

NOTE: This document is work in the final draft which needs to be consulted internally. The purpose of this document is to assist the transposition checking carried out by external contractors commissioned by Unit ENV A.2.

CHECKLIST

ON THE TRANSPOSITION REQUIREMENTS OF THE
WATER FRAMEWORK DIRECTIVE 2000/60/EC
(‘LEGISLATIVE ANALYSES AND CONFORMITY CHECK’)

MEMBER STATE:	
LEGAL INSTRUMENT:	
REFERENCE:	
MORE INFORMATION:	
DATE OF ASSESSMENT:	
LANGUAGE OF ASSESSMENT:	

General questions:

QUESTIONS	ANSWER
(1) a) Are there different levels of geographical coverage of the transposition (national/regional)? b) Are there different legal instruments used for the transposition (e.g. law/decreet)?	YES/NO (please specify) YES/NO (please specify)
(2) Was a transformation table provided by the Member State? <i>If yes, please check for correctness and enclose to assessment.</i> <i>If no, please complete and enclose to assessment.</i>	YES / NO

(3) Have all annexes been transposed?	YES / NO
Final assessment: Is the transposition complete?	YES / NO
If no, specify areas of “non-completeness” and “non-conformity”. A discussion on the seriousness of the “non-conformity” should ideally be included.	Specifications and annexes are not been transposed – supposed to be done in further Regulations

Specific questions for assessing the transposition:

Article or Annex	Transposition required / Reference to particular paragraphs	Key Points/Questions	Comments
Article 1 Purpose	No	-	
Article 2 Definitions	Yes, in particular 1, 2, 6, 7, 8, 9, 10, 12, 15, 18, 20, 22, 23, 24, 25, 28, 31, 32, 38, 39	-	The following guidance document No. 2. "Identification of water bodies" is relevant (pls find under): http://europa.eu.int/comm/environment/water/water-framework/guidance_documents.html
Article 3 Administra- tive arrangements	Yes, in particular Paragraph 1 Paragraph 2	<p>Has the river basin district been designated on the basis of river basin definition (not administrative boundaries)?</p> <p>Is the assignment of coastal waters and groundwaters clearly regulated?</p> <p>Are competent authorities being identified?</p> <p>Are the competences clearly defined?</p> <p>Where there is more than one competent authority, is there sufficient provision for cooperation, coherence and consistency?</p> <p>Do the administrative arrangements cover all the rules of the Directive?</p>	

Article or Annex	Transposition required / Reference to particular paragraphs	Key Points/Questions	Comments
	<p>Paragraph 3</p> <p>Paragraph 4</p>	<p>Has the Member State given a duty to assign international river basins to a devolved national authority?</p> <p>Are there appropriate administrative arrangements for implementation of Art 13 (2) regarding the coordination within international river basin districts?</p> <p>Does the national legislation make clear who is entitled to make a request to the EC?</p> <p>What are the legislative provisions for ensuring coordination where there is a geographical and/or functional division of competences for a river basins district?</p>	<p>(question 1: in particular relevant in Member States with federal structures)</p> <p>In relation to the second part of paragraph 3, the same question under paragraph 2 apply.</p>
	Paragraph 5	What are the legislative provisions for ensuring coordination for an international river basins district?	<p>Paragraphs 4 and 5 of Article 3 are similar in purpose but reflect the important difference between situations involving EU Member States (paragraph 4) and non-EU Member States (paragraph 5).</p> <p>See also article 13 (2 and 3).</p>
	Paragraph 6	Has the Member State made use of this possibility?	
	Paragraph 7, 8 and 9	Is the deadline for implementation included?	
<p>Article 4</p> <p>Environmental objectives</p>	Yes		<p>This article requires a detailed analysis.</p> <p>The following document on “Environmental Objectives under the Water Framework Directive” may be relevant as background information (pls find under):</p>

Article or Annex	Transposition required / Reference to particular paragraphs	Key Points/Questions	Comments
	<p>Paragraph 1 (a) Surface Waters</p> <p>Paragraph 1 (a) (i) “no deterioration”</p> <p>Paragraph 1 (a) (ii) “good status”</p> <p>Paragraph 1 (a) (iii) “good potential for HMWB”</p> <p>Paragraph 1 (a)</p>	<p>What is the operative date of by which the “no deterioration obligation” comes into effect?</p> <p>Which administrative bodies have been given a duty to ensure “non deterioration”? Are the powers of these bodies sufficiently broad in scope to allow them to fulfil this duty?</p> <p>What is the baseline against which deterioration is being measured?</p> <p>Have these obligations been explicitly mentioned in the transposition?</p> <p>Does the national legislation fully reflect the details of the duties concerned, in particular the explicit details of Annex V?</p> <p>In particular, does the transposition establish duties on subsidiary administrative bodies that reflect these obligations?</p> <p>Same as paragraph 1 (a) (ii) above</p> <p>Same as paragraph 1 (a) (ii) above</p>	<p>http://europa.eu.int/comm/environment/water/water-framework/index_en.html</p> <p>For example, the analysis in accordance to Article 5 WFD could be used as such a baseline.</p> <p>Transposing legislation may consist of main texts which are supplemented by detailed implementing legislation. It is necessary to check to the level necessary to confirm that Annex V will be respected.</p> <p>The following guidance document No. 4. “Identification and Designation of Heavily Modified and Artificial Water Bodies” is relevant (pls find under): http://europa.eu.int/comm/environment/water/water-framework/guidance_documents.html</p> <p>Same as paragraph 1 (a) (ii)</p>

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	<p>(iv)</p> <p>“pollution reduction or cessation”</p> <p>Paragraph 1 (b) <i>Groundwater</i></p> <p>Paragraph 1 (b) (i)</p> <p>“no deterioration”</p> <p>Paragraph 1 (b) (ii)</p> <p>“good status”</p> <p>Paragraph 1 (b) (iii)</p> <p>“trend reversal”</p> <p>Paragraph 1 (c) <i>Protected areas</i></p> <p>Paragraph 2 <i>Most stringent objective</i></p> <p>Paragraph 3 <i>Designation of AWB/HMWB</i></p>	<p>See also same paragraph 1 (a) (i) for surface waters above</p> <p>Same as paragraph 1 (a) (ii) for surface waters above</p> <p>Same as paragraph 1 (a) (ii) for surface waters above</p> <p>For protected areas (as defined in the legislation listed in Annex IV) has the Member States legislation respected the 15 year compliance deadline or the deadlines otherwise specified?</p> <p>Is there an explicit provision to give effect this paragraph?</p> <p>Does national law set out a designation procedure to ensure that for “artificial and heavily modified” water bodies the conditions set out at sub-paragraph (a), sub-sub-paragraphs (i) to (v) and (b) are met? Please</p>	<p>above</p> <p>Same as paragraph 1 (a) (i) for surface waters above</p> <p>Same as paragraph 1 (a) (ii) for surface waters above</p> <p>Same as paragraph 1 (a) (ii) for surface waters above</p>

Article or Annex	Transposition required / Reference to particular paragraphs	Key Points/Questions	Comments
	<p data-bbox="400 678 630 819">Paragraph 4 <i>Extension of deadlines</i></p> <p data-bbox="400 1335 630 1476">Paragraph 5 <i>Less stringent objectives</i></p>	<p data-bbox="630 387 1102 427">describe procedure.</p> <p data-bbox="630 461 1102 645">If so, by what mechanism is the designation reflected in the river basin management plan in accordance with the last sentence of paragraph 3?</p> <p data-bbox="630 678 1102 898">Is there a procedure for extending the deadlines to ensure that the conditions set out at sub-paragraph (a), sub-sub-paragraphs (i) to (iii) are met? Please describe procedure.</p> <p data-bbox="630 931 1102 1151">If so, by what mechanism is the application of extension of the deadlines reflected in the river basin management plan in accordance with the sub-paragraphs (b) and (d)?</p> <p data-bbox="630 1184 1102 1292">Is it clear in national law that the part to extend deadlines respects sub-paragraph (c)?</p> <p data-bbox="630 1326 1102 1509">Is there a procedure for setting a less stringent objective to ensure that the conditions set out at sub-paragraph (a) to (c) are met? Please describe procedure.</p> <p data-bbox="630 1543 1102 1727">If so, by what mechanism is the setting less stringent objectives reflected in the river basin management plan in accordance with the sub-paragraph (d)?</p> <p data-bbox="630 1760 1102 2060">Is there a link being made between the application of paragraph 5 and 4 in the sense that the resort to paragraph 5 is only made when the possibility of an extension of deadlines under paragraph 4 will be insufficient to achieve the objective of paragraph</p>	

Article or Annex	Transposition required / Reference to particular paragraphs	Key Points/Questions	Comments
	<p data-bbox="411 461 603 495">Paragraph 6</p> <p data-bbox="411 533 603 600"><i>Temporary deteriorations</i></p> <p data-bbox="411 891 603 925">Paragraph 7</p> <p data-bbox="411 963 603 1104"><i>New modifications and developments</i></p> <p data-bbox="411 1731 603 1765">Paragraph 8</p> <p data-bbox="411 1803 603 1910"><i>Limitation of derogations to water body</i></p> <p data-bbox="411 1944 603 1977">Paragraph 9</p> <p data-bbox="411 2016 603 2049"><i>Safeguard of</i></p>	<p data-bbox="641 394 673 427">1?</p> <p data-bbox="641 461 1082 568">Is there a procedure for declaring that the conditions allowing a temporary deterioration apply?</p> <p data-bbox="641 607 1018 714">How is it ensured that the safeguards set out at sub-paragraph (a) to (e) are met?</p> <p data-bbox="641 752 1070 860">What is the baseline against which temporary deterioration is being measured?</p> <p data-bbox="641 898 1082 1149">How does the national transposition define “new modifications” and “new sustainable human development activities” (including the deadline by when they are considered “new”)?</p> <p data-bbox="641 1187 1082 1476">Does national law set out a prior approval procedure to ensure that for “new modifications” and “new sustainable human development activities” the conditions set out at sub-paragraphs (a), (c) and (d) are met?</p> <p data-bbox="641 1514 1054 1697">If so, by what mechanism is the approval reflected in the river basin management plan in accordance with sub-paragraph (b)?</p> <p data-bbox="641 1736 1018 1800">Are there specific provisions transposing this paragraph?</p> <p data-bbox="641 1944 1018 2009">Are there specific provisions transposing this paragraph?</p>	<p data-bbox="1118 461 1549 568">This obligation is an <i>ex post</i> obligation in contrast to paragraphs 3, 4, 5 and 7.</p> <p data-bbox="1118 1171 1549 1422">Such a procedure is likely to be linked to the requirements of the EIA Directive (85/337/EEC) or SEA (2001/42/EC) Directive and possible the requirements of Article 6 of the Habitats Directive (92/43/EEC).</p>

Article or Annex	Transposition required / Reference to particular paragraphs	Key Points/Questions	Comments
	<i>existing level of protection</i>		
Article 5 Analysis	Yes	Are the requirements transposed correctly? (<i>Note: needs to be checked in conjunction with Annex II and III</i>)	The EC has an interest in knowing whether and if so how responsibility for the analyses and reviews mentioned in Article 5 is allocated to specific authorities and if so how?
Article 6 Protected areas	Yes	Is the establishment of the register provided for including deadline for implementation and review clause?	See comment Article 5.
Article 7 Drinking Water areas	Yes	<p>Paragraph 1 Has the obligation for the designation process been transposed correctly?</p> <p>Paragraph 2 What reference is made to the drinking water standards in the national legislation?</p> <p>Paragraph 3 How is the requirements of reduction in the “level of purification treatment” transposed?</p> <p>Have “safeguard zones” been established?</p>	
Article 8 Monitoring	Yes	Are the monitoring requirements transposed correctly? (<i>Note: needs to be checked in conjunction with Annex V</i>)	See comment Article 5.
Article 9 Cost recovery	Yes	(Paragraph 1) Is this requirement reflected in the national legislation? If not, is there any formal	The following guidance document No. 1. “Economics and the Environment - The Implementation Challenge of the Water Framework Directive” is

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		<p>indication of how and when this provision will be fulfilled, eg policy document?</p> <p>If yes, how is the requirement addressed? What is the scope of the equivalent national provisions? Does it clearly distinguish between water services and water uses?</p> <p>As regards “incentives” referred to in the first indent, what form do these take, eg is there a “pro rata” pricing or “flat rate” structure for the different water uses?</p> <p>As regards “adequate contribution” referred to in the second indent, does the MS invoke Article 9 (4) and if so, provide details. If not, is there full disaggregation for, at least, households, industry and agriculture? Are these sectors defined in to comprehensively cover all water uses or are there other uses which fall outside these, eg recreational uses (eg bathing, pleasure boating)?</p> <p>Has the MS invoked the possibilities referred to in the last sentence, and if so, how and with what justification? Is there a link to Article 9 (4)?</p> <p>(Paragraph 2) see reporting on RBMP, cf. Article 15 and Annex VII.</p> <p>(Paragraph 3) Are there legislative provisions addressing the sorts of funding arrangements mentioned in this paragraph?</p>	<p>relevant (pls find under): http://europa.eu.int/comm/environment/water/water-framework/guidance_documents.html</p>

Article or Annex	Transposition required / Reference to particular paragraphs	Key Points/Questions	Comments
	<p data-bbox="408 790 576 824">Paragraph 3</p> <p data-bbox="408 1585 576 1619">Paragraph 4</p> <p data-bbox="408 1843 576 1877">Paragraph 5</p>	<p data-bbox="639 394 1094 465">must, at least, contain the “basic” measures set out in paragraph 3?</p> <p data-bbox="639 499 1094 757">Is there a reference to “supplementary” in the national legislation? And under what circumstances and in what way are “supplementary” measures required to be included in programmes?</p> <p data-bbox="639 790 1094 936">Are all “basic” measures transposed correctly? Check each sub-paragraph (a) to (l) specifically!</p> <p data-bbox="639 969 1094 1182">To what extent have the specific requirements of sub-paragraphs (a) to (l) been regulated in detail in the transposing legislation and to what extent are they deferred to later measures?</p> <p data-bbox="639 1227 1094 1552"><i>(Note: many of the obligations in Article 11 (3)(e.g. prior regulation of discharges and prior authorisation of abstractions) may be transposed in specific legislation, decrees, government orders etc. These specific pieces of legislation will need to be in place as well.)</i></p> <p data-bbox="639 1585 1094 1798">See also paragraph 2. In particular, under what circumstances and in what way are “supplementary” measures required to be included in programmes?</p> <p data-bbox="639 1843 1094 1921">Is the process regarding failure of objectives set up clearly?</p> <p data-bbox="639 1955 1094 2022">Are each of the matters referred to in the indents covered in a binding</p>	<p data-bbox="1110 394 1209 427">Part B.</p> <p data-bbox="1110 790 1562 1193">The “basic” measures include a number of other pieces of EU legislation specified in Annex VI, Part A. If issues relating to transposition of these Directives is noted, it should be reported but a comprehensive transposition check of these other directives is not foreseen under the assessment for the WFD.</p> <p data-bbox="1110 1227 1562 1440"><i>(Note: the conformity checking of paragraph 3 might require a particular and extensive degree of analysis given the very broad scope of the stipulated sub-paragraphs (a) to (l).)</i></p> <p data-bbox="1110 1843 1562 1989">Should be read and assessed together with Article 4, in particular exemptions Art. 4.4, 4.5 and 4.6.</p>

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	<p>Paragraph 6</p> <p>Paragraph 7 and 8</p>	<p>national review mechanism?</p> <p>How has the obligation regarding prevention of increase in pollution been transposed?</p> <p>Are the timetables and deadlines transposed correctly?</p>	<p>The first sentence of paragraph 6 might be considered as referring to waters outside of the scope of application of the directive (i.e. marine waters). In contrast, the second sentence would refer to waters within the scope of the directive (i.e. surface waters).</p>
<p>Article 12</p> <p>Unresolved issues</p>	<p>No, but see comments</p>		<p>It is possible that MS legislation made reference to Article 12.1 in which case the relevant provisions should be identified and explained.</p>
<p>Article 13</p> <p>River Basin Management Plan (RBMP)</p>	<p>Yes</p> <p>Paragraph 1</p> <p>Paragraph 2</p>	<p>Has the task of producing the river basin management plan been clearly attributed to the competent authority (see Art. 3)? If not, to whom has the task been attributed and is it known why the competent authority has not been given the task?</p> <p>How is the duty of coordination within an international river basin district provided for in national legislation and/or administrative arrangements?</p> <p>How is the need to meet the deadlines given in paragraphs 6 and 7 addressed in relation to coordination within an</p>	<p>Information on the international cooperation requirements must also be included in implementation reports of the MS provided for under Article 3 (8).</p>

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	<p data-bbox="411 678 571 712">Paragraph 3</p> <p data-bbox="411 1003 571 1037">Paragraph 4</p> <p data-bbox="411 1402 571 1435">Paragraph 5</p>	<p data-bbox="641 394 1066 427">international river basin district?</p> <p data-bbox="641 461 1070 640">How is the alternative possibility given in the second sentence in paragraph 13 (2) covered in the national legislation and/or administrative arrangements?</p> <p data-bbox="641 678 1058 898">Are there any legislative provisions or administrative arrangements covering cooperation with third countries for the purposes of this requirement of the directive?</p> <p data-bbox="641 1003 1078 1182">Does the national legislation clearly and completely transpose the provisions of paragraph 4 and the related Annex VII requirements?</p> <p data-bbox="641 1220 1062 1361">Does the national legislation provide for additional requirements beyond Annex VII (eg flooding)?</p> <p data-bbox="641 1402 1010 1581">Has the Member States specifically provided for the possibility as outlined in paragraph 5 in its national legislation?</p> <p data-bbox="641 1619 1058 1798">Has it specifically identified the relevant plans and programmes and/or the authorities with competence to adopt and implement them?</p> <p data-bbox="641 1836 1086 2016">Are there provisions aimed at ensuring consistency and coherence between the river basin management plans and the supplementary programmes and</p>	<p data-bbox="1118 678 1552 898">Paragraphs 2 and 3 of Article 13 are similar in purpose but reflect the important difference between situations involving EU Member States (paragraph 2) and non-EU Member States (paragraph 3).</p> <p data-bbox="1118 936 1473 969">See also article 3 (4 and 5).</p>

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	Paragraph 6 and 7	plans? Are the timetables and deadlines transposed correctly?	The review clause in paragraph 7 might be linked to the extension of deadlines in Article 4 (paragraph 4 c).
Article 14 Public Participation	Yes, in particular paragraph 1	<p>The EC has an interest in learning whether and if so how MS distinguish between the notion of active involvement referred to the first sentence in Article 14 paragraph 1 (see guidance document nr.8) and the requirement for information supply and consultation (see remaining part of paragraph 1).</p> <p>It is also important to check whether and if so how the implementing provisions for article 14 are linked to provisions to implement other Directives, in particular the SEA Directive (2001/42/EC). Have the MS combined arrangements for both?</p> <p>With regard to the final sentence of Article 14.1, there is an interest in knowing whether and if so how there is any link to provisions transposing community access to information legislation, see in particular Directive 1990/313/EEC and Directive 2004/3/EC.</p>	<p>The following guidance document No. 8. “Public Participation in Relation to the Water Framework Directive” is relevant (pls find under): http://europa.eu.int/comm/environment/water/water-framework/guidance_documents.html</p> <p>See guidance document on SEA Directive: http://europa.eu.int/comm/environment/eia/sea-support.htm</p>
Article 15 Reporting	No, but see comments	-	It is possible that MS legislation may fix a duty on an individual authority or authorities to make reports. In this case this should be identified and explained.
Article 16 Priority	No, with the exception of	-	Under paragraph 8, Member States are required to provide

Article or Annex	Transposition required / Reference to particular paragraphs	Key Points/Questions	Comments
Substances	paragraph 8.		national provisions if there is no agreement on a Community legal instrument.
Article 17 Groundwater	No, with the exception of paragraph 4.	-	Under paragraph 4, Member States are required to provide national provisions if there is no agreement on a Community legal instrument.
Article 18 Commission reports	No	-	
Article 19 Future measures	No	-	
Article 20 Technical adaptations	No	-	
Article 21 Committee	No	-	
Article 22 Repeals	No, but see comments.	-	<p>MS legislation may formally repeal existing national legislation used to transpose the Directives intended to be repealed by Article 22. In this event the national repealing provision should be identified and explained. Furthermore, if the national repeal dates are earlier than foreseen in Article 22 this should be noted and analysed.</p> <p>It should be checked whether and how MS have ensured the same level of protection for these Directives (see Article 4</p>

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			paragraph 1 c and 9).
Article 23 Penalties	Yes	Has a provision on penalties been included? Are penalties “effective, proportionate and dissuasive”?	
Article 24 Implementation	no, apart from number (1) second paragraph	Has a reference to Directive 2000/60/EC been included in the transposed instrument?	
Article 25 Entry into force	No	-	
Article 26 Addressees	No	-	
Annex 1 Competent authorities	No, but see comments.	-	The EC has an interest in knowing whether and if so how responsibility for the respective Annex is allocated to specific authorities and if so how?
Annex 2 Characterisation, pressures and impacts	No, but see comments.	-	The EC has an interest in knowing whether and if so how responsibility for the respective Annex is allocated to specific authorities and if so how?
Annex 3 Economic analysis	No, but see comments.	-	The EC has an interest in knowing whether and if so how responsibility for the respective Annex is allocated to specific authorities and if so how?
Annex 4 Protected areas	No, but see comments.	-	The EC has an interest in knowing whether and if so how responsibility for the respective Annex is allocated to specific

Article or Annex	Transposition required / Reference to particular paragraphs	Key Points/Questions	Comments
			authorities and if so how?
Annex 5 Classification and monitoring	Yes	-	The importance of Annex 5 is stressed since it specifies the objectives laid down in Article 4.
Annex 6 Programme of measures	No, but see comments.	-	The EC has an interest in knowing whether and if so how responsibility for the respective Annex is allocated to specific authorities and if so how?
Annex 7 River Basin Management Plan	No, but see comments.	-	The EC has an interest in knowing whether and if so how responsibility for the respective Annex is allocated to specific authorities and if so how?
Annex 8 Pollutant groups	Yes	-	
Annex 9 ELVs and EQS	Yes	Have the ELVs and EQS been referred to in the national legislation?	
Annex 10 Priority substances	Yes (according to Decision 2455/2001/EC)	Has the list of priority substance been included in the national legislation? (check substances)	
Annex 11 Ecoregions	No	-	