

EU Policy

News from the Water Front

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The second semester of 2006 has been very active with respect to water policy development and implementation. Firstly, the conciliation process of the Groundwater Directive has started in early September, which should enable its adoption before the end of the year. Secondly, the second reading of the Flood Directive should also be completed under the Finnish Presidency. Thirdly, the proposal of the Priority Substances (daughter) directive has been adopted by the Commission this summer, and the first reading is planned this autumn. Active developments are also expected regarding implementation, in particular the design of the WFD monitoring programmes, and the further progress of WISE (Water Information System for Europe) which integrates reporting of various water directives. This news article gives an overview of the latest developments. It is an extract of the WISE Newsletter, which is freely accessible on the Commission's europa website under http://ec.europa.eu/environment/water/water-framework/wfd_newsletter.html.

1 Common Implementation Strategy of the WFD

The Water Directors of the European Union (EU), Candidate Countries and EFTA Countries met on 1–2 June 2006 in Salzburg (Austria) in order to discuss, in particular:

- the progress of the Common Implementation Strategy for the Water Framework Directive;
- the future Work Programme for the Common Implementation Strategy for the years 2007–2009;
- the developments in relation to the Water Information System for Europe (WISE) and the future streamlining of reporting;
- the integration of water policy in other policy areas, in particular agriculture policy;
- the implementation and reporting aspects regarding other water directives, in particular the Urban Waste Water Treatment, and the Nitrates Directives.
- the aspects of water scarcity and climate change in relation to water policy.

In addition, the Water Directors were informed on the progress regarding the following points:

- the EU Marine Strategy;
- the EU Flood Action Programme;
- the new Daughter Directive for groundwater and the preparation for a Directive on priority substances; and
- the progress on the EU Water Initiative, in particular the components for the ECCAA and MED regions.

With regard to the future CIS work programme for the period 2007–2009, initial ideas were expressed and two messages were highlighted. Firstly, the success of the CIS process will be judged in relation to 'improvements of implementation comparability and quality'. Further efforts need to be made by all working groups and activities to translate the work of the CIS into visible results on the ground. Second, there is a clear preference for 'less documents, more information exchange'. Out of a larger number of ideas, several priority areas should be further developed in the future work programme. Issues dealt with by working groups on ecological status, groundwater, reporting and priority substances are stemming from specific formal obligations. In addition, a working group on flooding may be useful in the future, pending the outcome of the negotiation on the proposed flood directive. Until then, the current group should continue to act as an information exchange platform on the issues that were already agreed upon.

In addition to the working groups, the following priorities are considered currently the most important by the Water Directors: 'WFD and Agriculture', 'WFD and Hydromorphology', 'environmental objectives, exemptions and related economic issues' and 'chemical monitoring'. Furthermore, an activity on climate change is certainly envisaged. However, before drafting a mandate for this activity, the outcome of the German conference in February 2007 should be awaited.

The Water Directors welcomed the outcome of the orientation debate and invited the respective leads and groups to develop a more detailed mandate (terms of references) on the basis of previous examples to be presented to them at the next meeting under the Finnish Presidency at the end of November 2006.

2 State of implementation of the EU Water Framework Directive

The European Commission is closely following the state of implementation of the Water Framework Directive (2000/60/EC) which includes clear milestones and reporting obligations. In this view, a 'scoreboard' has been established to reflect the state of reporting, which is available on the Europa website under <http://ec.europa.eu/comm/environment/water/water-framework/scoreboard.html>.

As a quick summary, the situation up to June 2006 was that 23 Member States had notified the transposition of the Directive (due in December 2003) – all except Luxembourg and Belgium (only for Brussels Region is missing); 24 Member States had submitted the Article 3 reports on river basin districts and competent authorities (due June 2004) – all except Italy; and 24 Member States had submitted the Article 5 reports on characterisation of River Basin Districts, pressure and impact study

¹ The views expressed in this paper are those of the author and do not necessarily represent an official position of the European Commission

and economic analysis (March 2005) – all except Italy. This means 95% of the reporting obligations had been fulfilled before summer. The Commission is now carrying out the conformity and compliance analysis of all this information. This is a challenging task taking into account the huge amount of information received. Article 5 reports alone account for ca. 24,000 pages of information in 16 languages! The conformity checking is expected to finish before the end of 2006.

On the basis of the information in Article 3 reports, the Commission has published draft maps on European river basin districts; large rivers and lakes; and submitted rivers and lakes. They are all available in pdf format on the Europa web page: <http://ec.europa.eu/comm/environment/water/water-framework/transposition.html>.

The Commission will prepare a first report on the progress of implementation of the WFD, which is expected to be presented to the public together with the launching of WISE launch on 22 March 2007 (see Section 11).

3 Environmental Objectives and Intercalibration

A new web page on environmental objectives and intercalibration has been published on DG Environment's Europa site: <http://ec.europa.eu/environment/water/water-framework/objectives.html>.

The aim of the web page is to explain the importance of the environmental objectives of the Water Framework Directive (WFD) and the intercalibration exercise. The objective of the intercalibration exercise is to harmonise the understanding of 'good ecological status' (one of the main environmental objectives of the WFD) in all Member States, and to ensure that this common understanding is consistent with the definitions in Annex V to the WFD. The work is coordinated by the European Commission Joint Research Centre in Ispra, Italy. More information will be given in the next edition of the WISE Newsletter (December 2006).

4 Eutrophication Activity

The Water Directors of the EU and the Commission started an activity in 2004 under the WFD Common Implementation Strategy and the Marine Strategy, to produce guidance for the assessment of eutrophication in the context of different policies. The main issues addressed in the guidance document are a unified conceptual framework to understand eutrophication in all water categories, a conceptual read across EU directives (mainly Water Framework, Urban Wastewater and Nitrates Directives) and international policies (e.g. OSPAR) addressing eutrophication and a more-in-depth understanding of eutrophication in the context of WFD ecological status assessment. Most Member States are in the process of developing new WFD compliant assessment methods. To take account of this and some other ongoing developments, the guidance document will be completed and expanded in 2007. Some case studies to support the findings of the document are under development as well. The Water Directors agreed in their meeting in London in December 2005 to circulate widely the document to spread its findings and to benefit from discussions and inputs from inside and outside the WFD Common Implementation Strategy process. The document can be obtained from Jorge.Rodriguez-Romero@ec.europa.eu to whom comments should be sent before the end of 2006.

5 Priority Substances Directive

The Commission has adopted a new proposal on 17th July 2006 which sets environmental quality standards for 41 types of pesticides, heavy metals and other dangerous chemical substances that have been identified as posing a particular risk to animal and plant life in the aquatic environment and to human health. The proposal will contribute to the Commission's Better Regulation initiative by replacing five older directives (listed in Annex IX of the Water Framework Directive – WFD) dealing with the chemical pollution of water, allowing their repeal.

The 41 substances or substance groups for which the proposed Directive sets concentration limits include 33 substances that the Council and Parliament have designated as 'priority substances' for EU action under the WFD (Decision 2455/2001/EC which became Annex X of the WFD) due to their widespread use and high concentrations in surface waters. A further eight substances already covered by existing legislation on dangerous substances in water are also included. A sub-set of the priority substances are also specified as 'priority hazardous substances' to which more stringent environmental objectives will apply because of their high persistence, bioaccumulation and toxicity. Member States will have to achieve the proposed limits for all priority substances by 2015 and cease discharges, emissions and losses of priority hazardous substances into water by 2025.

The Commission carefully considered the option of introducing additional control measures for priority substances in this proposal. However, the Impact Assessment demonstrated that it was not cost-effective to propose additional measures on Community level at this stage. There is already a wide range of existing or forthcoming EU measures to control emissions, such as the Directive on integrated pollution prevention and control (IPPC), the existing directive and forthcoming Thematic Strategy on pesticides, and the REACH proposal for reforming chemicals policy. Therefore, as explained in the accompanying Communication, the proposal leaves broad scope for Member States to identify the most appropriate and cost-effective combination of measures to reduce pollution from the targeted substances.

The proposed Directive on environmental quality standards in the field of water policy is the final major piece of legislation needed to support the WFD, the cornerstone of EU water protection policy, which requires that all EU waters achieve good status by 2015. The WFD establishes a new regime for the prevention and control of chemical pollution of surface waters and ground waters. The new proposal will implement this for surface waters. In order to ensure a sound scientific basis for the proposal, it was delayed until the conclusions of the EU risk assessments for specific chemicals were available, as these were required to help determine appropriate and harmonised water quality standards.

The Commission established in March 2001 the Expert Advisory Forum on Priority Substances and Pollution Control (EAF PS). The EAF PS was intensively consulted in relation to the proposed Directive on priority substances and associated issues. The EAF PS is composed of representatives (Focal Points) from all the Member States, from the Candidate Countries and Norway. In addition, experts from all interest groups, e.g. from industry, water suppliers and environmental NGOs, are also included. In addition, the Commission consulted with

the Scientific Committee on Toxicity, Ecotoxicity and the Environment. The Finnish Presidency will start the negotiations and the European Parliament will most likely hold the first reading during the last trimester of 2006. All documents and more information are available at: http://ec.europa.eu/environment/water/water-dangersub/pri_substances.htm.

6 Groundwater Directive

The proposal of new directive for the protection of groundwater against pollution complements the Water Framework Directive with new elements concerning criteria setting up environmental chemical quality objectives ('good chemical status'), rules for identifying and reversing pollution trends, and measures to prevent or limit inputs of pollutants into groundwater. The new criteria represent a key step towards an improved groundwater protection regime. It will also pave the way for a better evaluation of groundwater environmental quality in Europe. The proposal will provide clear specifications that will ensure that the environmental objectives of the Water Framework Directive will be achieved with respect to groundwater. Equally, the proposal achieves the right balance between issues that need to be addressed at Community level and those that are best left to Member States. Further to the adoption of the first reading report at EP on 28th April 2005, the Commission supported the political agreement reached at the Environment Council of 24th June. Suggested modifications will provide flexibility to the compliance regime concerning groundwater chemical status, which focuses on identified risks of groundwater pollution, and clarify the related measures aiming to prevent or limit inputs of pollutants into groundwater. As a follow-up of the negotiation process, the legislative process is now approaching its final stage. The Common Position has been adopted at the European Council on the 8th December 2005, which coincided with the publication of the Commission communication on the Common Position. The Environment Committee of the European Parliament adopted its second reading on 25th April 2006, and this second reading report was adopted in plenary by the European Parliament on the 13th June 2006. Due to diverging positions of the European Parliament and the European Council on some issues, a conciliation procedure will take place in autumn 2006 under the Finnish presidency. Key issues for the conciliation procedure will *inter alia* be the interrelation between the Groundwater Daughter Directive and the Nitrates Directive (91/676/EEC). Another point is the application of the precautionary principle, in particular to make clear that it is not allowed to pollute the groundwater until reaching permissible standards but to take preventive measures against status deterioration.

7 Bathing Water Directive

This year all EU Member States have reported, four of them for the first time: Hungary, Latvia, Malta and Poland. While compliance remains high for the 15 'old' Member States (91% for freshwater and 97% for coastal water), compliance figures for EU-25 have decreased because of the influence of the high number of areas insufficiently sampled (around 40% for coastal and for freshwaters) in Hungary, Malta and Poland. Compliance figures for EU-25 are this year 96.1% for coastal waters (decrease of 0.6%), and 85.6% for freshwaters (decrease of almost 4%). Last year Member States deleted a further 103

coastal sites and 223 freshwater bathing sites from their national lists of sites that are subject to the directive's standards. The Commission has opened infringement cases against 11 Member States over the de-listing of around 7000 sites since the 1990s. The Commission is concerned that in some cases bathing sites are being de-listed to mask pollution problems and artificially improve compliance results. Last but not least, a new Bathing Water Directive, 2006/7/EC, was adopted 15 February 2006 after a long process which started in 2002 with a Commission proposal and ended up with a Conciliation Agreement in October 2005. During the discussions in the Parliament and the Council, the main issue for debate was the severity of the health standards for the bathing sites especially the quality standards in the new category 'sufficient'. This category was not foreseen in the initial Commission proposal, where there were only two compliant categories: 'good' and 'excellent'. The bathing water report 2006 is currently available at http://ec.europa.eu/water/water-bathing/index_en.html.

8 Urban Waste Water Directive

The Urban Waste Water Directive (UWWTD) concerns the collection, treatment and discharge of urban waste water and treatment and discharge of waste water from food-processing industries. The objective is to protect the environment from the adverse effects of urban waste water discharges generated about 450 millions of inhabitants and their economic activities. Urban waste water directive is one of the main directives which complete and timely implementation is crucial to achieve good ecological status of surface waters implied by the Water Framework Directive (WFD) and to save this most precious natural resource for future generations. The main challenge of the implementation of the directive for the member states implies to be in line with the Directive's requirements on designation of sensitive areas, and ensuring required treatment level and treatment performance. In the enlarged Europe there are about 15,000 agglomerations that generate the load having more than 600 million population equivalents (p.e.). There are more than 600 big cities in EU-25 that produces about 50% of the total waste water load generated. 14 MS designated entire territory as sensitive area, 10 remaining member states designated 973 water bodies as sensitive areas. The only MS – Malta has normal areas only. There are still 104 areas which had to be designated as sensitive areas in 1994! The key issues for 2006 concern the publication of the 4th Commission report on the implementation status; the enforcement of the implementation on the EU level; work on setting a single coherent reporting system for all the articles of the Directive under the new conditions (deadline 2005 and for the enlarged EU); and integration of the extended single reporting system into WISE (as a long-term perspective by the year 2010).

9 Flood Risk Management

The EEA report 'The European Environment – State and Outlook 2005' reconfirms that in general northern Europe is likely to become more flood prone and southern Europe more drought prone as the extra energy in the climate system increases the probability of extremes – including severe storms and floods, such as those witnessed in central Europe in recent years. The report also finds that urban areas continue to grow, with effects like removal of woodland cover that can radically alter rainwater run-off, provoking mudslides and other problems

while increasing the areas at risk from flooding. Many remaining wetlands have also been lost to coastal developments, mountain reservoirs and river engineering works. These findings reinforce the importance of improving integrated flood risk management in Europe and to continue to implement the Action Programme on Flood Risk management at EU level. The main progress over the second semester of 2005 was the Internet consultation on the forthcoming proposal for a directive on Flood Risk Management. The results of this consultation, which concluded on 14 September, are available on the DG Environment's public website². The consultation as well as the three stakeholder meetings (the latest held in September) showed a strong support for a legal instrument and reinforcing close links with the Water Framework Directive. The spring has seen intensive negotiations on the proposed Floods Directive (COM(2006)15 of 18.1.2006) in the European Parliament, the Council and the European Economic and Social Committee. The European Parliament adopted its opinion on first reading on June 13th, and the amendments placed by the Parliament introduce closer links to the Water Framework Directive, for instance as regards the environmental aspects of flood risk management, climate change and cost recovery. It also introduces criteria for the use of existing instruments for the purpose of this Directive. The Environment Council adopted a Political Agreement on a Common Position on the floods Directive, and has introduced more requirements for transboundary cooperation in all phases of the proposed flood risk management Directive as well as some streamlining of the preliminary flood risk assessment and flood risk maps. Second reading is expected to start late 2006/early 2007.

10 Climate Changes and Water Policy

At the London Water Directors meeting in November 2005, it was recognised that climate change issues could become of importance for the current and future work on implementation of water and marine policies. Key issues of discussions included climate change and water planning, forging a link between science and policy and working together with ongoing work on mitigation and adaptation. Since then, several initiatives started in the Commission related to water and climate change, focussing on freshwater and marine waters. A Freshwater Research-Policy workshop on 'Climate change impacts on the water cycle, resources and quality – Research-Policy interface' is scheduled for 25–26 September 2006 in Brussels. This workshop aims to obtain an overview of the key policy challenges of climate change impacts on water management, to review the key results of on-going or completed EU (FP5 and FP6) projects on climate change and water and to identify the related research challenges. It aims to explore whether the current scientific outcomes are sufficiently mature to be taken on board in policy development, as well as the key research topics that would need to be addressed at the European level in the future. Both workshops and the Green Paper on Impacts and Adaptation will provide input for the Symposium on Climate Changes Impacts and the Water Dimension, which will take place on 12–14 February 2007 in Berlin (jointly organised by the German EU-Presidency and the European Commission). Further information on this conference will be provided in the next issue of the WISE Newsletter (December 2006).

² see http://www.europa.eu.int/comm/environment/water/flood_risk_consult.htm

11 WISE Implementation

DG Environment (in particular the Water and Marine Unit) is closely working together with the European Environment Agency, Eurostat and the Joint Research Centre to develop a Water Information System for Europe (WISE). Following the agreement between the four partners on the WISE implementation plan for 2006–2010, developments in many areas have started. The main priorities for the partners are as follows: Eurostat is in charge of developing guidelines for GIS issues around WISE, the JRC is developing synchronisation mechanisms between 'WISE nodes' and preparing data for the public viewer, EEA is taking care of the user interface, the public website and viewer developments. This work is supported by the EEA topic centre on water, which will focus on preparing and integrating the data inputs. DG Environment is focussing on the development of the compliance reporting tools and is providing the necessary political support and much of the coordination with the EU member states. WISE shall be operational and publicly launched during the World Water Day on 22 March 2007 (see below). While this will mark a milestone for the initial WISE developments and increase visibility of both the member state contributions and European water issues – it is only the beginning of a fully shared development of the European water information system as planned until 2010. Between now and then, the amount and variety of data, the level of integration and the number of connected WISE nodes will increase.

For those interested in observing the ongoing developments, a version of the WISE prototype and some test services are publicly available at: <http://dataservice.eea.europa.eu/wise>.

The public launching of WISE will take place on 22 and 23 March 2007 in Brussels. For this conference (mentioned in WFD article 18(5)), stakeholders, politicians and Member States administrations will be invited to discuss water management in the EU. Part of this conference will be the presentation of the Commission's WFD Implementation Progress Report. Moreover, the Water Information System for Europe (WISE) will be launched to the public on 22 March 2007, World Water Day. The version to be launched will contain a public viewer interface on the Water Framework Directive implementation results so far, including the results of the Urban Waste Water Treatment Directive and the European Environment Information and Observation Network on water (EIONET/water).

12 Forthcoming Conferences in 2007

Three major international conferences involving the DG Environment Water & Marine unit are planned during the first trimester of 2007, namely,

1. Symposium on Climate Changes Impacts and the Water Dimension, 12–14 February 2007, in Berlin (jointly organised by the German EU-Presidency and the European Commission, see Section 10),
2. Water Status Monitoring under the WFD (Water Framework Directive) Conference, 12–14 March 2007, in Le Nouveau Siècle, Lille, France (see www.WFDLille2007.org) and
3. WISE, 22 and 23 March 2007 in Brussels (see Section 11).