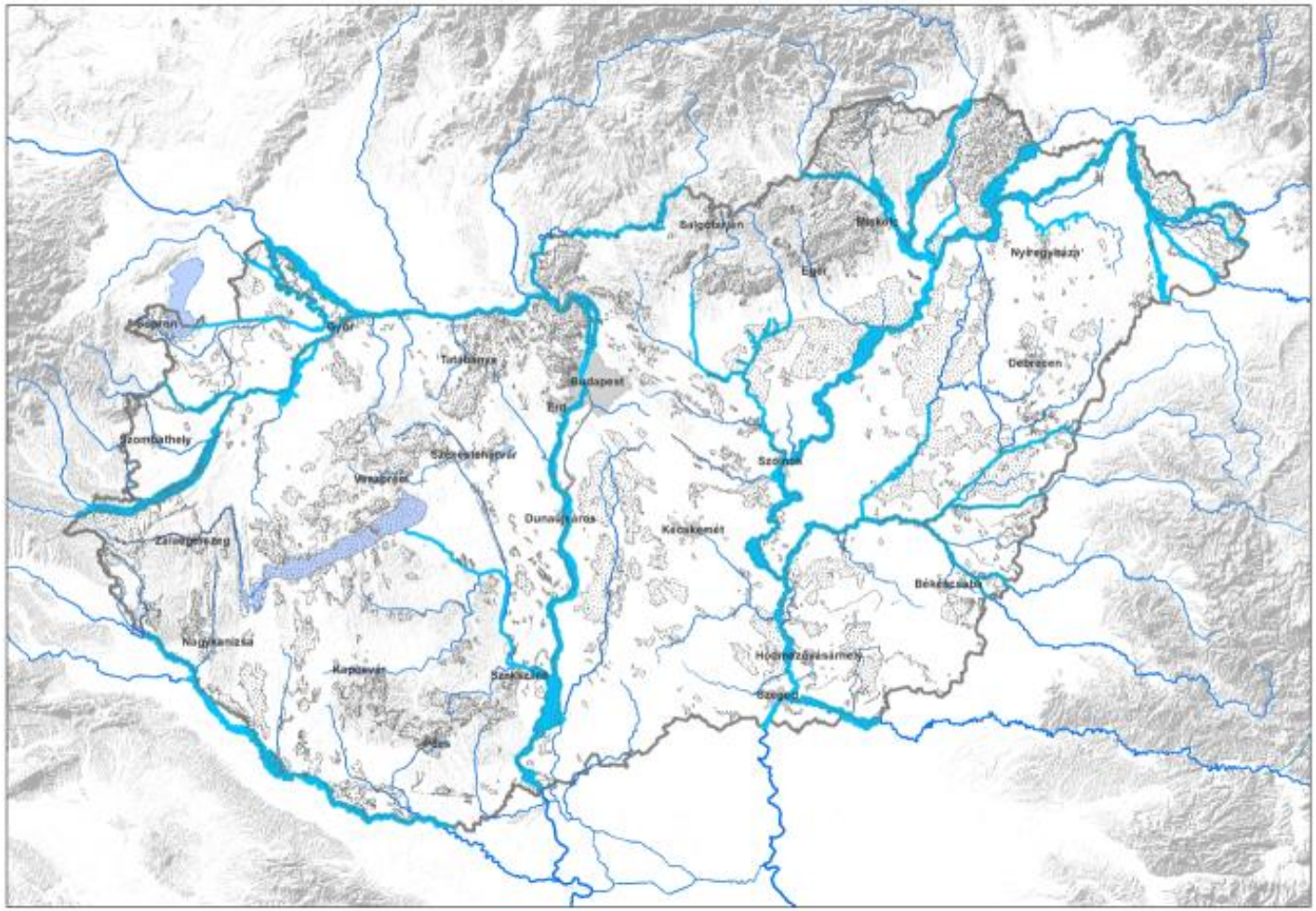


Flood protection +++
River Basin Management ++
Nature conservation x x
Climate resilience ++

Flood protection ++
River Basin Management +
Nature conservation +
Climate resilience +

Nature conservation has stronger impact on EIA decision than water management because of stricter impact assessment: 1% change against significant deterioration of ecological status/potential.

Natura 2000 overlapping



65% of high water flooded area is Natura 2000 site

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Thank You for Your Attention!

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