

2010 – The beginning of a new era of water management by river basin management planning

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1 Introduction

EUWMA, the European Union of Water Management Associations, represents public local and regional water authorities from, currently, eight EU member states²: EUWMA members are public entities, authorized by national law to perform water management tasks, including water supply, waste water treatment and discharge, flood and coastal protection, water quality management, drainage regulation and irrigation. Based on public interest and available scientific and technical data on both ecological and economic aspects EUWMA contribute to more effective collaboration and design in sustainable water management and to coherent ecological, economic and social development and identify all potential benefits and costs of action or non-action – thus pursuing Art 191 of the Treaty³ even before the WFD came into force in 2000.

The river basin management plans, describing the programme of measures to realize WFD objectives, starts a new era of water management with obligations in assessment, setting realistic objectives and measurement strategies in 6 year planning cycles.

The Water Information System for Europe, WISE⁴ compiles data, information and conclusions on projects, themes and policy on European water issues - last but not least on the outcomes of the EU Waterdirectors meetings and their endorsed CIS-papers. To summarize the development in water policy the following section (*italic*) is collected from relevant WISE pages:

With the first directives introduced in the 1970's, Europe has long been taking measures to ensure the quality of its water resources. Today, the challenge lies in tackling the pollution and overexploitation of freshwater in agriculture, industry and other human activities. Subsequently within the planning period of the WFD (i.e. 2000 to 2009) quite a few new regulations and directives on substantial issues came into force as Community policy concerning dangerous or hazardous substances in European waters was introduced almost three decades ago by Council Directive on pollution caused by discharges of certain dangerous substances (Directive 76/464/EEC)⁵.

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2 EUWMA members: Belgium - Verehttp://water.europa.eu/niging van Vlaamse Polders en Wateringen (VVPW); France – wateringues & Association Syndicales Autorisées (ASA); Germany - Deutscher Bund der verbandlichen Wasserwirtschaft (DBVW); Hungary - Vízgazdálkodási Társulatok Országos Szövetsége (VTOSZ); Italy - Associazione Nazionale Bonifiche, Irrigazioni e Miglioramenti Fondiari (ANBI); Spain - Federacion Nacional de Comunidades de regantes de Espana (Fenacore); The Netherlands – Unie van epen (UvW); United Kingdom - Association of Drainage Authorities (ADA)

3 Article 191 (ex Article 174 TEC) Official Journal of the European Union C 115/47 9.5.2008

4 <http://water.europa.eu/>; WISE is a partnership between the European Commission (DG Environment, Joint Research Centre and Eurostat) and the European Environment Agency

5 http://ec.europa.eu/environment/water/water-dangersub/76_464.htm

Directive 76/464/EEC has been codified as 2006/11/EC⁶. The Directive 76/464/EEC is integrated in the Water Framework Directive (2000/60/EC)⁷ and will be fully repealed in 2013.

Several substances have been regulated in specific directives⁸ (also called 'daughter' directives)⁹ in the 1980s by defining Community-wide emission limit values and quality objectives in the surface and coastal waters. The first list of priority substances in the field of water policy and amending Directive 2000/60/EC was adopted in 2001 (Decision No 2455/2001/EC)¹⁰. The aim of this decision was to identify a list of substances of concern (priority substances)¹¹ that present a significant risk to or via the aquatic environment in accordance with Article 16(2) and (3) WFD.

The new Priority substances Directive (Directive 2008/105/EC)¹² setting environmental quality standards for the priority substances and certain other pollutants is the result of the requirements set in Article 16(8) WFD. In addition, the Annex II to this new directive replaces Annex X of the Water Framework Directive referring to the list of priority substances. Member States shall take actions to meet those quality standards by 2015 as part of chemical status (Article 4 and Annex V point 1.4.3). For this purpose a programme of measures (according to Article 11) shall be in place by 2009, and become operational by 2012.

The Commission Directive 2009/90/EC¹³ laying down, pursuant to WFD technical specifications for chemical analysis and monitoring of water status has been adopted and enters into force on 21 August 2009. The objective of this Directive is to establish common quality rules for chemical analysis and monitoring of water, sediment and biota carried out by Member States. The Directive shall be transposed within 2 years from entry into force.

Other directives came into force during the planning period of WFD regulating quite autonomously water related issues out of which are named:

Directive 2007/60/EC on the assessment and management of flood risks entered into force on 26 November 2007. This Floods Directive¹⁴ now requires Member States to assess if all water courses and coast lines are at risk from flooding, to map the flood extent and assets and humans at risk in these areas and to take adequate and coordinated measures to reduce this flood risk. With this Directive also reinforces the rights of the public to access this information and to have a say in the planning process.

Addressing Water Scarcity and Droughts¹⁵ the Commission Communication identify policy options to increase water efficiency and water savings.

The aim of The Marine Strategy Framework Directive¹⁶ (adopted in June 2008) is to protect more effectively the marine environment across Europe. It aims to achieve good environmental status of the EU's marine waters by 2020 and to protect the resource base upon which marine-related economic and social activities depend. The Marine Strategy Framework Directive constitutes the vital environmental component to achieve the full economic potential of oceans and seas in harmony with the marine environment.

With the forthcoming development of Marine Strategies under the MSFD (which will describe inter alia the programmes of measures required to achieve Good Environmental Status, also known as GES) there is great potential for duplication and confusion: both the WFD and the MSFD use the acronym GES for their objectives. Thus two (very different) GES targets will apply in the same water body. The now established use of the acronym 'GES' in coastal water bodies under the WFD refers to a carefully defined biological objective. GES under the MSFD is much broader. Two different

⁶ http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l_064/l_06420060304en00520059.pdf

⁷ http://ec.europa.eu/environment/water/water-framework/index_en.html

⁸ http://ec.europa.eu/environment/water/water-dangersub/76_464.htm#specific_directives

⁹ http://ec.europa.eu/environment/water/water-dangersub/lib_dang_substances.htm#daughter

¹⁰ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2001:331:0001:0005:EN:PDF>

¹¹ http://ec.europa.eu/environment/water/water-dangersub/pri_substances.htm#list

¹² <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:348:0084:0097:EN:PDF>

¹³ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:201:0036:0038:EN:PDF>

¹⁴ http://ec.europa.eu/environment/water/flood_risk/index.htm

¹⁵ http://ec.europa.eu/environment/water/quantity/scarcity_en.htm

¹⁶ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32008L0056:EN:NOT>

strategic plans, which in some Member States will be developed and administered by different organisations, will set out different programmes of measures which will apply to the same water body. For several of the MSFD descriptors (e.g. contaminants, eutrophication, sea floor integrity), good environmental status in coastal water bodies will be delivered largely or entirely through the measures to be taken under the WFD.

An overriding issue is climate change and on 30 November 2009, Water Directors of EU Member States issued a guidance document on adaptation to climate change in water management. The document is the first result of numerous actions included in the European Commission White Paper Adapting to climate change¹⁷. The document includes guidance on how to take climate change into account in the implementation of the WFD, the Floods Directive and the Strategy on water scarcity and droughts.

2 The “new era”

Up to the end of 2009 the Water Framework Directive was seen primarily as an obligation of the national Competent Authorities which were provided to the Commission according to Art. 3 WFD

- to bring into force national laws, regulations and administrative provisions necessary,
- to identify the individual river basins lying within the national territory of the Member State,
- to undertake an analysis of its characteristics, a view of impacts and an economic analysis of water use,
- to establish a monitoring programme and a coherent and comprehensive overview on water status,
- to give inputs for the assessment and classification of status and at least
- to develop river basin management plans and programmes of measures after encouraging the active involvement of all interested parties.

Publishing the River Basin Management Plans by the Member States sustainable management principles have to be considered.

3 EU Commission view

“This Directive is based on a number of key principles : First, it is *holistic*, because it looks at the water system as a whole. It includes groundwater, surface water and marine water in a co-ordinated way to enhance synergies and avoid duplications. Secondly, it applies the *integrated* approach, because it aims to identify links with other policies, like maritime, agriculture, and land use planning, to name but a few. Thirdly, it is *transparent*, because public participation is one of its central features. Fourthly, it follows *economic* principles, because it seeks to promote the efficient use of water through proper pricing policies. And finally, it is *ecological*, because its core binding target is the “good ecological status”, a true indicator of the health of the ecosystem and its biodiversity.”¹⁸

4 European Parliament view

“Water is by far no single-issue topic for environmentalists alone. We are faced with a global challenge affecting our economy, our societies and our environment alike. The adaptation to climate change, risks of both flooding and water scarcity will be on the agenda as well as the influence of product design and different production processes. We will deal with the security of infrastructures, the necessity of ensuring

¹⁷ http://ec.europa.eu/environment/climat/adaptation/index_en.htm

¹⁸ Mr Stavros DIMAS Member of the European Commission responsible for the Environment
Opening Speech European Water Conference 2007 Brussels 22-23 March 2007

technological leadership by the European water industry and the relationship of water, health and biodiversity.

Water is of prime importance for both the household and industrial sectors, for the functioning of our ecosystems and agriculture. It is therefore essential to manage the supply and disposal of water wisely to ensure that clean water continues to be available at an affordable cost also in the future. How we manage and use our water resources will directly affect the quality of this resource itself as well as our environment and nature"¹⁹.

Subsequently water reviews assessing the implementation of the EU Water Framework Directive (WFD) are on the agenda for the Barroso II term. National River Basin Management Plans, which had to be submitted by Member States in December 2009, will be closely scrutinised to verify whether Member States have introduced national pricing policies and water-saving measures, and whether water policy has been integrated into other policies, like agriculture. The Commission is to table a policy review on water scarcity and drought in 2012. Its main focus will be water efficiency. All other EU water policies and measures will be covered from a climate change point of view.

There are significant overlaps between these reviews and important interlinkages between water and other EU policies like inland navigation, industry, biodiversity, tourism and agriculture e.g. food security and the availability of water.

Under these general principles specific tasks are still to be clarified / harmonized:

- Classification of ecological status including confidence and precision of all (including supportive) quality elements (QE's), nutrient standards submitted by MS as well as ongoing activities on specific pollutants and hydromorphological QE's.
- Definition of ecological potential sensitive to biological assessment methods and hydromorphological pressures.
- Alien species affecting biological assessment methods.
- Information exchange with Marine Strategy Framework Directive. MSFD.

5 To make WFD operational – the view of Water managers

The process of implementing the WFD, the compliance check and assessment of the plans is a business among the EU-Commission and the EU Member States and their listed²⁰ Competent Authorities. Making the enhancement of status operational is an obligation of those organizations / authorities being responsible or in duty with it.

Member States delegate to their national water management structures to undertake measures to enhance the status of their water systems - at least consider the non-deterioration-principle.

In Germany as a Federal State the river management plans are mandatory for all Länder-authorities; i.e. whatever is or can be done should be reflected and proven in line with the objectives set in the plan.

Cultivated landscapes are a reality in many areas in Europe, which include mostly artificial and heavily modified water bodies. These require an EU-wide coherent procedure for setting normative values for their ecological potential.

Regional and local water management organizations cooperate to implement the WFD programme of measures and share the financial obligations; whereas discussions on water management issues and resulting decisions are often dominated by actors without these responsibilities.

Diverging interests in various national as well as EU policy areas constrain a coherent strategy to achieve the most efficient combination of measures and environmental objectives.

¹⁹ Richard Seeber, MEP, President of the EP Intergroup on Water opening its first meeting on 27th January 2010.

²⁰ Art 3 WFD, see also http://ec.europa.eu/environment/water/water-framework/imp2007/index_en.htm

The required international coordination on the river basin management level still needs to be further developed to become fully effective and serve as a platform where also regional water authorities can participate.

Dealing with the water management challenges, EUWMA members offer:

- Institutional and technical expertise to deal with water management issues;
- Ecological and cost efficient solutions to achieve realistic objectives;
- A tradition of involving stakeholders, acknowledging and using the insights of those that will be effected by the measures and creating common ownership of water issues;
- Proven experience in pragmatic and accountable performances on the realization of enhancement strategies, integrating nature conservation;
- An exchange of ideas, knowledge and experiences in water management issues throughout Europe, to strengthen our ability to meet objectives and improve our functioning;
- Compilation of knowledge on water management issues to contribute to a better common understanding on, among others, environmental objectives, performance compliance, reporting requirements, cost recovery and disproportionate costs.

To carry out their tasks and responsibilities, EUWMA members ask for:

- Under the commonly agreed EU principles, more attention for the importance of the subsidiarity principle with regard to proposed measures, implementation of measures, monitoring duties and reporting requirements;
- Increased acknowledgment of the importance and benefits of transboundary cooperation and coordination in international river basin management;
- Prioritization of water management issues in the allocation of European funds, with limited administrative requirements, to develop and carry out WFD related projects;
- The development of coherent European policy to minimize constraints for water management organizations to reach realistic objectives;
- The opportunity to share our knowledge and experiences with European decision makers with regard to water management issues;
- Clarification and harmonization for technical and legal issues for justification of exemptions;
- Uncertainties (for example in status of water bodies or effectiveness of measures) in setting environmental objectives and exemptions for water bodies; application of exemptions coordinated in a transboundary context;

Determination of 'disproportionately expensive' underlying data and assessments; affordability arguments and considered relevant alternative financing mechanisms; consequences of non-action; administrative or legal constraints leading to disproportionate costs; reasons for measures to be not technically feasible; natural conditions that prohibit the (timely) achievement of the objectives.