



## **Screening of drafts of the second River Basin Management Plans for evidence of action on Commission's recommendations for improvements in Member States' implementation of the WFD**

**Member State: *Germany (DE)***

### **Disclaimer**

**The views expressed are purely those of the assessors and may not in any circumstances be regarded as stating an official position of the European Commission**

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# 1. River Basin District: *Danube/BY*

## 1.1 Headlines

The following passage summarises the main changes made in the draft second RBMP compared to the first RBMPs, for example, as required in annex VII B.

- There is an extended and detailed chapter of changes or updates since the publication of the previous version of the river basin management plan (chapter 13). Main issues are:
  - Change in WB (more water bodies than 2009; SW: 868 to 964; GW 69 to 259)
  - Changes in protected areas (due to new legal requirements and more areas)
  - Changes in the definition of significant pressures following the Blueprint recommendations to strengthen the DPSIR approach
  - Update of the risk assessment following a German wide approach, due to change in WB, change of the definition of significant pressures, new environmental quality standards (EQS), new assessment methods and better monitoring data
  - Improved assessment methods for lakes and groundwaters result in changes of the status assessment. Gaps in assessment methods have also been closed (e.g. fish in lakes)
  - Changes in monitoring of surface and ground water. For groundwater more monitoring stations have been established, for surface water new methods are used (e.g. chemical monitoring, monitoring of biota)
  - Changes due to new water legislation as regards to the environmental status
  - An improved and more detailed economic assessment (considering new uses but also the fact that Germany will ban nuclear power)
  - Earlier public consultation for the programme of measures (PoM) in order to increase acceptance.

In cases where the expectations of the first plan have not been achieved or are not expected to be achieved, there is a description of what expectations have not been achieved and an explanation of why not.

- Chapter 14 details the status of the PoM implementation. Beside other issues it also clearly outlines which measures have not been implemented so far. The main reasons why measures are not implemented are: i) lack of acceptance, ii) lack of land obtained, iii) lack of human or financial resources. Some minor issues are also mentioned but said to be limited to specific cases.

- It is further mentioned that due to the changes mentioned above a direct comparison of what was planned to be achieved in 2009 and the status in 2015 is not directly comparable. However, it is stated that not all environmental objectives have been achieved and further efforts are needed, even if several success stories exist. The reasons are lack of implementation of measures (see above) and the fact that the biology requires more time to recover.

## 1.2 Screening of progress on recommendations made in the Commission Staff Working Document (2015)

For each of the recommendations made in the Commission Staff Working Document (CSWD), which was published in March 2015, Table 2 shows:

- A baseline against which to assess progress, and the actions required to solve the issue and fully address the recommendation;
- An evaluation (key provided in Table 1); and
- Justification for the evaluation of progress.

**Table 1 Description of the evaluation criteria used in the screening of progress**

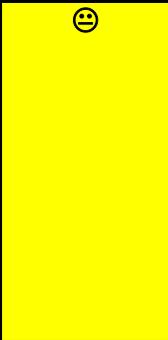
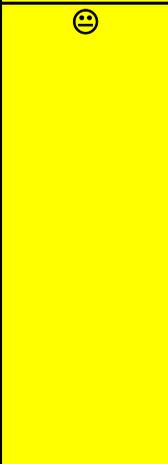
Evaluation	Description
😊😊	<p><b>Strong evidence that actions taken are likely to address the COM recommendation.</b></p> <p>All the actions relating to the recommendation have clearly been taken in the second plans. The actions are defined in relation to the “baseline” situation in the first RBMPs.</p>
😊	<p><b>Evidence found that good progress has/is being made</b></p> <p>There has been good progress on the actions associated with the recommendation but not all actions have been taken, some may be on-going with a clear timetable which will solve issues in a reasonable timeframe (1 year for simple things, 2-3 years for more complex issues).</p>
😐	<p><b>Some evidence of progress.</b></p> <p>Some (but not all) of the actions proposed in the recommendations are mentioned and described but not in enough detail to be certain that they have been fully taken. Some of the actions required by the recommendation may not have been taken or mentioned at all.</p>

?	<p><b>No information could be found on the actions associated with the recommendation.</b></p> <p>There is no information in the plan that any of the actions associated with the recommendation have been considered or taken. The justification must describe the documents that have been screened.</p>
☹	<p><b>No progress, or implementation of the WFD has worsened</b></p> <p>The same inadequate processes, approaches and/or methods used in the first plan have been reported in the second plan, and/or implementation has worsened in relation to the subject of the recommendation.</p>

**Table 2 Assessment of progress on recommendations made in the CSWD (2015)**

Recommendation made in CSWD (March 2015)	Baseline for assessment of progress and actions required to solve the issue and fully address the recommendation	Evaluation	Justification for evaluation of progress
Improve knowledge (in designing and making operational the measures for the 2nd RBMP cycle) on the link between pressures and impacts in order to:		☺	It is stated that work has been carried out in particular to implement the DPSIR approach. A clear quote to the COM recommendation is made.
<ul style="list-style-type: none"> <li>Refine the significance of the pressures by quantifying those which are likely to prevent the achievement of environmental objectives;</li> </ul>	The information regarding significance for single pressures is compiled and made transparent in the assessment templates. It is not homogeneous across all Länder or Germany. There are different understandings concerning the selection of which of the biological quality elements (BQE) is most sensitive to a certain pressure.	☺☺	There is a clear indication for pressures on how many water bodies they impact and whether they are likely to prevent the achievement of environmental objectives.
<ul style="list-style-type: none"> <li>Assess the reduction in pressures required to achieve environmental objectives;</li> </ul>	DE should identify how much load reduction (agriculture) is necessary.	☺	There is a clear assessment how much of the N and P comes from agriculture, but it remains unclear how much load reduction (agriculture) is necessary to achieve good status. It also remains unclear how much reduction is needed for the other pressures.
<ul style="list-style-type: none"> <li>Apportion the source and clearly identify the responsible sectors/areas.</li> </ul>	DE has done a very detailed assessment of pressures and related them to the different sources. This was done mainly in the context	☺	A table clearly indicates the link between sector and pressure. The table is then further elaborated and it is stated that more work has

Recommendation made in CSWD (March 2015)	Baseline for assessment of progress and actions required to solve the issue and fully address the recommendation	Evaluation	Justification for evaluation of progress
	of identifying significant water management issues. What is lacking is the magnitude each source contributes to a certain pressure. Sometimes qualitative statements can be found (e.g. a major source is...).		been done compared to 2009 in particular to reflect the COM recommendation of the 3rd implementation report /blue print communication. Information in the magnitude is not for all sectors provided.
<ul style="list-style-type: none"> <li>Enhance measures to tackle pollution by nutrients (nitrogen (N) and phosphorus (P)) considering their impact on the ecological status because diffuse pollution from agriculture is the main reason for poor groundwater status, and all coastal and transitional waters are failing due to eutrophication. Full consideration of the basin-wide impact is needed in this respect (local and downstream impacts including up to transitional and coastal waters).</li> </ul>	According to the information supplied by Germany in the bilaterals, even by implementing the current Nitrates Directive (ND), DE will not achieve good status (GS) under the water framework directive (WFD).	☹	The implementation of the Nitrates Directive is clearly mentioned as a basic measure, but that additional measures are needed in order to achieve widespread good status, especially for groundwater bodies. Reference is made to Measure 41 under the LAWA catalogue. The plan details which agriculture measures to reduce nutrient pollution are prioritised. It remains unclear, however, what the gap remains in achieving WFD objectives with the implementation of the nitrates directive (ND) and the extent to which the listed measures in the plan will plug this gap.
Check that their nutrient standards are consistent with biological requirements for the achievement of good status and set out a more coherent strategy in the 2nd RBMPs that reflects:	DE will provide information on what standards are needed for N to fulfil WFD requirements, including factual information on N reduction.	☹	There is a clear assessment of how much of the N and P comes from agriculture, but it remains unclear how much load reduction (agriculture) is necessary to achieve good status. There is no information on whether nutrient standards are consistent with biological requirements for the achievement of good ecological status. For the chemical status the value is set to (50mg/l).
<ul style="list-style-type: none"> <li>for agriculture: what will be achieved through measures to implement the Nitrates Directive, through basic measures under article 11.3. of the WFD, basic measures</li> </ul>	No specific information reported to what will be achieved through measures to implement the Nitrates Directive (Article 11.3.a), through basic measures under article 11.3.h of the WFD, supplementary measures included in pillar 1 (GAEC, greening) of the CAP and	☹	There is no information in Chapter 7 on what will be achieved through the ND. Chapter 7 does not provide any information on revisions to the nitrates action programme. The plan mentions that supplementary measures are part of greening and lists specific measures.

Recommendation made in CSWD (March 2015)	Baseline for assessment of progress and actions required to solve the issue and fully address the recommendation	Evaluation	Justification for evaluation of progress
<p>included in pillar 1 (GAEC, greening) of the common agricultural policy (CAP) and supplementary measures under pillar 2 of the CAP; Germany should put in place a revised nitrates action programme under the Nitrates Directive that can address this issue meaningfully</p>	<p>voluntary under pillar 2 of the CAP.</p>		<p>The plan, however, lists the same measures in the section on supplementary measures and in the section on voluntary measures under the rural development programme (RDP).</p>
<ul style="list-style-type: none"> <li>for urban areas: what will be achieved through compliance with the UWWTD and what will be required beyond this (e.g. tightening of standards, addressing storm water overflows).</li> </ul>	<p>Basic measures to tackle point sources (point sources also UWWT and storm water overflow) were not enough to meet WFD objectives in rivers in all river basin districts (RBDs) except the Eider and Schlei-Trave; in lakes in the Danube, the Rhine, Weser, Elbe and Odra; and in transitional waters in the Elbe. Measures have been taken but there is no assessment or judgement as to how much the measures will contribute to the achievement of WFD objectives;</p>		<p>There is a clear assessment how much of the N and P comes from UWW, but it remains unclear how much load reduction is necessary to achieve good status. The issue of storm water has been recognised and the loads coming from are subject to a research project.</p>
<p>In particular it is expected that the 2nd RBMPs, based on the necessary reduction in nutrient load, clearly identify the extent to which the measures already taken under the implementation of ND and UWWTD contribute to the achievement of WFD objectives and which additional measures should be taken to actually achieve these objectives. A clear identification of basic (mandatory) measures is expected to be made transparent both to the sectors and the general public. Clarity on timescale of implementation of the measures is also</p>	<p>DE to identify clearly which additional measures are considered necessary (either under the ND or other instruments) in order to achieve WFD objectives (calculating baseline scenarios, progress under the ND and agri-environmental schemes, and identifying the remaining gap). It is necessary to be transparent about what is already in place and what extra measures are needed to reach the stated objectives. The measures should be identified, before exemptions are considered</p>		<p>The implementation of the Nitrates Directive is clearly mentioned as a basic measure. The plan indicates that while its implementation has led to improvements in nutrient pollution, its implementation alone is not sufficient in order to achieve a widespread good status, especially for groundwater bodies. As such, supplementary measures are needed. The plan lists which agriculture measures to reduce nutrient pollution are prioritised under supplementary measures. The plan does not indicate, however, in quantitative terms the extent to which the measures under the ND have contributed to achieving WFD objectives or what the remaining gap is.</p>

Recommendation made in CSWD (March 2015)	Baseline for assessment of progress and actions required to solve the issue and fully address the recommendation	Evaluation	Justification for evaluation of progress
expected.			The implementation of the UWWTD is clearly mentioned as basic measures, but it remains unclear to which it contributes to the achievement of WFD objectives.
Review regulation on the use of pesticides (beyond nutrients) in order to prevent pollution at source and effectively reduce current levels of contamination of both surface and groundwater, making clear linkages with the implementation of the Directive on the sustainable use of pesticides. If the National Action Programme is intended to fulfil the requirement to have controls on pesticide pollution as required by article 11.3 of the WFD, then the detail on these controls (mandatory measures) should be set out in the RBMPs and the PoMs.	The pressures on water from agriculture include pressures on water quality from diffuse sources of pollutants such as nutrients (and its associated eutrophication) and pesticides, as well as morphological modifications. Several measures to tackle pesticides exists.  DE: to indicate extent of progress in developing and implementing national action plans under the Sustainable Use of Pesticides Directive to show how far these will go in addressing pesticide risks in relation to WFD objectives.	☹️	There is no information in chapter 7.3 on the extent of progress in developing and implementation national action plans. There is not information how far measures to tackle pesticides will go to address pesticide risks in relation to the WFD objectives.
Define measures targeted to agriculture with a much better level of detail to ensure their uptake by farmers, their inspection by relevant agencies and to assist tracking of compliance. Basic measures are mostly presented as legislative acts and in the next RBMPs Germany should present detail on technical measures included in such acts.	Detailed information on non – technical agricultural measures is not provided, as only general categories are reported	😊	The plan has improved in that general categories are no longer used. Specific measures are mentioned, e.g. conversion from arable to grassland, direct tillage, cover crops etc. However, as already mentioned, the plan does not make clear which of these measures are supplementary (and therefore mandatory under Article 11.3.h) and what are voluntary measures for farmers that will be financed under the EARDF. Moreover, the measures are listed without any real specific detail as regards to how they will contribute to achieving WFD objectives.
Make a clear distinction in the RBMPs between mandatory measures (the minimum being measures to implement article 11.3.) and voluntary ones that	No specific information reported to what will be achieved through measures to implement the Nitrates Directive, through basic measures under article 11.3 of the WFD, basic	☹️	Chapter 7 provides clear information on the difference between basic and supplementary measures but the information on the distinction between supplementary and

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will be funded under the EARDF.	<p>measures included in pillar 1 (GAEC, greening) of the CAP and supplementary measures under pillar 2 of the CAP.</p> <p>With the exception of the Weser, all the PoMs mention that the river basin will take advantage of Rural Development Regulation (RDR) financing, but the information was very general and not measure specific.</p>		voluntary measures is unclear. The basic measure in this context is the Nitrates Directive. The plan (section 7.7.1) states that the supplementary measures are the so-called greening measures under Pillar 1 and that additional, voluntary measures under the EARDF will be implemented. What is not clear, however, is whether all the measures listed as supplementary in section 7.4.2 (p.238) are all part of greening. More confusing, the measures listed as supplementary measures under section 7.4.2 are also the same measures listed in section 7.7.4 on voluntary measures in the RDPs. It is therefore unclear what will be mandatory under the supplementary measures in accordance to the WFD and what is voluntary for farmers under the RDP. There is also no information on what will be achieved through these three levels of measures.
Make clear to what extent the full range of agriculture measures included in the RBMP will be sufficient to redress agriculture pressures to allow good status objectives to be achieved.	Agricultural measures are planned but there is no assessment or judgement as to how much the measures will contribute to the achievement of WFD objectives	☹	Additional measures are listed and there is a statement that they are necessary as the ND is not enough but there is no mention of an assessment or judgement as to how much these measures will contribute to the achievement of WFD objectives.
Consider properly ecological flows wherever existing and planned abstractions may jeopardize the achievement of environmental objectives. This is particularly crucial when considering the review of water allocations and permits.	Although most of the river basins (RBs) do not mention whether there are guidelines on defining ecologically based flow regimes, all of the PoMs include specific measures to achieve such flows.	😊	The establishment of e-flows are planned as measures. In particular the definition of new standards according to WFD requirements are needed. There is a clear target of establishing appropriate standards in 2027 in all concerned WB
Review the legislative base on morphology to ensure that controls exist to adequately prevent new	Morphological pressures are a main pressure in all RBs in DE.	?	No information found.

Recommendation made in CSWD (March 2015)	Baseline for assessment of progress and actions required to solve the issue and fully address the recommendation	Evaluation	Justification for evaluation of progress
<p>morphological pressures.</p> <p>Consider and prioritise the use of green infrastructure and/or natural water retention measures that provide a range of environmental (improvements in water quality, flood protection, habitat conservation etc.), social and economic benefits which can be in many cases more cost-effective than grey infrastructure.</p>		😊	<p>These measures are mentioned quite often. However the description of the priority of measures does not explicitly refer to natural water retention measures (NWRM) but measures that have synergies with other directives (such as floods, N2000, biodiversity and nature conservation) are a priority.</p>
<p>Provide more information in the RBMPs about the measures, especially the expected impact/effect on the water bodies' status. Other information, such as the location, timing and financing would add a level of specificity to the 2nd RBMPs that was a weakness in the first RBMP.</p>	<p>The information provided in the plans remains very general as only overarching categories of measures are provided. Detailed information on measures – for example, exactly what will be implemented, whether it will be implemented and how it will be financed – is missing in the PoM summaries found in the RBMPs. Although Länder level PoMs were developed in Germany, these were not officially reported, leading to a lack of transparency on what is being planned in the individual basins</p> <p>DE will consider on this basis providing more detail on measures, implementation and effectiveness of the PoM, financing, and timelines in 2nd RBMP.</p>	😊	<p>Information on impact/effect on the water bodies are provided within the projected status in 2021. The information provided in the plans remains very general as only overarching categories of measures are provided. Detailed information on measures – for example, exactly what will be implemented, whether it will be implemented and how it will be financed – is missing in the PoM summaries found in the RBMP. A link between water bodies and the overarching categories of measures needed after 2021 is provided. Costs are provided as a total sum for point source, agriculture and hydromorphological measures. Some general financing lines (EU and national) are described but it remains very general which measures can be funded by these lines.</p>
<p>Provide better information on how measures are selected and targeted towards a water body. While uncertainties related to the status and the effects of measures were provided in the 1st RBMPs it is expected that many of these obstacles should have been overcome in the 2nd RBMPs.</p>	<p>The programmes of measures were developed at the national level under the LAWA. Measures have been developed for each respective theme (i.e. agriculture, groundwater, hydromorphology, water pricing, etc). On the one hand, this ensures a common approach in the Länder, especially in RBDs with multiple administrative districts. On</p>	😊😊	<p>There is a clear description on how measures will be selected, targeted and prioritised. There is also a clear understanding on the level of implementation of measures.</p>

Recommendation made in CSWD (March 2015)	Baseline for assessment of progress and actions required to solve the issue and fully address the recommendation	Evaluation	Justification for evaluation of progress
	<p>the other hand, the information provided in the plans remains very general as only overarching categories of measures are provided. This general measures have complemented and refined on the Länder level.</p> <p>The POMs in most Länder do not link measures to a specific water body. It is stated that this is done in the detailed planning process.</p>		
<p>Provide more ambitious programmes of measures for the 2nd RBMPs to increase the number of water bodies at good status by 2021.</p>	<p>In the first plan only 26.4% of surface water bodies are expected to have good or better ecological status and 88.5% are expected to have good or better chemical status.</p>	<p>?</p>	<p>Due to several changes in the delineation of water bodies, changes in typology, new legal requirements etc. (see Q2) a direct comparison of what can be achieved in 2021 is not possible as the baseline has changed. However the details on the PoM are not sufficient to judge the level of ambition.</p>
<p>Review the designation of HMWBs, in particular taking into account restoration measures that would make it possible for water bodies to achieve good status, which will in turn provide a legal driver for restoration measures.</p>	<p>The main water uses that have led to the designation are navigation, recreation, water supply, power generation, irrigation, water regulation, flood protection, land drainage and other human activities such as urban settlements and conservation of ancient monuments.</p> <p>All German river basins have defined GEP. When doing so to both approaches (the reference - based approach (according to the CIS Guidance), and the mitigation measures approach (Prague approach)) can be found. The reference -based approach was reported for the Eider, Schlei/Trave and the Danube. The Prague approach has been reported for Odra, Meuse, Warnow/Peene, Ems, Weser and Elbe. In the Rhine both approaches have been used, depending on the "Länder"</p>	<p>😊</p>	<p>HMWB designation revised following a German-wide approach (reference to a guidance document). The GEP approach has been harmonised in DE. However the details of the method are not lined out in the dRBMP but there is a reference to a more detailed background paper</p>

Recommendation made in CSWD (March 2015)	Baseline for assessment of progress and actions required to solve the issue and fully address the recommendation	Evaluation	Justification for evaluation of progress
	involved. However a link between restoration measures and GEP is often missing.		
<p>Ensure that the RBMPs clearly identify the gap to good status, and that the PoMs are designed and implemented to close that gap. Should all measures not be put in place in the second RBMP Germany is expected to provide better justification for exemptions to the achievement of environmental objectives (in particular as regards the assessment of affordability and disproportionate costs). Germany should include in the RBMPs a clear timetable for the measures to be implemented.</p>	<p>Measures are planned but there is no assessment or judgement as to how much the measures will contribute to the achievement of WFD objectives</p> <p>In cases where disproportional costs have been argued (all basins except Odra and Warnow/Peene) the reported methodologies/arguments behind the judgements are not very obvious. Only a few "Länder" reported some hints. BY (Danube, Rhine) makes a brief reference to taking into account the financial impact on the entity paying for the measure.</p> <p>Detailed information on measures – for example, exactly what will be implemented, whether it will be implemented and how it will be financed – is missing in the PoM summaries found in the RBMPs</p>	☹	<p>The gap is shown by showing the amount of WB not in good status in 2014. However the level of justification of exemptions remains vague (in particular as regards the assessment of affordability and disproportionate costs and providing details for different types of measures). The justifications refer to general circumstances. There is also no clear timetable for the measures to be implemented.</p>
<p>Include in the 2nd RBMPs a more consistent approach to substance-specific measures in the different Länder and</p>	<p>DE: 2nd RBMP will include a more consistent approach to substance-specific measures in the different Länder.</p>	?	
<p>put in place substance-specific and general measures to address pollutants at source.</p>		☺	<p>There is a catalogue of measures developed by the LAWA, but this does not establish a link between substances and the measure. General measures that address pollution by a broad range of substances are provided (e.g better treatment of industrial waste water). There are several legal acts mentioned which also address a reduction at source.</p>
<p>Set out better information on the allocation of financial resources for</p>	<p>Detailed information on measures – for example, exactly what will be implemented,</p>	☹	<p>Costs are provided as a total sum (450 mil.) Some general financing lines (EU and</p>

Recommendation made in CSWD (March 2015)	Baseline for assessment of progress and actions required to solve the issue and fully address the recommendation	Evaluation	Justification for evaluation of progress
measure implementation in the 2nd RBMPs.	whether it will be implemented and how it will be financed – is missing in the PoM summaries found in the RBMPs		national) are described but it remains very general which measures can be funded by these lines.
Mainstream across Germany good practices from some Länder on consistently addressing hydromorphological pressures through the Rural Development Programmes.	DE: provide detailed information on hydromorphological measures that will be financed through the RDPs	😊😊	The RBMP details problems with the morphology of rivers in chapter 5, highlighting problems with heavy sedimentation due to the morphology of rivers, lack of natural water dynamics and not connected wetlands. The BY programmes “Hochwasserschutz 2020plus” and the “Auenprogramme” (Wetlands programme) are regional programmes that address morphological issues. Morphological alterations and river connectivity were only addressed on a limited basis in the RDP – the RDP states that Bavaria uses the above-mentioned Hochwasserschutz programme for this. The Bavaria RDP finances the following measures to address hydromorphological pressures: M5 finances re-meandering and “integrated catchment improvements”.
Explore all opportunities to secure necessary funding to pay for RBMP measures, e.g. wider application of article 9, RDPs, national flood budget (with a priority for natural water retention measures), water company investment and industry measures to reduce chemicals at source.	General funding information was stated in the plans of the river basins where only one RBMP was developed (i.e. Weser, Elbe, Eider, Warnow/Peene and Schlei/Trave). With the exception of the Weser, all the PoMs mention that the river basin will take advantage of Rural Development Regulation (RDR) financing, although Art. 38 is not referenced by any of the plans.	😐	The POM contains a detailed assessment of the costs by group of measures (hymo, diffuse, UWW, etc) and some financing information, mainly addressing Länder and EU funds (e.g. EFRAD). No information on private funding options. Art 9 is only mentioned in the context of drinking water supply and waste water treatment.

### 1.3 Water services excluded from the requirement of WFD Article 9 “Recovery of costs for water services”

**Table 3 Water services explicitly included in/excluded from cost recovery and Article 9.4 exemptions applied**

<b>Water service</b>	<b>Explicitly included in cost recovery (yes/no/no information/not clear)</b>	<b>Explicitly excluded from cost recovery (yes/no/no information/not clear)</b>	<b>Article 9.4 exemptions applied (yes/no/no information/not clear)</b>
Drinking water abstraction (surface and/or groundwater), treatment and distribution	Yes		No
Sewage collection and wastewater treatment	Yes		No
Drinking water abstraction (surface and/or groundwater), treatment and distribution AND sewage collection and wastewater treatment (when considered together)	Not considered together		No
Irrigation water abstraction, treatment and distribution		Yes	No information
Self-abstraction	No information	No information	No information
Impoundment and storage of water		Yes	No information
Impoundment for flood protection		Yes	No information
Impoundment for navigation		Yes	No information
Other (please describe in text box below)	yes		

Industrial and agricultural abstraction are explicitly included in cost recovery when taken from the public supply network. In the case of agriculture it should be noted that irrigation plays not a big role in the Danube/BY basin.

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## 2. River Basin District: *Elbe*

### 2.1 Headlines

The following passage summarises the main changes made in the draft second RBMP compared to the first RBMPs, for example, as required in annex VII B.

- There is an extended and detailed chapter of changes or updates since the publication of the previous version of the river basin management plan (chapter 13). Main issues are:
  - Change in WB (more water bodies than 2009; SW: 3.140 to 3.146, for GW the changes are not made explicit in terms of numbers) for SW and GW the geometry changed
  - Changes in typology, about 29% WB
  - Changes in heavily modified water bodies (HMWB) (minus 2%) resulting in more artificial and natural water bodies. The changes are justified due to better knowledge and data
  - General an increase of protected areas (due to new legal requirements)
  - Changes in the definition of significant pressures following a national approach providing more details and strengthening the DPSIR approach and changes of significant pressures per water body
  - Update of the risk assessment (far less positive picture than in 2009- see also summary xls). Now no water body has the status unknown
  - Improved assessment methods for surface and groundwaters (GW) result in changes of the status assessment. Better intercalibration with other member states (MS), gaps in assessment methods have also been closed and common good ecological potential (GEP) definition has been introduced (in 2009 a combination of the Prague and Cis approach was used along the different Länder).
  - Continuous improvement of the monitoring of surface and ground water. The amount of monitoring stations on SW has been increased for operational and surveillance monitoring. In GW the monitoring of the GW quantitative status has been reduced for the chemical increased.
  - The changes mentioned before and due to new water legislation as regards to the environmental status the status assessment has been improved.
  - The overall strategy to achieve the environmental objectives has not been changed, but the issue of climate change has been added
  - An improved, more detailed and better coordinated (among the Länder) economic assessment has been performed

In cases where the expectations of the first plan have not been achieved or are not expected to be achieved, there is a description of what expectations have not been achieved and an explanation of why not.

- There is a chapter (14) that details the status of the programme of measures (PoM) implementation. Beside other issues it also clearly outlines which measures have not been implemented so far. The main reasons why measures are not implemented are: i) lack of acceptance, ii) lack of land obtained, iii) lack of human or financial resources. For 240 planned measures the need of the measures has been considered as not relevant for the achievement of good status. The good status can be achieved by other means (e.g. other measures)
- In the dRBMP it is stated that not all environmental objectives have been achieved and further efforts are needed. The reasons are lack of implementation of measures (see above) and the fact that the biology requires more time to recover.

## 2.2 Screening of progress on recommendations made in the Commission Staff Working Document (2015)

For each of the recommendations made in the Commission Staff Working Document (CSWD), which was published in March 2015, Table 5 shows:

- A baseline against which to assess progress, and the actions required to solve the issue and fully address the recommendation;
- An evaluation (key provided in Table 4); and
- Justification for the evaluation of progress.

**Table 4 Description of the evaluation criteria used in the screening of progress**

Evaluation	Description
😊😊	<p><b>Strong evidence that actions taken are likely to address the COM recommendation.</b></p> <p>All the actions relating to the recommendation have clearly been taken in the second plans. The</p>

	actions are defined in relation to the “baseline” situation in the first RBMPs.
😊	<b>Evidence found that good progress has/is being made</b> There has been good progress on the actions associated with the recommendation but not all actions have been taken, some may be on-going with a clear timetable which will solve issues in a reasonable timeframe (1 year for simple things, 2-3 years for more complex issues).
😐	<b>Some evidence of progress.</b> Some (but not all) of the actions proposed in the recommendations are mentioned and described but not in enough detail to be certain that they have been fully taken. Some of the actions required by the recommendation may not have been taken or mentioned at all.
?	<b>No information could be found on the actions associated with the recommendation.</b> There is no information in the plan that any of the actions associated with the recommendation have been considered or taken. The justification must describe the documents that have been screened.
😞	<b>No progress, or implementation of the WFD has worsened</b> The same inadequate processes, approaches and/or methods used in the first plan have been reported in the second plan, and/or implementation has worsened in relation to the subject of the recommendation.

**Table 5 Assessment of progress on recommendations made in the CSWD (2015)**

Recommendation made in CSWD (March 2015)	Baseline for assessment of progress and actions required to solve the issue and fully address the recommendation	Evaluation	Justification for evaluation of progress
Improve knowledge (in designing and making operational the measures for the 2nd RBMP cycle) on the link between pressures and impacts in order to:		😊	Update of the risk assessment (far less positive picture than in 2009) has been made. More details are provided.
<ul style="list-style-type: none"> <li>Refine the significance of the pressures by quantifying those which are likely to prevent the achievement of environmental objectives.</li> </ul>	The information regarding significance for single pressures is compiled and made transparent in the assessment templates. It is not homogeneous across all Länder or Germany. There are different understandings concerning the selection of which biological	😊😊	There is a clear indication for pressures how many water bodies they impact and are likely to prevent the achievement of environmental objectives.

Recommendation made in CSWD (March 2015)	Baseline for assessment of progress and actions required to solve the issue and fully address the recommendation	Evaluation	Justification for evaluation of progress
	quality elements BQE is most sensitive to a certain pressure.		
<ul style="list-style-type: none"> <li>Assess the reduction in pressures required to achieve environmental objectives.</li> </ul>	DE should identify how much load reduction (agriculture) is necessary.	😊	Yes a reduction of 22% of nitrogen (N) and 60% of phosphorus (P) is mentioned to meet the targets set in the North sea (good status of coastal waters). For the connectivity there is also a clear indication given (completion of the measures under 1st cycle + 171 new barriers to be made passable) For other pressures no information is quantified.
<ul style="list-style-type: none"> <li>Apportion the source and clearly identify the responsible sectors/areas.</li> </ul>	DE has done a very detailed assessment of pressures and related them to the different sources. This was done mainly in the context of identifying significant water management issues. What is lacking is the magnitude each source contributes to a certain pressure. Sometimes qualitative statements can be found (e.g. a major source is...).	😊	The pressures are clearly linked to sectors and some information on the magnitude is provided.
<ul style="list-style-type: none"> <li>Enhance measures to tackle pollution by nutrients (nitrogen and phosphorus) considering their impact on the ecological status because diffuse pollution from agriculture is the main reason for poor groundwater status, and all coastal and transitional waters are failing due to eutrophication. Full consideration of the basin-wide impact is needed in this respect (local and downstream impacts including up to transitional and coastal waters).</li> </ul>	According to the information supplied by Germany in the bilaterals, even by implementing the current nitrogen directive (ND), DE will not achieve good status (GS) under the WFD.	😞	Too little information is provided in the plan to make an analysis. Chapter 7 on the Programme of Measures provides very little information. The Nitrates Directive is mentioned and the plan also mentions supplementary measures using very broad categories. The plan indicates that basic measures are not enough. The plan indicates (chapter 13.5) that the strategy to reduce nutrient pollution will be expanded in comparison to the 1st cycle. Reference is made to reduction targets. Reference is made to the EU critique that Germany relies too much on voluntary measures so the ND will be revised. But there is not detailed information in terms of what will be expanded and how. There is no information on the extent to which the ND is helping to achieve

Recommendation made in CSWD (March 2015)	Baseline for assessment of progress and actions required to solve the issue and fully address the recommendation	Evaluation	Justification for evaluation of progress
			the WFD, how the changes to the ND in Germany will improve that or how the supplementary measures fill the gap.
Check that their nutrient standards are consistent with biological requirements for the achievement of good status and set out a more coherent strategy in the 2nd RBMPs that reflects:	DE will provide information on what standards are needed for N to fulfil WFD requirements, including factual information on N reduction.	😊😊	There is a clear target on what needs to be achieved in mg/l for N and P with focus the marine environment (good status of coastal waters). Based on that a clear strategy has been described.
<ul style="list-style-type: none"> <li>For agriculture: what will be achieved through measures to implement the Nitrates Directive, through basic measures under article 11.3. of the WFD, basic measures included in pillar 1 (GAEC, greening) of the common agricultural policy (CAP) and supplementary measures under pillar 2 of the CAP; Germany should put in place a revised nitrates action programme under the Nitrates Directive that can address this issue meaningfully</li> </ul>	No specific information reported to what will be achieved through measures to implement the Nitrates Directive, through basic measures under article 11.3. of the WFD, basic measures included in pillar 1 (GAEC, greening) of the CAP and supplementary measures under pillar 2 of the CAP.	😞	Chapter 5 provides some information on what will be achieved through measures but it is not clear if this is all measures or only basic measures; the plan indicates that this data does not take into account revisions to the ND. The plan indicates that by the end of the second cycle there will be an expected reduction of nitrogen inputs by ~ 7.3% and phosphorus inputs by ~ 6.1% compared to 2006 levels – it is not entirely clear if this is for groundwater bodies or for surface waterbodies. There is no information as regards to what will be achieved through measures under the ND or through supplementary measures. Greening is not mentioned at all. The plan mentions voluntary measures under the RDP but provides no indication on how these measures will help achieve WFD objectives.
<ul style="list-style-type: none"> <li>For urban areas: what will be achieved through compliance with the UWWTD and what will be required beyond this (e.g. tightening of standards, addressing storm water overflows).</li> </ul>	Basic measures to tackle point sources (point sources also UWWT and storm water overflow) were not enough to meet WFD objectives in rivers in all RBDs except the Eider and Schlei-Trave; in lakes in the Danube, the Rhine, Weser, Elbe and Odra; and in transitional waters in the Elbe.	😊	N and P are not separated for agriculture and UWW (and therefore it is unclear what will be achieved through compliance with the UWWTD and what will be required beyond this). However there is a clear understanding what the overall reduction need is. Measures to address storm water overflows are

Recommendation made in CSWD (March 2015)	Baseline for assessment of progress and actions required to solve the issue and fully address the recommendation	Evaluation	Justification for evaluation of progress
	Measures have been taken but there is no assessment or judgement as to how much the measures will contribute to the achievement of WFD objectives;		mentioned.
In particular it is expected that the 2nd RBMPs, based on the necessary reduction in nutrient load, clearly identify the extent to which the measures already taken under the implementation of ND and UWWTD contribute to the achievement of WFD objectives and which additional measures should be taken to actually achieve these objectives. A clear identification of basic (mandatory) measures is expected to be made transparent both to the sectors and the general public. Clarity on timescale of implementation of the measures is also expected.	DE to identify clearly which additional measures are considered necessary (either under the ND or other instruments) in order to achieve WFD objectives (calculating baseline scenarios, progress under the ND and agri-environmental schemes, and identifying the remaining gap). It is necessary to be transparent about what is already in place and what extra measures are needed to reach the stated objectives. The measures should be identified, before exemptions are considered	⊖	The ND is listed as a basic measure in the plan and the plan mentions that it is being revised. No additional information is provided as regarding the ND's ability to contribute to achieving WFD objectives. Supplementary measures are vaguely mentioned in general categories with no details on their contribution to WFD measures. The implementation of the UWWTD is clearly mentioned as basic measures, but it remains unclear to which it contributes to the achievement of WFD objectives.
Review regulation on the use of pesticides (beyond nutrients) in order to prevent pollution at source and effectively reduce current levels of contamination of both surface and groundwater, making clear linkages with the implementation of the Directive on the sustainable use of pesticides. If the National Action Programme is intended to fulfil the requirement to have controls on pesticide pollution as required by article 11.3 of the WFD, then the detail on these controls (mandatory measures) should be set out in the RBMPs and the PoMs.	The pressures on water from agriculture include pressures on water quality from diffuse sources of pollutants such as nutrients (and its associated eutrophication) and pesticides, as well as morphological modifications. Several measures to tackle pesticides exists.  DE: to indicate extent of progress in developing and implementing national action plans under the Sustainable Use of Pesticides Directive to show how far these will go in addressing pesticide risks in relation to WFD objectives.	⊖	There is no information on the progress in developing national action plans under the Pesticides Directive. The plan mentions – in a bullet list with other regulations – that the pesticides directive is being revised but there are no details.
Define measures targeted to agriculture	Detailed information on non – technical	⊖	There is no information on specific measures

Recommendation made in CSWD (March 2015)	Baseline for assessment of progress and actions required to solve the issue and fully address the recommendation	Evaluation	Justification for evaluation of progress
with a much better level of detail to ensure their uptake by farmers, their inspection by relevant agencies and to assist tracking of compliance. Basic measures are mostly presented as legislative acts and in the next RBMPs Germany should present detail on technical measures included in such acts.	agricultural measures is not provided, as only general categories are reported.		in the RBMP. The ND is only listed and the section on supplementary measures only mentions broad categories (e.g. measures to reduce nutrients and fine particle pollution from erosion; measures to reduce nutrient inputs through buffer strips; measures to reduce nutrient leaching; measures to reduce direct pollution from agriculture). No additional details are given.
Make a clear distinction in the RBMPs between mandatory measures (the minimum being measures to implement article 11.3.) and voluntary ones that will be funded under the European agricultural rural development fund (EARDF).	<p>No specific information reported to what will be achieved through measures to implement the Nitrates Directive, through basic measures under article 11.3. of the WFD, basic measures included in pillar 1 (GAEC, greening) of the CAP and supplementary measures under pillar 2 of the CAP.</p> <p>With the exception of the Weser, all the PoMs mention that the river basin will take advantage of Rural Development Regulation (RDR) financing, but the information was very general and not measure specific.</p>	⊗	Hardly any information is provided to this effect. The plan does not provide information on measures under the ND, detailed measures under supplementary measures or what voluntary measures are offered under the EARDF. The EARDF is mentioned only once in the plan in section 7.6, with a minor reference to its use to finance measures.
Make clear to what extent the full range of agriculture measures included in the RBMP will be sufficient to redress agriculture pressures to allow good status objectives to be achieved.	Agricultural measures are planned but there is no assessment or judgement as to how much the measures will contribute to the achievement of WFD objectives	⊗	See answers above. There is no information on an assessment or judgement as to how much the measures will contribute to achieving WFD objectives.
Consider properly ecological flows wherever existing and planned abstractions may jeopardize the achievement of environmental objectives. This is particularly crucial when considering the review of water allocations and permits.	Although most of the RBs do not mention whether there are guidelines on defining ecologically based flow regimes, all of the PoMs include specific measures to achieve such flows.	⊗	E flows are not mentioned in the document, but there is a statement that measures considering water abstraction are minor relevant as the pressure (mainly from mining) is declining.
Review the legislative base on morphology to ensure that controls	Morphological pressures are a main pressure in all RB in DE.	?	No information found.

Recommendation made in CSWD (March 2015)	Baseline for assessment of progress and actions required to solve the issue and fully address the recommendation	Evaluation	Justification for evaluation of progress
exist to adequately prevent new morphological pressures.			
Consider and prioritise the use of green infrastructure and/or natural water retention measures that provide a range of environmental (improvements in water quality, flood protection, habitat conservation etc.), social and economic benefits which can be in many cases more cost-effective than grey infrastructure.		☺	Such measures are considered/planned but it remains unclear which priority they have. A reference to the detailed PoM is made, which is not ready yet.
Provide more information in the RBMPs about the measures, especially the expected impact/effect on the water bodies' status. Other information, such as the location, timing and financing would add a level of specificity to the 2nd RBMPs that was a weakness in the first RBMP.	<p>The information provided in the plans remains very general as only overarching categories of measures are provided. Detailed information on measures – for example, exactly what will be implemented, whether it will be implemented and how it will be financed – is missing in the PoM summaries found in the RBMPs. Although Länder level PoMs were developed in Germany, these were not officially reported, leading to a lack of transparency on what is being planned in the individual basins</p> <p>DE will consider on this basis providing more detail on measures, implementation and effectiveness of the PoM, financing, and timelines in 2nd RBMP.</p>	☺	Information on impact/effect on the water bodies are provided within the projected status in 2021. The information provided in the plans remains very general as only overarching categories of measures are provided. Detailed information on measures – for example, exactly what will be implemented, whether it will be implemented and how it will be financed – is missing in the PoM summaries found in the RBMP. The overall costs for the second POM are estimated to be 1,2 to 1,4 Billions. Some general financing lines (EU and national) are described but it remains very general which measures can be funded by these lines. A reference to the detailed POM is made, which is not ready yet.
Provide better information on how measures are selected and targeted towards a water body. While uncertainties related to the status and the effects of measures were provided in the 1st RBMPs it is expected that many of these obstacles should have been overcome in the 2nd RBMPs.	The programmes of measures were developed at the national level under the LAWA. Measures have been developed for each respective theme (i.e. agriculture, groundwater, hydromorphology, water pricing, etc.). On the one hand, this ensures a common approach in the Länder, especially in RBDs with multiple administrative districts. On	☹	There is some description on the selection, but no information on targeting. A reference to the detailed POM is made, which is not ready yet.

Recommendation made in CSWD (March 2015)	Baseline for assessment of progress and actions required to solve the issue and fully address the recommendation	Evaluation	Justification for evaluation of progress
	<p>the other hand, the information provided in the plans remains very general as only overarching categories of measures are provided. These general measures have complemented and refined on the Länder level.</p> <p>The POMs in most Länder do not link measures to a specific water body. It is stated that this is done in the detailed planning process.</p>		
<p>Provide more ambitious programmes of measures for the 2nd RBMPs to increase the number of water bodies at good status by 2021.</p>	<p>In the first plan only 26.4% of surface water bodies are expected to have good or better ecological status and 88.5% are expected to have good or better chemical status.</p>	?	<p>Due to several changes in the delineation of water bodies, changes in typology, new legal requirements etc. (see Q2) a direct comparison of what can be achieved in 2021 is not possible as the baseline has changed. However the details on the PoM are not sufficient to judge the level of ambition.</p>
<p>Review the designation of HMWBs, in particular taking into account restoration measures that would make it possible for water bodies to achieve good status, which will in turn provide a legal driver for restoration measures.</p>	<p>The main water uses that have led to the designation are navigation, recreation, water supply, power generation, irrigation, water regulation, flood protection, land drainage and other human activities such as urban settlements and conservation of ancient monuments.</p> <p>All German river basins have defined GEP. When doing so to both approaches (the reference - based approach (according to the CIS Guidance), and the mitigation measures approach (Prague approach)) can be found. The reference -based approach was reported for the Eider, Schlei/Trave and the Danube. The Prague approach has been reported for Odra, Meuse, Warnow/Peene, Ems, Weser and Elbe. In the Rhine both approaches have been used, depending on the "Länder"</p>	😊😊	<p>Overall the number of HMWB has been decreasing (2%). The changes are justified due to better knowledge and data. The GEP approach has been harmonised in DE. However the details of the method are not lined out in the dRBMP but there is a reference to a more detailed background paper</p>

Recommendation made in CSWD (March 2015)	Baseline for assessment of progress and actions required to solve the issue and fully address the recommendation	Evaluation	Justification for evaluation of progress
	involved. However a link between restoration measures and GEP is often missing.		
Ensure that the RBMPs clearly identify the gap to good status, and that the PoMs are designed and implemented to close that gap. Should all measures not be put in place in the second RBMP Germany is expected to provide better justification for exemptions to the achievement of environmental objectives (in particular as regards the assessment of affordability and disproportionate costs). Germany should include in the RBMPs a clear timetable for the measures to be implemented.	<p>Measures are planned but there is no assessment or judgement as to how much the measures will contribute to the achievement of WFD objectives</p> <p>In cases where disproportional costs have been argued (all basins except Odra and Warnow/Peene) the reported methodologies/arguments behind the judgements are not very obvious. Only a few "Länder" reported some hints. BY (Danube, Rhine) makes a brief reference to taking into account the financial impact on the entity paying for the measure.</p> <p>Detailed information on measures – for example, exactly what will be implemented, whether it will be implemented and how it will be financed – is missing in the PoM summaries found in the RBMPs</p>	😊	As mentioned above there is an indication to which extend pressures need to be reduced. The justification of exemptions has improved and reference is made to some more detailed background documents. However there is no clear timetable for the implementation of measures
Include in the 2nd RBMPs a more consistent approach to substance-specific measures in the different Länder and	DE: 2nd RBMP will include a more consistent approach to substance-specific measures in the different Länder.	?	
put in place substance-specific and general measures to address pollutants at source.		😞	Only measures for pesticides are mentioned in general. A reference to the detailed POM is made, which is not ready yet.
Set out better information on the allocation of financial resources for measure implementation in the 2nd RBMPs.	Detailed information on measures – for example, exactly what will be implemented, whether it will be implemented and how it will be financed – is missing in the PoM summaries found in the RBMPs	😞	Costs are provides as a total sum (1,2-1,4 billions.) Some general financing lines (EU and national) are described but it remains very general which measures can be funded by these lines.
Mainstream across Germany good practices from some Länder on	DE: provide detailed information on hydromorphological measures included in the	😊	The Elbe has significant morphological pressures, and the RBMP describes a number

Recommendation made in CSWD (March 2015)	Baseline for assessment of progress and actions required to solve the issue and fully address the recommendation	Evaluation	Justification for evaluation of progress
consistently addressing hydromorphological pressures through the Rural Development Programmes.	RDPs		<p>of measures to address these pressures.</p> <p>The 8 RDPs covering this basin address hydromorphological pressures to varying degrees. The Bavaria plan finance re-meandering but emphasizes two additional regional programmes to address morphological issues. LS offers a number of measures to address hydromorphology in all its water types. Brandenburg also finances a number of measures to restore basins, reconnect floodplains, and dike relocation, among others. In MVP, Morphological alternations are covered by multiple measures under M4 and M7 focussing on connectivity and restoration of rivers, lakes, ponds and wetlands. Saxony has chosen not to emphasize NWRM – but does finance wetland restoration - and indicates in its plan that such measures are financed under ERDF. In its draft RDP, Saxony-Anhalt will finance floodplain restoration but also finances dam building, which could have negative implications on morphology. S-H finances a number of hydromorphological measures. Finally Thuringen has not included hydromorphological measures in its draft RDP.</p>
Explore all opportunities to secure necessary funding to pay for RBMP measures, e.g. wider application of article 9, RDPs, national flood budget (with a priority for natural water retention measures), water company investment and industry measures to reduce chemicals at source.	General funding information was stated in the plans of the river basins where only one RBMP was developed (i.e. Weser, Elbe, Eider, Warnow/Peene and Schlei/Trave). With the exception of the Weser, all the PoMs mention that the river basin will take advantage of Rural Development Regulation (RDR) financing, although Art. 38 is not	☺	The POM contains a detailed assessment of the costs by group of measures (hymo, diffuse, UWW, etc.) and some financing information, mainly addressing Länder and EU funds (e.g. EFRAD). No information on private funding options. Art 9 is only mentioned in the context of drinking water supply and waste water treatment.

Recommendation made in CSWD (March 2015)	Baseline for assessment of progress and actions required to solve the issue and fully address the recommendation	Evaluation	Justification for evaluation of progress
	referenced by any of the plans.		

### 2.3 Water services excluded from the requirement of WFD Article 9 “Recovery of costs for water services”

**Table 6 Water services explicitly included in/excluded from cost recovery and Article 9.4 exemptions applied**

Water service	Explicitly included in cost recovery (yes/no/no information/not clear)	Explicitly excluded from cost recovery (yes/no/no information/not clear)	Article 9.4 exemptions applied (yes/no/no information/not clear)
Drinking water abstraction (surface and/or groundwater), treatment and distribution	yes		No
Sewage collection and wastewater treatment	yes		No
Drinking water abstraction (surface and/or groundwater), treatment and distribution AND sewage collection and wastewater treatment (when considered together)	Not considered together		no
Irrigation water abstraction, treatment and distribution	yes		no
Self-abstraction	No information	No information	No information
Impoundment and storage of water	No		No information
Impoundment for flood protection	No		No information
Impoundment for navigation	no		No information
Other (please describe in text box below)	yes		no

Industrial and agricultural abstraction are explicitly included in cost recovery when taken from the public supply network. In the case of agriculture it should be noted that irrigation plays not a big role in the Elbe basin.

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## 3. River Basin District: Rhine, Elbe, Weser, Ems/LS

### 3.1 Headlines

The following passage summarises the main changes made in the draft second RBMP compared to the first RBMPs, for example, as required in annex VII B.

- There is an extended and detailed chapter of changes or updates since the publication of the previous version of the river basin management plan (chapter 13). Main issues are:
  - Change in WB (more water bodies than 2009; SW: 1557 to 1605) for GW the geometry changed
  - Changes in typology, about 80 WB
  - Changes of protected areas (due to new legal requirements and more areas)
  - Changes in the definition of significant pressures following a national approach providing more details and strengthening the DPSIR approach
  - Update of the risk assessment (far less positive picture than in 2009- see also summary xls)
  - Improved assessment methods for lakes and groundwaters result in changes of the status assessment. Gaps in assessment methods have also been closed and GEP definition has been introduced.
  - Changes in monitoring of surface and ground water. For groundwater more monitoring stations have been established, for surface water new methods are used (e.g. chemical monitoring, monitoring of biota)
  - Changes due to new water legislation as regards to the environmental status
  - The overall strategy to achieve the environmental objectives has not been changed, but more focus is but on certain areas as regards to N-pollution and addressing these.
  - An improved and more detailed economic assessment including cost effectiveness of measures and baseline scenario

In cases where the expectations of the first plan have not been achieved or are not expected to be achieved, there is a description of what expectations have not been achieved and an explanation of why not.

- There is a separate document “Anhörungsdocument” that details the status of the programme of measures (PoM) implementation. Beside other issues it also clearly outlines which measures have not been implemented so far. The main reasons why measures are not implemented are: i) lack of acceptance, ii) lack of land obtained, iii) lack of human or financial resources and **the fact that several**

**measures are voluntary.** This voluntary approach resulted in the fact that not all measures have been. Some minor issues are also mentioned but said to be limited to specific cases.

- In the dRBMP it is stated that not all environmental objectives have been achieved and further efforts are needed. The reasons are lack of implementation of measures (see above) and the fact that the biology requires more time to recover.

### 3.2 Screening of progress on recommendations made in the Commission Staff Working Document (2015)

For each of the recommendations made in the Commission Staff Working Document (CSWD), which was published in March 2015, Table 5 shows:

- A baseline against which to assess progress, and the actions required to solve the issue and fully address the recommendation;
- An evaluation (key provided in Table 4); and
- Justification for the evaluation of progress.

**Table 7 Description of the evaluation criteria used in the screening of progress**

Evaluation	Description
😊😊	<b>Strong evidence that actions taken are likely to address the COM recommendation.</b> All the actions relating to the recommendation have clearly been taken in the second plans. The actions are defined in relation to the “baseline” situation in the first RBMPs.
😊	<b>Evidence found that good progress has/is being made</b> There has been good progress on the actions associated with the recommendation but not all actions have been taken, some may be on-going with a clear timetable which will solve issues in a reasonable timeframe (1 year for simple things, 2-3 years for more complex issues).
😞	<b>Some evidence of progress.</b> Some (but not all) of the actions proposed in the recommendations are mentioned and described but not in enough detail to be certain that they have been fully taken. Some of the actions required

	by the recommendation may not have been taken or mentioned at all.
?	<b>No information could be found on the actions associated with the recommendation.</b> There is no information in the plan that any of the actions associated with the recommendation have been considered or taken. The justification must describe the documents that have been screened.
☹	<b>No progress, or implementation of the WFD has worsened</b> The same inadequate processes, approaches and/or methods used in the first plan have been reported in the second plan, and/or implementation has worsened in relation to the subject of the recommendation.

**Table 8 Assessment of progress on recommendations made in the CSWD (2015)**

Recommendation made in CSWD (March 2015)	Baseline for assessment of progress and actions required to solve the issue and fully address the recommendation	Evaluation	Justification for evaluation of progress
Improve knowledge (in designing and making operational the measures for the 2nd RBMP cycle) on the link between pressures and impacts in order to:		☺	Changes in the definition of significant pressures following a national approach providing more details and strengthening the DPSIR approach have been made. Also the level of detail has been improved.
<ul style="list-style-type: none"> <li>Refine the significance of the pressures by quantifying those which are likely to prevent the achievement of environmental objectives;</li> </ul>	The information regarding significance for single pressures is compiled and made transparent in the assessment templates. It is not homogeneous across all Länder or Germany. There are different understandings concerning the selection of which biological quality elements (BQE) is most sensitive to a certain pressure.	☺☺	There is a clear indication for pressures how many water bodies they impact and are likely to prevent the achievement of environmental objectives
<ul style="list-style-type: none"> <li>Assess the reduction in pressures required to achieve environmental objectives;</li> </ul>	DE should identify how much load reduction (agriculture) is necessary.	☹	The Plan covers several parts of different RB. As regard to the reduction in pressures required some references to the RB level plans (e.g. Elbe where such an assessment is made) are made, but not details are provided
<ul style="list-style-type: none"> <li>Apportion the source and clearly identify the responsible sectors/areas.</li> </ul>	DE has done a very detailed assessment of pressures and related them to the different sources. This was done mainly in the context	☺	The pressures are clearly linked to sectors in the dRBMP and POM, but information on the magnitude is not provided for all sectors

Recommendation made in CSWD (March 2015)	Baseline for assessment of progress and actions required to solve the issue and fully address the recommendation	Evaluation	Justification for evaluation of progress
	of identifying significant water management issues. What is lacking is the magnitude each sources contributes to a certain pressure. Sometimes qualitative statements can be found (e.g. a major source is...).		
<ul style="list-style-type: none"> <li>Enhance measures to tackle pollution by nutrients (nitrogen and phosphorus) considering their impact on the ecological status because diffuse pollution from agriculture is the main reason for poor groundwater status, and all coastal and transitional waters are failing due to eutrophication. Full consideration of the basin-wide impact is needed in this respect (local and downstream impacts including up to transitional and coastal waters).</li> </ul>	According to the information supplied by Germany in the bilateral meeting, even by implementing the current nitrates directive (ND), DE will not achieve good status GS under the WFD.	😊	The draft PoM provides concrete details on programmes and measures to tackle pollution by nutrients. In addition to detailed information on agri-environmental measures as part of the RDP, the draft PoM also provides detailed information on additional, regional programmes to improve nutrient pollution in specific pilot areas and in the coastal areas.
Check that their nutrient standards are consistent with biological requirements for the achievement of good status and set out a more coherent strategy in the 2nd RBMPs that reflects:	DE will provide information on what standards are needed for nitrogen (N) to fulfil WFD requirements, including factual information on N reduction.	😐	There is a clear target on what needs to be achieved in mg/l for N with focus the marine environment (good status of coastal waters). No value for P is provided. Based on that a strategy has been described, but it lacks of details.
<ul style="list-style-type: none"> <li>for agriculture: what will be achieved through measures to implement the Nitrates Directive, through basic measures under article 11.3. of the WFD, basic measures included in pillar 1 (GAEC, greening) of the CAP and supplementary measures under pillar 2 of the CAP; Germany</li> </ul>	No specific information reported to what will be achieved through measures to implement the Nitrates Directive, through basic measures under article 11.3. of the WFD, basic measures included in pillar 1 (GAEC, greening) of the common agricultural policy (CAP) and supplementary measures under pillar 2 of the CAP.	😊	Neither the plan nor the PoM provides details on what will be achieved through basic measures and what will be achieved through supplementary measures. However, there is an on-going research project that is analysing nutrient load reduction possibilities. The project will also analyse the additional need for action despite the implementation of basic measures. The plan mentions revising the Nitrates Directive but indicates that it is not yet

Recommendation made in CSWD (March 2015)	Baseline for assessment of progress and actions required to solve the issue and fully address the recommendation	Evaluation	Justification for evaluation of progress
<p>should put in place a revised nitrates action programme under the Nitrates Directive that can address this issue meaningfully</p>			<p>clear how a revised nitrates action plan will contribute to WFD objectives. The PoM provides considerable details on the supplementary measures proposed in Lower Saxony, with considerable emphasis on the RDP. There is a concern that the RBMP relies heavily on voluntary measures that may not be taken up by farmers. This lack of uptake by farmers was emphasized by Lower Saxony (LS) in its member states (MS) reply to the observation letter of the RDP. Given that agri-environmental measures have a low uptake in LS, there is considerable concern that the PoM as it stands will not result in achieving WFD objectives.</p>
<ul style="list-style-type: none"> <li>for urban areas: what will be achieved through compliance with the UWWTD and what will be required beyond this (e.g. tightening of standards, addressing storm water overflows).</li> </ul>	<p>Basic measures to tackle point sources (point sources also UWWT and storm water overflow) were not enough to meet WFD objectives in rivers in all RBDs except the Eider and Schlei-Trave; in lakes in the Danube, the Rhine, Weser, Elbe and Odra; and in transitional waters in the Elbe. Measures have been taken but there is no assessment or judgement as to how much the measures will contribute to the achievement of WFD objectives;</p>	<p>☹️</p>	<p>Measures to address storm water overflows are mentioned but it remains unclear what will be achieved through compliance with the UWWTD and what will be required beyond this.</p>
<p>In particular it is expected that the 2nd RBMPs, based on the necessary reduction in nutrient load, clearly identify the extent to which the measures already taken under the implementation of ND and UWWTD contribute to the achievement of WFD objectives and which additional measures should be taken to actually achieve these objectives. A clear</p>	<p>DE to identify clearly which additional measures are considered necessary (either under the ND or other instruments) in order to achieve WFD objectives (calculating baseline scenarios, progress under the ND and agri-environmental schemes, and identifying the remaining gap). It is necessary to be transparent about what is already in place and what extra measures are needed to reach the stated objectives. The measures should be</p>	<p>☺️</p>	<p>The draft PoM clearly discusses that that basic measures are currently not enough to achieve WFD objectives. The PoM also states that the supplementary measures that they will rely on – mainly AEMs under the RDP – will help but are also not enough. An ongoing project is currently analysing the effect measures will have on the nutrient load. The project will also analyse the additional need for action despite the implementation of basic</p>

Recommendation made in CSWD (March 2015)	Baseline for assessment of progress and actions required to solve the issue and fully address the recommendation	Evaluation	Justification for evaluation of progress
<p>identification of basic (mandatory) measures is expected to be made transparent both to the sectors and the general public. Clarity on timescale of implementation of the measures is also expected.</p>	<p>identified, before exemptions are considered.</p>		<p>measures. It appears the project is not yet finished. As such, the basic measures will need to be strengthened and additional measures will be necessary. These include: the draft Regulation to protect and maintain permanent grassland and expanding advice on nutrient pollution, which is financed under the RDP. Additional measures are also listed but it is not entirely clear if they are voluntary measures under the RDP or part of upcoming mandatory measures. What still remains unclear is how the basis measures and voluntary measures in the RDP will actually lead to achieving WFD objectives as the PoM itself indicates that this is not enough.</p> <p>The implementation of the UWWTD is clearly mentioned as basic measures, but it remains unclear to which it contributes to the achievement of WFD objectives.</p>
<p>Review regulation on the use of pesticides (beyond nutrients) in order to prevent pollution at source and effectively reduce current levels of contamination of both surface and groundwater, making clear linkages with the implementation of the Directive on the sustainable use of pesticides. If the National Action Programme is intended to fulfil the requirement to have controls on pesticide pollution as required by article 11.3 of the WFD, then the detail on these controls (mandatory measures) should be set out in the RBMPs and the PoMs.</p>	<p>The pressures on water from agriculture include pressures on water quality from diffuse sources of pollutants such as nutrients (and its associated eutrophication) and pesticides, as well as morphological modifications. Several measures to tackle pesticides exist.</p> <p>DE: to indicate extent of progress in developing and implementing national action plans under the Sustainable Use of Pesticides Directive to show how far these will go in addressing pesticide risks in relation to WFD objectives.</p>	<p>☹</p>	<p>The dPoM provides information on needing to address pesticides and implementing measures, cooperation between drinking water companies and farmers – but the RDP does not provide information on the extent of progress in developing national action plans.</p>
<p>Define measures targeted to agriculture</p>	<p>Detailed information on non – technical</p>	<p>☹</p>	<p>The PoM details measures that will be taken,</p>

Recommendation made in CSWD (March 2015)	Baseline for assessment of progress and actions required to solve the issue and fully address the recommendation	Evaluation	Justification for evaluation of progress
with a much better level of detail to ensure their uptake by farmers, their inspection by relevant agencies and to assist tracking of compliance. Basic measures are mostly presented as legislative acts and in the next RBMPs Germany should present detail on technical measures included in such acts.	agricultural measures is not provided, as only general categories are reported		include monitoring on rate of implementation and on the effectiveness of measures with the aim to optimise the measure programme. However, detailed information on the measures included under the ND or under the Pesticides Directive is still lacking.
Make a clear distinction in the RBMPs between mandatory measures (the minimum being measures to implement article 11.3.) and voluntary ones that will be funded under the EARDF.	<p>No specific information reported to what will be achieved through measures to implement the Nitrates Directive, through basic measures under article 11.3. of the WFD, basic measures included in pillar 1 (GAEC, greening) of the CAP and supplementary measures under pillar 2 of the CAP.</p> <p>With the exception of the Weser, all the PoMs mention that the river basin will take advantage of Rural Development Regulation (RDR) financing, but the information was very general and not measure specific.</p>	😊😊	The dPoM provide clear information on the difference between basic measures and the voluntary measures under the RDP.
Make clear to what extent the full range of agriculture measures included in the RBMP will be sufficient to redress agriculture pressures to allow good status objectives to be achieved.	Agricultural measures are planned but there is no assessment or judgement as to how much the measures will contribute to the achievement of WFD objectives	😊	The draft PoM clearly discusses that that basic measures are currently not enough to achieve WFD objectives. The PoM also states that the supplementary measures that they will rely on – mainly AEMs under the RDP – will help but are also not enough. An ongoing project is currently analysing the effect measures will have on the nutrient load. The project will also analyse the additional need for action despite the implementation of basic measures. It appears the project is not yet finished. As such, the basic measures will need to be strengthened and additional measures will be necessary. These include:

Recommendation made in CSWD (March 2015)	Baseline for assessment of progress and actions required to solve the issue and fully address the recommendation	Evaluation	Justification for evaluation of progress
			the draft Regulation to protect and maintain permanent grassland and expanding advice on nutrient pollution, which is financed under the RDP. What still remains unclear is how the basis measures and voluntary measures in the RDP will actually lead to achieving WFD objectives as the PoM itself indicates that this is not enough.
Consider properly ecological flows wherever existing and planned abstractions may jeopardize the achievement of environmental objectives. This is particularly crucial when considering the review of water allocations and permits.	Although most of the RBs do not mention whether there are guidelines on defining ecologically based flow regimes, all of the PoMs include specific measures to achieve such flows.	😊	The establishment of e-flows are planned as a measure. Standards will be set by the administration.
Review the legislative base on morphology to ensure that controls exist to adequately prevent new morphological pressures.	Morphological pressures are a main pressure in all RB in DE.	?	No information found.
Consider and prioritise the use of green infrastructure and/or natural water retention measures that provide a range of environmental (improvements in water quality, flood protection, habitat conservation etc.), social and economic benefits which can be in many cases more cost-effective than grey infrastructure.		😊	NWRM are planned and will be funded, but their priority remains unclear
Provide more information in the RBMPs about the measures, especially the expected impact/effect on the water bodies' status. Other information, such as the location, timing and financing would add a level of specificity to the 2nd RBMPs that was a weakness in the	The information provided in the plans remains very general as only overarching categories of measures are provided. Detailed information on measures – for example, exactly what will be implemented, whether it will be implemented and how it will be financed – is missing in the PoM summaries found in the	😊	Information on impact/effect on the water bodies are provided within the projected status in 2021. Financing information is given, but mainly what can be funded (most measures are of voluntary nature). A detailed location is not provided but the rules of how priorities are set in terms of WB where

Recommendation made in CSWD (March 2015)	Baseline for assessment of progress and actions required to solve the issue and fully address the recommendation	Evaluation	Justification for evaluation of progress
first RBMP.	<p>RBMPs. Although Länder level PoMs were developed in Germany, these were not officially reported, leading to a lack of transparency on what is being planned in the individual basins</p> <p>DE will consider on this basis providing more detail on measures, implementation and effectiveness of the PoM, financing, and timelines in 2nd RBMP.</p>		measures will be implemented. Timing is referred to the fact that all measures will be implemented in the second cycle. There is also a clear understanding on the level of implementation of measures.
Provide better information on how measures are selected and targeted towards a water body. While uncertainties related to the status and the effects of measures were provided in the 1st RBMPs it is expected that many of these obstacles should have been overcome in the 2nd RBMPs.	<p>The programmes of measures were developed at the national level under the LAWA. Measures have been developed for each respective theme (i.e. agriculture, groundwater, hydromorphology, water pricing, etc). On the one hand, this ensures a common approach in the Länder, especially in RBDs with multiple administrative districts. On the other hand, the information provided in the plans remains very general as only overarching categories of measures are provided. This general measures have complemented and refined on the Länder level.</p> <p>The POMs in most Länder do not link measures to a specific water body. It is stated that this is done in the detailed planning process.</p>	☺	See question above
Provide more ambitious programmes of measures for the 2nd RBMPs to increase the number of water bodies at good status by 2021.	In the first plan only 26,4% of surface water bodies are expected to have good or better ecological status and 88,5% are expected to have good or better chemical status.	?	Due to several changes in the delineation of water bodies, changes in typology, new legal requirements etc. (see Q2) a direct comparison of what can be achieved in 2021 is not possible as the baseline has changed. However the details on the PoM are not sufficient to judge the level of ambition.
Review the designation of HMWBs, in	The main water uses that have led to the	☺	Two water bodies that have been classified in

Recommendation made in CSWD (March 2015)	Baseline for assessment of progress and actions required to solve the issue and fully address the recommendation	Evaluation	Justification for evaluation of progress
<p>particular taking into account restoration measures that would make it possible for water bodies to achieve good status, which will in turn provide a legal driver for restoration measures.</p>	<p>designation are navigation, recreation, water supply, power generation, irrigation, water regulation, flood protection, land drainage and other human activities such as urban settlements and conservation of ancient monuments.</p> <p>All German river basins have defined GEP. When doing so to both approaches (the reference - based approach (according to the CIS Guidance), and the mitigation measures approach (Prague approach)) can be found. The reference -based approach was reported for the Eider, Schlei/Trave and the Danube. The Prague approach has been reported for Odra, Meuse, Warnow/Peene, Ems, Weser and Elbe. In the Rhine both approaches have been used, depending on the “Länder” involved. However a link between restoration measures and GEP is often missing.</p>		<p>2008 as HMWB are no considered as natural WB. No details are provided.</p> <p>A new definition of the GEP has been applied (national approach).</p>
<p>Ensure that the RBMPs clearly identify the gap to good status, and that the PoMs are designed and implemented to close that gap. Should all measures not be put in place in the second RBMP Germany is expected to provide better justification for exemptions to the achievement of environmental objectives (in particular as regards the assessment of affordability and disproportionate costs). Germany should include in the RBMPs a clear timetable for the measures to be implemented.</p>	<p>Measures are planned but there is no assessment or judgement as to how much the measures will contribute to the achievement of WFD objectives</p> <p>In case where disproportional costs have been argued (all basins except Odra and Warnow/Peene) the reported methodologies/arguments behind the judgements are not very obvious. Only a few “Länder” reported some hints. BY (Danube, Rhine) makes a brief reference to taking into account the financial impact on the entity paying for the measure.</p> <p>Detailed information on measures – for</p>	<p>☺</p>	<p>As regard to the reduction in pressures required some references to the RB level plans (e.g. Elbe where such an assessment is made) are made, but not details are provided. The justification of exemptions has improved and reference is made to some more detailed background documents.</p>

Recommendation made in CSWD (March 2015)	Baseline for assessment of progress and actions required to solve the issue and fully address the recommendation	Evaluation	Justification for evaluation of progress
	example, exactly what will be implemented, whether it will be implemented and how it will be financed – is missing in the PoM summaries found in the RBMPs		
Include in the 2nd RBMPs a more consistent approach to substance-specific measures in the different Länder and	DE: 2nd RBMP will include a more consistent approach to substance-specific measures in the different Länder.	?	
put in place substance-specific and general measures to address pollutants at source.		☺	There is a catalogue of measures developed by the LAWA, but this does not establish a link between substances and the measure. General measures that address pollution by a broad range of substances are provided (e.g. better treatment of industrial waste water). There are several legal acts mentioned which also address a reduction at source.
Set out better information on the allocation of financial resources for measure implementation in the 2nd RBMPs.	Detailed information on measures – for example, exactly what will be implemented, whether it will be implemented and how it will be financed – is missing in the PoM summaries found in the RBMPs	☺	Financing information is given, but mainly what can be funded (most measures are of voluntary nature).
Mainstream across Germany good practices from some Länder on consistently addressing hydromorphological pressures through the Rural Development Programmes.	DE: include detailed information on hydromorphological measures being financed by the RDP	😊😊	The RBMP indicates that morphological problems are a significant problem in the river basin. The RBMP details a number of measures being implemented. The LS RDP finances hydromorphological pressures under M7. It finances the restoration of surface waters, lakes, transitional and coastal waters. The measure “Surface water development” will address morphological problems and develop water ecosystems by investing in reconnecting floodplain areas, improving the passability of water (e.g. through fish ladders), improve water retention through dike relocation and wetland restoration. The RDP will also finance lake development to improve

Recommendation made in CSWD (March 2015)	Baseline for assessment of progress and actions required to solve the issue and fully address the recommendation	Evaluation	Justification for evaluation of progress
			banks and water retention capacities. The RDP finances in transition and coastal water: restoration of natural tide dynamics, restoration of water with a view of improving good ecological status, restoration of natural sediment dynamic, among others. The dPoM makes clear reference to this financing stream.
Explore all opportunities to secure necessary funding to pay for RBMP measures, e.g. wider application of article 9, RDPs, national flood budget (with a priority for natural water retention measures), water company investment and industry measures to reduce chemicals at source.	General funding information was stated in the plans of the river basins where only one RBMP was developed (i.e. Weser, Elbe, Eider, Warnow/Peene and Schlei/Trave). With the exception of the Weser, all the PoMs mention that the river basin will take advantage of Rural Development Regulation (RDR) financing, although Art. 38 is not referenced by any of the plans.	😊	The POM contains a detailed assessment of the costs by group of measures (hymo, diffuse, UWW, etc.) and some financing information, mainly addressing Länder and EU funds (e.g. EFRAD). No information on private funding options. Art 9 is only mentioned in the context of drinking water supply and waste water treatment.

### 3.3 Water services excluded from the requirement of WFD Article 9 “Recovery of costs for water services”

**Table 9** Water services explicitly included in/excluded from cost recovery and Article 9.4 exemptions applied

Water service	Explicitly included in cost recovery (yes/no/no information/not clear)	Explicitly excluded from cost recovery (yes/no/no information/not clear)	Article 9.4 exemptions applied (yes/no/no information/not clear)
Drinking water abstraction (surface and/or groundwater), treatment and distribution	yes		No
Sewage collection and wastewater treatment	yes		No
Drinking water abstraction (surface and/or groundwater), treatment and distribution AND sewage collection and wastewater treatment (when considered together)	Not considered together		no

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Irrigation water abstraction, treatment and distribution	yes		no
Self-abstraction	No information	No information	No information
Impoundment and storage of water	No		No information
Impoundment for flood protection	No		No information
Impoundment for navigation	no		No information
Other (please describe in text box below)	yes		no

Industrial and agricultural abstractions are explicitly included in cost recovery when taken from the public supply network. In the case of agriculture it should be noted that irrigation plays a small role in the Rhine/LS basin.

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## 4. River Basin District: *Rhine/Weser/Ems/Maas/NRW*

### 4.1 Headlines

The following passage summarises the main changes made in the draft second RBMP compared to the first RBMPs, for example, as required in annex VII B.

- There is an extended and detailed chapter of changes or updates since the publication of the 1<sup>st</sup> cycle river basin management plan (RBMP) (chapter 13). Main issues are:
  - Change in surface waterbodies (SWB) (fewer water bodies than 2009 (from 1897 to 1727), but an increase of 23km of the total length of all waterbodies (WB)) and changes to geometry.
  - Changes in typology, about 580 WB.
  - Changes of protected areas (due to new legal requirements and more areas).
  - The overall significant pressures have not changed, but the assessment of them has been made with greater detail.
  - Update of the risk assessment (far less positive picture than in 2009 for ground waterbodies (GWB); a comparison for SW not possible due to the above mentioned changes).
  - Improved assessment methods for surface and groundwater bodies result in changes of the status assessment. Better intercalibration with other Member States (MS), Gaps in assessment methods have also been closed and a good ecological potential (GEP) definition has been introduced.
  - Continuous improvement of the monitoring of surface and ground water. The amount of monitoring stations on SW has slightly changed for operational and surveillance monitoring.
  - The status assessment has been improved by the changes mentioned before and due to new water legislation as regards to the environmental status.
  - The overall strategy to achieve the environmental objectives has not been changed, but the new key topics have been added (strategy on biodiversity, climate change and mercury).
  - An improved, more detailed and better coordinated economic assessment has been performed.

In cases where the expectations of the first plan have not been achieved or are not expected to be achieved, there is a description of what expectations have not been achieved and an explanation of why not.

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- There is a chapter (14) that details the status of the programme of measures (PoM) implementation. Beside other issues it also clearly outlines which measures have not been implemented so far. The main reasons why measures are not implemented are: i) lack of land obtained, ii) lack of human or financial resources. For 15000 planned measures, the measure has been determined to not be needed to achieve good status. The good status can be achieved by other means (e.g. other measures) or the good status was already achieved.
  - In the 2<sup>nd</sup> cycle dRBMP it is stated that not all environmental objectives have been achieved and further efforts are needed. The reasons are lack of implementation of measures (see above) and the fact that the biology requires more time to recover. Also new results from monitoring and new assessment methods, as well as changes in the delineation of WB are mentioned as reasons.

#### **4.2 Screening of progress on recommendations made in the Commission Staff Working Document (2015)**

For each of the recommendations made in the Commission Staff Working Document (CSWD), which was published in March 2015, Table 5 shows:

- A baseline against which to assess progress, and the actions required to solve the issue and fully address the recommendation;
- An evaluation (key provided in Table 4); and
- Justification for the evaluation of progress.

**Table 10 Description of the evaluation criteria used in the screening of progress**

Evaluation	Description
😊😊	<b>Strong evidence that actions taken are likely to address the COM recommendation.</b> All the actions relating to the recommendation have clearly been taken in the second plans. The actions are defined in relation to the “baseline” situation in the first RBMPs.
😊	<b>Evidence found that good progress has/is being made</b> There has been good progress on the actions associated with the recommendation but not all actions have been taken, some may be on-going with a clear timetable which will solve issues in a reasonable timeframe (1 year for simple things, 2-3 years for more complex issues).
😊	<b>Some evidence of progress.</b> Some (but not all) of the actions proposed in the recommendations are mentioned and described but not in enough detail to be certain that they have been fully taken. Some of the actions required by the recommendation may not have been taken or mentioned at all.
?	<b>No information could be found on the actions associated with the recommendation.</b> There is no information in the plan that any of the actions associated with the recommendation have been considered or taken. The justification must describe the documents that have been screened.
😞	<b>No progress, or implementation of the WFD has worsened</b> The same inadequate processes, approaches and/or methods used in the first plan have been reported in the second plan, and/or implementation has worsened in relation to the subject of the recommendation.

**Table 11 Assessment of progress on recommendations made in the CSWD (2015)**

Recommendation made in CSWD (March 2015)	Baseline for assessment of progress and actions required to solve the issue and fully address the recommendation	Evaluation	Justification for evaluation of progress
Improve knowledge (in designing and making operational the measures for the 2nd RBMP cycle) on the link between pressures and impacts in order to:		😊	Changes in the definition of significant pressures following a national approach providing more details and strengthening the DPSIR approach have been made. Also the level of detail has been improved.

Recommendation made in CSWD (March 2015)	Baseline for assessment of progress and actions required to solve the issue and fully address the recommendation	Evaluation	Justification for evaluation of progress
<ul style="list-style-type: none"> <li>Refine the significance of the pressures by quantifying those which are likely to prevent the achievement of environmental objectives;</li> </ul>	<p>The information regarding significance for single pressures is compiled and made transparent in the assessment templates. It is not homogeneous across all Länder or Germany. There are different understandings concerning the selection of which biological quality element (BQE) is most sensitive to a certain pressure.</p>		<p>There is a clear indication for pressures how many water bodies they impact, and are likely to prevent the achievement of environmental objectives</p>
<ul style="list-style-type: none"> <li>Assess the reduction in pressures required to achieve environmental objectives;</li> </ul>	<p>DE should identify how much load reduction (agriculture) is necessary.</p>		<p>The target for nutrients is clearly set and there is a clear assessment on the % of the Nitrogen (N) and Phosphorous (P) comes from agriculture. However the report does not give clear numbers of reduction needed in total and per sector. It also remains unclear how much reduction is needed for the other pressures.</p>
<ul style="list-style-type: none"> <li>Apportion the source and clearly identify the responsible sectors/areas.</li> </ul>	<p>DE has done a very detailed assessment of pressures and related them to the different sources. This was done mainly in the context of identifying significant water management issues. What is lacking is the magnitude each sources contributes to a certain pressure. Sometime qualitative statements can be found (e.g. a major source is...).</p>		<p>The pressures are clearly linked to sectors in the dRBMP and PoM, but information on the magnitude is not always provided.</p>
<ul style="list-style-type: none"> <li>Enhance measures to tackle pollution by nutrients (nitrogen and phosphorus) considering their impact on the ecological status because diffuse pollution from agriculture is the main reason for poor groundwater status, and all coastal and transitional waters are failing due to eutrophication. Full consideration of the basin-wide impact is needed in this respect</li> </ul>	<p>According to the information supplied by Germany in the bilaterals, even by implementing the current Nitrates Directive (ND), DE will not achieve good status (GS) under the Water Framework Directive (WFD).</p>		<p>The Plan indicates that they will focus on three approaches: 1) strengthening existing regulations, 2) implementation of advice and self-initiatives and 3) agri-environmental measures and organic farming. Detailed information is provided on changes to the ND. In addition North Rhine-Westphalia (NRW) implemented in 2012 a new regulation on manure and a ban on converting grassland. The plan also provides information on cooperation between farmers and drinking water companies, expanded agriculture</p>

Recommendation made in CSWD (March 2015)	Baseline for assessment of progress and actions required to solve the issue and fully address the recommendation	Evaluation	Justification for evaluation of progress
(local and downstream impacts including up to transitional and coastal waters).			advice and a Manure exchange to help areas with too much manure. Use of the rural development programme (RDP) is mentioned but not described in detail.
Check that their nutrient standards are consistent with biological requirements for the achievement of good status and set out a more coherent strategy in the 2nd RBMPs that reflects:	DE will provide information on what standards are needed for N to fulfil WFD requirements, including factual information on N reduction.	😊😊	There is a clear target on what needs to be achieved in mg/l for N and P with focus the marine environment (good status of coastal waters). Based on that a clear strategy has been described.
<ul style="list-style-type: none"> <li>for agriculture: what will be achieved through measures to implement the Nitrates Directive, through basic measures under article 11.3. of the WFD, basic measures included in pillar 1 (GAEC, greening) of the CAP and supplementary measures under pillar 2 of the CAP; Germany should put in place a revised nitrates action programme under the Nitrates Directive that can address this issue meaningfully</li> </ul>	No specific information reported to what will be achieved through measures to implement the Nitrates Directive, through basic measures under Article 11.3. of the WFD, basic measures included in pillar 1 (Good Agricultural and Environmental Condition (GAEC), greening) of the Common Agricultural Policy (CAP) and supplementary measures under pillar 2 of the CAP.	😊	The plan provides considerable details on the revision of the ND. The plan does not indicate what will be achieved through these changes specifically other than a better basis for tackling diffuse pollution. Overall, the plan does not detail what will be achieved through measure implementation.
<ul style="list-style-type: none"> <li>for urban areas: what will be achieved through compliance with the UWWTD and what will be required beyond this (e.g. tightening of standards, addressing storm water overflows).</li> </ul>	Basic measures to tackle point sources (point sources also Urban wastewater Treatment (UWWT) and storm water overflow) were not enough to meet WFD objectives in rivers in all RBDs except the Eider and Schlei-Trave; in lakes in the Danube, the Rhine, Weser, Elbe and Odra; and in transitional waters in the Elbe. Measures have been taken but there is no assessment or judgement as to how much the measures will contribute to the achievement of WFD objectives;	😊	There is a clear indication on how much UWWT contributes to the problem and how much storm water is contributing. Measures cover the improvement of UWWT and addressing storm water overflows. The implementation of the UWWTD is clearly mentioned as basic measures, but it remains unclear to which extent it contributes to the achievement of WFD objectives.
In particular it is expected that the 2nd	DE to identify clearly which additional	😊	The plan presents information on basic

Recommendation made in CSWD (March 2015)	Baseline for assessment of progress and actions required to solve the issue and fully address the recommendation	Evaluation	Justification for evaluation of progress
<p>RBMPs, based on the necessary reduction in nutrient load, clearly identify the extent to which the measures already taken under the implementation of ND and UWWTD contribute to the achievement of WFD objectives and which additional measures should be taken to actually achieve these objectives. A clear identification of basic (mandatory) measures is expected to be made transparent both to the sectors and the general public. Clarity on timescale of implementation of the measures is also expected.</p>	<p>measures are considered necessary (either under the ND or other instruments) in order to achieve WFD objectives (calculating baseline scenarios, progress under the ND and agri-environmental schemes, and identifying the remaining gap). It is necessary to be transparent about what is already in place and what extra measures are needed to reach the stated objectives. The measures should be identified, before exemptions are considered</p>		<p>measures and indicates that supplementary measures are needed. It is clear what is already in place and the plan lists general measure categories of what needs to be implemented to reach objectives. But the plan does not provide information on the extent to which measures contribute to WFD objectives. The implementation of the Urban Wastewater Treatment Directive (UWWTD) is clearly mentioned as basic measures, but it remains unclear to which extent it contributes to the achievement of WFD objectives.</p>
<p>Review regulation on the use of pesticides (beyond nutrients) in order to prevent pollution at source and effectively reduce current levels of contamination of both surface and groundwater, making clear linkages with the implementation of the Directive on the sustainable use of pesticides. If the National Action Programme is intended to fulfil the requirement to have controls on pesticide pollution as required by article 11.3 of the WFD, then the detail on these controls (mandatory measures) should be set out in the RBMPs and the PoMs.</p>	<p>The pressures on water from agriculture include pressures on water quality from diffuse sources of pollutants such as nutrients (and its associated eutrophication) and pesticides, as well as morphological modifications. Several measures to tackle pesticides exist.</p> <p>DE: to indicate extent of progress in developing and implementing national action plans under the Sustainable Use of Pesticides Directive to show how far these will go in addressing pesticide risks in relation to WFD objectives.</p>	☺	<p>The plan includes supplementary measures to address pesticides and mentions the Pesticides Regulations. The plan does not indicate the extent of progress in developing national action plans.</p>
<p>Define measures targeted to agriculture with a much better level of detail to ensure their uptake by farmers, their inspection by relevant agencies and to assist tracking of compliance. Basic measures are mostly presented as</p>	<p>Detailed information on non – technical agricultural measures is not provided, as only general categories are reported</p>	☺	<p>Chapter 5 presents clear information on the three pronged approach to addressing diffuse pollution, including detailed information on how the ND will be revised to better contribute to achieving WFD objectives. However, supplementary measures are only presented</p>

Recommendation made in CSWD (March 2015)	Baseline for assessment of progress and actions required to solve the issue and fully address the recommendation	Evaluation	Justification for evaluation of progress
legislative acts and in the next RBMPs Germany should present detail on technical measures included in such acts.			in umbrella categories with no additional details. Reference is made to monitoring measures in order to adjust the programme but no details are provided.
Make a clear distinction in the RBMPs between mandatory measures (the minimum being measures to implement article 11.3.) and voluntary ones that will be funded under the EARDF.	<p>No specific information reported to what will be achieved through measures to implement the Nitrates Directive, through basic measures under Article 11.3. of the WFD, basic measures included in pillar 1 (GAEC, greening) of the CAP and supplementary measures under pillar 2 of the CAP.</p> <p>With the exception of the Weser, all the PoMs mention that the river basin will take advantage of Rural Development Regulation (RDR) financing, but the information was very general and not measure specific.</p>	☹️	The Plan states that a clear distinction between basic and supplementary measures is not always possible at measure level but that this difference is not so important (p. 631 RBMP). The dPoM separates the measures between regulations and additional measures, which appear to focus on voluntary measures under the RDP and agriculture advice.
Make clear to what extent the full range of agriculture measures included in the RBMP will be sufficient to redress agriculture pressures to allow good status objectives to be achieved.	Agricultural measures are planned but there is no assessment or judgement as to how much the measures will contribute to the achievement of WFD objectives	☹️	There is no information on the RBMP or PoM on the extent to which the full range of agriculture will be sufficient to redress agriculture measures. The measure categories remain rather generic.
Consider properly ecological flows wherever existing and planned abstractions may jeopardize the achievement of environmental objectives. This is particularly crucial when considering the review of water allocations and permits.	Although most of the RBs do not mention whether there are guidelines on defining ecologically based flow regimes, all of the PoMs include specific measures to achieve such flows.	☹️	The introduction of e-flows is mentioned as a measure but no details are provided
Review the legislative base on morphology to ensure that controls exist to adequately prevent new morphological pressures.	Morphological pressures are a main pressure in all RB in DE.	?	No information found.
Consider and prioritise the use of green infrastructure and/or natural water retention measures that provide a		😊	Natural water retention measures are planned and they seem to have some priority. There is little information on how priorities have been

Recommendation made in CSWD (March 2015)	Baseline for assessment of progress and actions required to solve the issue and fully address the recommendation	Evaluation	Justification for evaluation of progress
range of environmental (improvements in water quality, flood protection, habitat conservation etc.), social and economic benefits which can be in many cases more cost-effective than grey infrastructure.			set.
Provide more information in the RBMPs about the measures, especially the expected impact/effect on the water bodies' status. Other information, such as the location, timing and financing would add a level of specificity to the 2nd RBMPs that was a weakness in the first RBMP.	<p>The information provided in the plans remains very general as only overarching categories of measures are provided. Detailed information on measures – for example, exactly what will be implemented, whether it will be implemented and how it will be financed is missing in the PoM summaries found in the RBMPs. Although Länder level PoMs were developed in Germany, these were not officially reported, leading to a lack of transparency on what is being planned in the individual basins</p> <p>DE will consider on this basis providing more detail on measures, implementation and effectiveness of the PoM, financing, and timelines in 2nd cycle RBMP.</p>	😊	There is an assessment of what the PoM might result in terms of status improvement by 2021. The PoM contains a detailed assessment of the costs by group of measures (hydromorphology, diffuse pollution, UWW, etc.) and about financing. A rough time table exists but not on the measure level, only in terms of short, medium, long term measures (without linking measures to these 3 categories). Location of measures is provided on maps covering the full territory of NRW.
Provide better information on how measures are selected and targeted towards a water body. While uncertainties related to the status and the effects of measures were provided in the 1st RBMPs it is expected that many of these obstacles should have been overcome in the 2nd RBMPs.	The programmes of measures were developed at the national level under the LAWA (the German Working Group on water issues of the Federal States and the Federal Government). Measures have been developed for each respective theme (i.e. agriculture, groundwater, hydromorphology, water pricing, etc). On the one hand, this ensures a common approach in the Länder, especially in RBDs with multiple administrative districts. On the other hand, the information provided in the plans remains very general as only overarching categories of measures are	😊	The PoM refers to several detailed studies and expert judgement as regards to targeting measures. Priorities of the measures seem to follow the overall strategy and priorities to achieve good status but limited details are provided. The selection of measures follows the DPSIR approach and the timing of implementation is prioritised along financing possibilities, legal constraints and technical possibilities. There is also a clear understanding on the level of implementation of measures.

Recommendation made in CSWD (March 2015)	Baseline for assessment of progress and actions required to solve the issue and fully address the recommendation	Evaluation	Justification for evaluation of progress
	<p>provided. This general measures have complemented and refined on the Länder level.</p> <p>The PoMs in most Länder do not link measures to a specific water body. It is stated that this is done in the detailed planning process.</p>		
<p>Provide more ambitious programmes of measures for the 2nd RBMPs to increase the number of water bodies at good status by 2021.</p>	<p>In the first plan only 26.4% of surface water bodies are expected to have good or better ecological status and 88.5% are expected to have good or better chemical status.</p>	?	<p>Due to several changes in the delineation of water bodies, changes in typology, new legal requirements etc. (see Q2) a direct comparison of what can be achieved in 2021 is not possible as the baseline has changed. However the details on the PoM are not sufficient to judge the level of ambition.</p>
<p>Review the designation of HMWBs, in particular taking into account restoration measures that would make it possible for water bodies to achieve good status, which will in turn provide a legal driver for restoration measures.</p>	<p>The main water uses that have led to the designation are navigation, recreation, water supply, power generation, irrigation, water regulation, flood protection, land drainage and other human activities such as urban settlements and conservation of ancient monuments.</p> <p>All German river basins have defined GEP. When doing so to both approaches (the reference - based approach (according to the Common Implementation Strategy (CIS) Guidance), and the mitigation measures approach (Prague approach)) can be found. The reference -based approach was reported for the Eider, Schlei/Trave and the Danube. The Prague approach has been reported for Odra, Meuse, Warnow/Peene, Ems, Weser and Elbe. In the Rhine both approaches have been used, depending on the "Länder" involved. However a link between restoration measures and GEP is often missing.</p>	☺	<p>The designation of heavily modified water body (HMWB) has been revised and follows a German wide approach. There is a reference to a more detailed guidance document, which was not found, yet. There is no comparison if HMWB have been increased or decreased since 2009</p> <p>Also a new definition of the GEP has been applied (national approach).</p>

Recommendation made in CSWD (March 2015)	Baseline for assessment of progress and actions required to solve the issue and fully address the recommendation	Evaluation	Justification for evaluation of progress
<p>Ensure that the RBMPs clearly identify the gap to good status, and that the PoMs are designed and implemented to close that gap. Should all measures not be put in place in the second RBMP Germany is expected to provide better justification for exemptions to the achievement of environmental objectives (in particular as regards the assessment of affordability and disproportionate costs). Germany should include in the RBMPs a clear timetable for the measures to be implemented.</p>	<p>Measures are planned but there is no assessment or judgement as to how much the measures will contribute to the achievement of WFD objectives</p> <p>In case where disproportional costs have been argued (all basins except Odra and Warnow/Peene) the reported methodologies/arguments behind the judgements are not very obvious. Only a few "Länder" reported some hints. BY (Danube, Rhine) makes a brief reference to taking into account the financial impact on the entity paying for the measure.</p> <p>Detailed information on measures – for example, exactly what will be implemented, whether it will be implemented and how it will be financed – is missing in the PoM summaries found in the RBMPs</p>	😊	<p>The gap is shown by showing the amount of WB not in good status in 2014.</p> <p>There are more detailed descriptions of the justifications for exemptions (addressing the issue of affordability and disproportionate costs). It also set the use of exemptions into the national legal context</p> <p>A rough time table exists but not on the measure level, only in terms of short, medium, long term measures (without linking measures to these 3 categories).</p>
<p>Include in the 2nd RBMPs a more consistent approach to substance-specific measures in the different Länder and</p>	<p>DE: 2nd cycle RBMP will include a more consistent approach to substance-specific measures in the different Länder.</p>	?	
<p>put in place substance-specific and general measures to address pollutants at source.</p>		😊	<p>There is a catalogue of measures developed by the LAWA, but this does not establish a link between substances and the measure. General measures that address pollution by a broad range of substances are provided (e.g. better treatment of industrial waste water). There are several legal acts mentioned which also address a reduction at source.</p>
<p>Set out better information on the allocation of financial resources for measure implementation in the 2nd RBMPs.</p>	<p>Detailed information on measures – for example, exactly what will be implemented, whether it will be implemented and how it will be financed – is missing in the PoM</p>	😊😊	<p>The PoM contains s a detailed assessment of the costs by group of measures (hydromorphology, diffuse, UWW, etc) and about financing.</p>

Recommendation made in CSWD (March 2015)	Baseline for assessment of progress and actions required to solve the issue and fully address the recommendation	Evaluation	Justification for evaluation of progress
<p>Mainstream across Germany good practices from some Länder on consistently addressing hydromorphological pressures through the Rural Development Programmes.</p>	<p>DE: provide detailed information on hydromorphological measures financed by the RDP.</p>	<p>😊😊</p>	<p>Morphological alterations are a major problem in NRW. A specific, Länder level programme “Lebendige Gewässer” was set up in 2009 with the aim to ‘re-naturate’ waters and improve connectivity, thus improving the ecological status of SWBs. The draft RDP of NRW did not put much emphasis on hydromorphological pressures, with the SWOT (strengths, weakness, opportunity threat analysis) failing at the time of the 1st drafting to provide any information linking morphological alterations to the agriculture sector. In the 1st draft, there is one measure under M8.5 that mentions designing streams and ponds but there are no details on what that entails. It is unknown at this time whether the final RDP will have changed its lack of emphasis on hydromorphology. It should be mentioned that the draft RDP indicated that the programme Lebendige Gewässer is the main programme to deal with morphological issues.</p>
<p>Explore all opportunities to secure necessary funding to pay for RBMP measures, e.g. wider application of article 9, RDPs, national flood budget (with a priority for natural water retention measures), water company investment and industry measures to reduce chemicals at source.</p>	<p>General funding information was stated in the plans of the river basins where only one RBMP was developed (i.e. Weser, Elbe, Eider, Warnow/Peene and Schlei/Trave). With the exception of the Weser, all the PoMs mention that the river basin will take advantage of Rural Development Regulation (RDR) financing, although Article. 38 is not referenced by any of the plans.</p>	<p>😊😊</p>	<p>The PoM contains a detailed assessment of the costs by group of measures (hymo, diffuse, UWW, etc.) and about financing (including private and public (Länder and EU funds (e.g. EFRAD)) funding mechanisms). Article 9 is only mentioned in the context of drinking water supply and waste water treatment.</p>

### 4.3 Water services excluded from the requirement of WFD Article 9 “Recovery of costs for water services”

**Table 12 Water services explicitly included in/excluded from cost recovery and Article 9.4 exemptions applied**

<b>Water service</b>	<b>Explicitly included in cost recovery (yes/no/no information/not clear)</b>	<b>Explicitly excluded from cost recovery (yes/no/no information/not clear)</b>	<b>Article 9.4 exemptions applied (yes/no/no information/not clear)</b>
Drinking water abstraction (surface and/or groundwater), treatment and distribution	yes		No
Sewage collection and wastewater treatment	yes		No
Drinking water abstraction (surface and/or groundwater), treatment and distribution AND sewage collection and wastewater treatment (when considered together)	Not considered together		no
Irrigation water abstraction, treatment and distribution	yes		no
Self-abstraction	No information	No information	No information
Impoundment and storage of water	No		No information
Impoundment for flood protection	No		No information
Impoundment for navigation	no		No information
Other (please describe in text box below)	yes		no

Industrial and agricultural abstraction are explicitly included in cost recovery when taken from the public supply network. In the case of agriculture it should be noted that irrigation plays not a big role in the Rhine/NRW basin.