

R5.1 - Informative factsheets of key relevant policy actors

Work Package 5 - Identification of the key relevant policy actors and their planning & management competence for the project generation 2014-2020

Version 01
Date 04.12.2014

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Preface

The present factsheets are an outcome of the project “Alpine space In Movement – targeted to water and energy capitalisation” in the frame of the Alpine Space Programme, co-funded by the European Regional Development Fund (www.aim2014.eu).

The project is based on:

- 1) Tracking the accomplished results of the Alpine Space Programme projects (ASP 2007-2013), in the thematic fields of renewable energy production, water resources management and conservation & restoration of (aquatic) ecosystems and the identification of the transnational needs of the entire Alpine Space Region (Work Package 4).
- 2) Valorising and capitalising the main ASP project’s achievements in terms of policy & management development into effective dissemination and target the relevant policy level/actors to impact on national/regional policies.
- 3) Setting the scene for the 2014+ project generation, by crossing the achieved results with beneficiaries needs, mapping the European/regional/transboundary/national programs with possible synergies and by identifying key relevant policy actors and institutional competences to be addressed.

In particular, the present factsheets R5.1 (Informative factsheets of key relevant policy actors) which is part of Work Package 5 (Setting the scene for the 2014+) deal with the competent authorities for implementing the EU Water Framework Directive (WFD) (Directive 2000/60/EC), the Renewable Energy Source Directive (RES-e) (Directive 2001/77/EC) and the Habitat Directive in the Alpine Space countries.



Introduction

Hydropower is the most important renewable energy source in the Alpine area but it also creates serious environmental impacts. The RES-e Directive requires the enhancement of renewable energy but, at the same time, the EU Water Framework Directive (WFD) obliges member states to reach the “good ecological status” of all water bodies. Different competent authorities are responsible for granting authorisation for new hydropower installations, the implementation of the WFD respectively the River Basin Management Plan (RBMP), and the Habitat Directive in the individual Alpine countries. Several levels of administration are involved in water governance. Moreover, separate authorities are often involved in areas such as monitoring and enforcement.

The present factsheets of the Alpine Space countries are based on the findings of a report about hydropower generation in the Alps (Alpine Convention, 2011) and factsheets on national water governance (EC, 2012), which then are adapted according to the AIM work-programme, to give an overview on the distinct organisational structures.

Abbreviations

ARPA	Regional Environmental Protection Agency
BAFU	Swiss Environmental Agency
BMLFUW	Federal Ministry of Agriculture, Forestry, Environment and Water Management
BMUB	Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety
BRGM	National Institute for Geological and Mining Resources
DDT	French Ministry of Agriculture
DREAL	Regional Offices of the French Ministry of Environment
DREAL	Regional Department for Environment, Planning and Housing
EIA	Environmental Impact Assessment
ENEA	National Agency for Unconventional Energy
GSE	Manager of the Energy System
IFREMER	National Institute for Marine Research and Studies
LAWA	Working Group on Water Issues of the Federal States and the Federal Government
MISE	Water Office Department
NGP	National Water Management Plan
ONEMA	National Office of Water and Aquatic Ecosystems
RBMP	River Basin Management Plan
RDB	River Basin District
RES-e	Renewable Energy Source Directive
WFD	Water Framework Directive
WRG	Water Rights Act

AUSTRIA

The **Federal Ministry of Agriculture, Forestry, Environment and Water Management** (*Ministerium für ein Lebenswertes Österreich - BMLFUW*) is the highest legal water authority in Austria and therefore the overall responsibility for the enforcement of all water-related permits is at the Federal Ministry of Agriculture, Forestry, Environment and Water Management. All subordinated administrative bodies on state or regional level are organised in a hierarchical structure.

Topic	Competent authority / main coordinating authorities	Supporting authorities	Additional information
WFD	<i>Federal Ministry of Agriculture, Forestry, Environment and Water Management - BMLFUW (Ministerium für ein Lebenswertes Österreich)</i>		The transposition in national law is accomplished by the Water Right Act (<i>Wasserrechtsgesetz - WRG</i>) in the amendment of August 29, 2003.
RBMP	<i>BMLFUW</i>	Governors of federal states (<i>Landeshauptmann</i>)	The RBMP is the national water management plan (<i>Nationaler Gewässerbewirtschaftungsplan - NPG</i>). If the measures of the national RBMP are not sufficient to ensure compliance with the environmental objectives as stipulated by §§ 30a, 30c and 30d WRG, the governors of the nine federal states (<i>Länder</i>) are obliged to adopt regional programmes of measures (§ 55g WRG).
Surveillance & operational monitoring	<i>BMLFUW</i>		Gewässerzustandsüberwachungsverordnung (BGBl. 479/2006).
Investigative monitoring	<i>Governors of federal states</i>		
Permitting	<i>BMLFUW</i>	State-level authorities, administrative bodies - mainly district administrative authority (<i>Bezirksverwaltungsbehörde</i>). Sometimes Governors of federal states.	
Enforcement	<i>99 entities: 84 county administrations and 15 statutory cities. Sometimes also the BMLFUW.</i>		

AUSTRIA

The permit of new Hydropower Plants is granted by an administrative decision and as such must be compatible or made compatible with the NGP.

Topic	Competent authority/main coordinating authorities	Additional information
RES-e	<i>BMLFUW</i>	
HP Facilities < 500 kW	<i>Regional District Authority (Bezirkshauptmannschaft)</i>	Unless § 100 of the Water Right Act (WRG1) provides otherwise.
HP Facilities > 500 kW	<i>Governors of federal states</i>	Environmental impact assessment (EIA) becomes obligatory.
HP Facilities > 15 MW	<i>BMLFUW</i>	

Topic	Competent authority/main coordinating authorities	Supporting authorities	Additional information
Habitats Directive	<i>BMLFUW</i>	Governors of federal states	For implementing measures and certain provisions, the respective lower level: medium-scale projects and regulations at state level: the provincial governors small-scale projects and enforcement: the district administrative authority

ITALY

The national competent authority is the **Ministry of Environment, Land and Sea** (*Ministero dell'Ambiente e della Tutela del Territorio e del Mare*). However, both the regions and the RBD authorities also have important roles: the former for monitoring, permitting, planning and a range of other tasks, including direct responsibility for water categories; the latter for the preparation of river basin management plans among other tasks.

Topic	Competent authority/main coordinating authorities	Supporting authorities	Additional information
WFD	<i>Ministry of Environment, Land and Sea; Ministry of Agriculture; Regional authorities; River Basing District (RDB) authorities</i>		The transposition of the WFD in Italy has been carried out on 2006, with the legislative decree no. 152.
RBMP	<i>RBD authorities & their institutional committees; Regional authorities; Ministry of Environment</i>	Local authorities	Eight territorial districts were formed by aggregating territories, which previously belonged to existing basin authorities. The authorities or the competent regions should be in charge of the contents and the objectives of the RBMP'S, while the Ministry for the Environment should be in charge of the publication of guidelines for the editing of the plans.
Monitoring	<i>Regional authorities; regional environmental protection agencies; research institutes; national Institute for Environmental Protection and Research</i>	Reclamation and Irrigation Board for water irrigation and agriculture; Authorities for civil water use and supply	In most regions, this work will be delegated to the regional environmental protection agency (<i>ARPA - Agenzia regionale per la protezione dell'ambiente</i>)
Permitting	<i>Regional authorities; provinces; RBD authorities</i>	Local authorities	
Enforcement	<i>Regional authorities; provinces; local authorities; Carabinieri (national police corps); national forest protection body; other police forces</i>	Local authorities	

ITALY

Topic	Competent authority/main coordinating authorities	Supporting authorities	Additional information
RES-e	<i>Ministry for the Economic Development</i>	ENEA (National Agency for Unconventional Energy), GSE (Manager of the Energy System), regional authorities	The Italian government adopted on March 3, 2011, a legislative decree implementing the European Union's Renewable Energy Directive 2009/28/EC.
HP Facilities > 100 kW	<i>Region or appointed Province</i>		Producers have to make an EIA if there is a dam and they have to go through a screening procedure if the capacity is > 100 kW or if the discharge is > 200 l/sec. However, several regions may ask for EIA even for smaller plants.
HP Facilities < 100 kW	<i>Municipality</i>		Producers have to make an EIA if there is a dam and they have to go through a screening procedure if the capacity is > 100 kW or if the discharge is > 200 l/sec. However, several regions may ask for EIA even for smaller plants.

Topic	Competent authority/main coordinating authorities
Habitats Directive	<p>The Ministry of Environment leads national policies under the Habitats and Birds Directives. Protected areas where identified by the regions and transmitted to the Ministry of Environment, which brought them forward to the EU level.</p> <p>The regions and the national Ministry of Environment is represented on the institutional committees of the RBD authorities. A wide variety of bodies is involved in the management of protected areas, depending on where individual areas are found: e.g. the park authority manages those in regional and national parks.</p> <p>The <i>Corpo Forestale</i> (Forestry Corps) may manage protected areas in designated forest areas. Local governments and other entities may manage other areas.</p>

FRANCE

Topic	Competent authority/main coordinating authorities	Supporting authorities
WFD	<i>Ministry of Environment and its regional offices, Water Basin Agencies</i>	
RBMP	<i>Ministry of Environment and its regional offices, Water Basin Agencies</i>	River basin local authorities
Monitoring	<i>Ministry of Environment and its regional offices, Water Basin Agencies, National office of water and aquatic ecosystems (ONEMA).</i>	National research laboratory, National institute for marine research and studies (IFREMER), National institute for geological and mining resources (BRGM)
Permitting	<i>Ministry of Environment and its regional offices, Department office of the French Ministry of agriculture (DDT), ONEMA, Water Office Department (MISE)</i>	
Enforcement	<i>ONEMA, DDT, Prefect, Regional Departments for environment, planning and housing (DREAL)</i>	Gendarmerie, local authorities
RES-e	<i>Regional offices of the French Ministry of environment (DREAL)</i>	Local authorities (municipalities)
Habitats Directive	<i>Regional offices of the French Ministry of environment (DREAL)</i>	Local authorities (inter-municipalities, "community of communes") manage, by delegation of the state, the Document of Objectives of Natura2000 in their area.

GERMANY

Germany has transposed the WFD by federal legislation, Water Act (Wasserhaushaltsgesetz), Ordinance Federal provisions transposing EC water legislation, in particular the WFD are implemented by the federal states (Länder). The competent authorities with regard to WFD implementation are the highest state environmental authorities, i. e. the federal state's Ministries for the Environment.

Topic	Competent authority/main coordinating authorities	Supporting authorities
WFD	<i>Working Group on water issues of the Federal States and the Federal Government (LAWA)</i>	Working Group on water issues of the Federal States and the Federal Government (LAWA)
RBMP	<i>Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety</i>	National River Basin Committees, German Federal Waterways and Shipping Administration
Surveillance & operational monitoring	<i>Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety</i>	
Permitting	<i>Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety</i>	
Enforcement	<i>Federal state authorities – varies between federal states</i>	

GERMANY

Topic	Competent authority/main coordinating authorities	Supporting authorities	Additional information
RES-e	<i>Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety (Bundesministerium für Umwelt, Naturschutz, Bau und Reaktorsicherheit – BMUB)</i>	Responsibility for implementing measures lies mostly with the district/city/county authorities, as regulated by the individual federal state's legislation.	
Facilities with reservoirs > 10 Mio. m³	<i>BMUB</i>	District/city/county authorities	Environmental impact assessment (EIA) becomes obligatory.
Facilities with reservoirs < 10 Mio. m³	<i>BMUB</i>	District/city/county authorities	A general preliminary survey has to be done on an individual basis, which is also the case for every other hydropower plant. EIA has to be carried out, if the project could have a substantial unfavourable impact on the environment in the estimation of the responsible authority due to rough examination. Therefore, special examination criteria have been defined in a legal annex and are binding.
Habitats Directive	<i>Mainly nature protection authorities on federal state level (environment ministries, district, county and local level)</i>		

SLOVENIA

Topic	Competent authority/main coordinating authorities	Supporting authorities	Additional information
WFD	<i>Ministry of the Environment and Spatial Planning</i>	Slovenian Environmental Agency	The Institute for Water of the Republic of Slovenia and the Geological Survey of Slovenia are main institutions to provide data analyses and expert knowledge.
RBMP	<i>Ministry of the Environment and Spatial Planning</i>		Expert support: Institute for Water of the Republic of Slovenia and Geological Survey of Slovenia
Monitoring	<i>Slovenian Environmental Agency</i>		
Permitting	<i>Ministry of the Environment and Spatial Planning</i>	Slovenian Environmental Agency	
Enforcement	<i>Inspectorate of the Republic of Slovenia for Environment and Spatial Planning</i>	Slovenian Environmental Agency, Government of the Republic of Slovenia	

Topic	Competent authority/main coordinating authorities	Additional information
RES-e	<i>Ministry of Infrastructure</i>	
EIA	<i>Ministry of the Environment and Spatial Planning</i>	Obligatory for facilities with installation capacity > 2 MW and facilities with reservoirs > 10 Mio. m ³ . Also obligatory when in the first phases of spatial planning (pre assessment phase) the need is recognized for facilities > 0,5 MW and facilities with reservoirs > 1 Mio m ³ .
Water right granting	<i>Ministry of the Environment and Spatial Planning, Slovenian Environmental Agency</i>	Concession granting by the Ministry of the Environment and Spatial planning for HP with installed capacity > 10 MW and water right granting for others.
Habitat Directive	<i>Ministry of the Environment and Spatial Planning</i>	Fishery Institute of Slovenia in connection to freshwater fish issues and legislation, Institute of the Republic of Slovenia for Nature Conservation

SWITZERLAND

In Switzerland, several acts or directives are concerned with water management. The water protection act and the associated directive only regulate the protection. Water use is fostered and regulated by the Water Act (e.g. hydropower concessions etc.). Protection from water (protection from damages due to floods etc.) is regulated by the "Wasserbaugesetz". There are different responsible authorities for the implementation of each of these Acts/Directives; for the Water act and Water building act mostly executive powers rest with cantons, sometimes with municipalities, depending also on the type of water course (national, cantonal, municipal, etc). Some cantons also have additional cantonal Acts on water use and protection from damages due to water (Wasserbau).

Topic	Competent authority/main coordinating authorities	Supporting authorities	Additional information
Water Protection Act (=equivalent to the WFD)	<i>Confederation Cantons</i>	Cantons	Legislative competency is with Confederation; executive with cantons (see Art. 45 Swiss water protection act, and exception in Art. 48); Art 56 assigns a supervisory role to the confederation for executive matters. In addition, the federal government (" <i>Bundesrat</i> ") regulates the coordination of the water protection measures among the cantons, among the federal offices, and among federal offices and cantons.
Supervision and co-ordination	<i>Confederation</i>	Federal Council	The federal council shall regulate the co-ordination of a.) the water protection measures of the cantons, b.) between federal agencies and c.) between federal agencies and the cantons.
Monitoring	<i>Environmental Agency Cantons</i>		

Topic	Competent authority/main coordinating authorities	Additional information
Energy Act (=equivalent to RSE-e)		According to the Environmental Conservation Act, installations having a significant impact on the environment have to be submitted to an EIA. For hydropower, installations with a capacity of more than 3 MW are amenable to the EIA obligation in case of new construction, of significant changes of the installation, of significant changes of the existing concession and in case of renewal of the concession.
International rivers	<i>Confederation</i>	
Inland rivers	<i>Cantons or Municipalities</i>	
HP Facilities > 300 kW < 3MW	<i>Federal Office for the Environment</i>	

Clarification

Although there are many important Directives existent in water management concerns e.g. Floods Directive or the Common Agricultural Policy the present factsheets **R5.1 Informative factsheets of key relevant policy actors** are strongly linked with the outcomes of Work Package 4, and in particular, with **R4.1 Database and report on the Alpine Space Region needs regarding renewable energy, resource efficiency & ecosystem management, thereafter named “WATER - ENERGY NEXUS”**. Therefore, in line with the AIM Project focus, three main legislative documents were identified feeding into the WATER – ENERGY NEXUS on the EU level, namely:

Habitats Directive (COUNCIL DIRECTIVE 92/43/EEC on the conservation of natural habitats and of wild fauna and flora, no. 1).

WFD Directive (DIRECTIVE 2000/60/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on establishing a framework for community action in the field of water policy, no 2).

RES Directive (DIRECTIVE 2009/28/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC, no. 3).



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