

The Future of the Water Framework Directive (WFD) –

Water Directors input to the fitness check process on experiences and challenges of WFD's implementation and options for the way forward

29.11.2018

Water Director's meeting in Vienna

*Document does not present MS positions or a comprehensive consensus
among WDs or MSs*

Introduction

- Discussions with the COM and in between WDs started early in 2016 on the implementation and challenges in regard of the 2027 challenge
- ALL WDs agree that WFD is a excellent instrument in achieving a better state for EU water
- EEA report 2018
 - Important to analyze efforts made in implementation but also the overall functioning of the WFD
- Fitness-check on WFD
 - Aim of the fitness check is to check the WFD on its effectiveness, efficiency, relevance, coherence and EU-added value
 - WDs have expressed at several occasions their conviction that a debate is needed to ensure a continuous successful implementation of the WFD's objectives beyond 2027
- Consultation Group
 - Appointed by the WDs in Tallinn 2017
 - Exchanging and documenting views and experiences on challenges and options with the implementation as well as the effectiveness and efficiency of WFD
 - Feeding into the fitness-check evaluation as a discussion paper

Content

➤ The WFD – current challenges and future options.

- Issues, where challenges have been identified regarding effectiveness and efficiency of the WFD related to implementation and options for the way forward to facilitate better implementation, always with the view of maintaining the high level of ambition
- Themes addressed :
 - The 2027 deadline for achieving environmental objectives
 - Communication on progress
 - Reporting and RBMPs as management tools
 - River Basin Specific Pollutants – part of the chemical status classification?
 - Cost recovery and economic analyses
 - Monitoring
 - Public consultation
 - Length of the RB management cycle

➤ Coherence with other water-related policies and environmental legislation.

- Recognize synergies and/or inconsistencies

What will be beyond the 2027 deadline for achieving WFD's objectives?

- Current regulation on the deadline could be better in terms of effectiveness of the WFD
- Risk for not achieving the primary environmental objectives for all water bodies
- Less stringent environmental objectives could possibly be set more often by some MS according to art 4.5 if no change occurs
- After 2027, less stringent environmental objectives may have to be used more than now
 - Objectives are reviewed every six years but it could be hard to raise ambition level again
 - Individual objectives for each water body – probably some discrepancies may exist within RBDs and between MS
- Unclear, if measures can be taken after 2027 for the water bodies that are subjects of time-extension based on natural conditions
 - If not, MS would be required to continue water management but would be restricted from implementing new measures for enhancing the status of waters.

Therefore: Maintaining the high level of ambition and effectiveness in terms of achieving the primary objectives need to be the starting point for discussion, even though this affects the timeframe

What will be beyond the 2027 deadline for achieving WFD's objectives?

- Three options are presented involving more time to achieve WFD's objectives:
 - (A) Allowing time-extensions based on technical feasibility and disproportionate costs in art. 4.4 for more management cycles
 - Maintain the environmental ambitions of reaching good status as originally defined
 - (B) Allowing time-extensions based on technical feasibility and disproportionate costs after 2027 with additional criteria
 - Time-extensions based on disproportionate costs or technical feasibility would need to be more justified via additional criteria (e.g. uncertainty)
 - (C) Extending the scope of natural conditions in art. 4.4(c)
 - The scope of natural conditions would cover more uncertainties and thus additional measures could be taken also after 2027 to enhance the water status

Communication, reporting and the RBMP

- Communication on progress to meeting WFD's objectives (i.e. good status)
 - Communication and reporting of progress could provide more detailed information and recognize the positive trends supporting the communication on overall status via one out all out principle
 - Enough details are certainly available to increase comparability and better allow to crystallize successes during the implementation
- Towards a more user-friendly electronic reporting process
 - Alignment of reporting obligations of all water-related legislation?
 - Increasing efficiency in reporting (no blocking of resources)
- Improving RBMPs as tools for water management
 - Clarifying the role and content of the RBMP could serve as a starting point for improving communication with the public and policymakers
 - Perhaps shorter, better structured and focused on key water management issues
 - Able to clearly demonstrate positive progress

Other challenges and options

- Transferring River Basin Specific Pollutants to chemical status assessments
 - Confusing distinction between RBSPs in ecological status and other substances in chemical status – transferring RBSPs to chemical status assessment?
 - Harmonization of methodology of selecting RBSPs and EQS derivation

- Recovery of costs and the economic analysis
 - “Environmental” and “Resource costs” are not well enough defined – clarifications needed
 - Flexibility regarding the frequency and even the scope of the regular updates of the economic analyses

- Monitoring
 - WFD provisions are based on sometimes obsolete approaches, modernizing monitoring programs and methods cannot be done solely in national implementation
 - Improving flexibility regarding the use of modelling in status assessments
 - Effect based monitoring in a world of emerging and steady growing number of pollutants is vital
 - Coherence of WFD and its daughter directives with other environmental directives is essential for effectiveness and efficiency

Other challenges and options

- Public information and consulting – streamlining the steps for involving the public
 - Flexibility in the consultation process - minimum requirement instead of fixed calendar dates , leaving thus more time in between the draft RBMP and their final publication would be welcomed
 - Combining RBMP and PoM for the consultation as well as the SEA process
 - Modern approach to involving public – making information on implementation publicly available (apps, social media, or other technologies not available at the early stages of the WFD)
- Length of the management cycle
 - Extending the management cycle could improve implementation
 - More flexibility – reconsider the obligation of making measures operational three years of their establishment in PoM

Coherence with other water-related policies and environmental legislation

- Policy fields that are of particular relevance in terms of coherence with WFD
 - Nature conservation, Climate change adaptation and mitigation, Protection of human health and the environment, Strategies related to plastic and pharmaceuticals

- Synergies with other water-related legislation as well as EQSD and other chemical legislation

- Policy fields, where maximum synergies should be pursued
 - The synergy with Common Agricultural Policy has been one of the most challenging points of water management
 - Fisheries, food policy, transport, spatial and land use planning, energy policy
 - International chemical management frameworks and initiatives

Next steps ?

- Discussion on the future of the document
 - Opinions received from SCG members to this date
 - Opinions expressed today
 - Take this draft document as one of the inputs of the WFD review process

- Analyse this also in regard of the update on Commission's assessment of 2nd RBMP + 1st FRMP of the MS's

- Consultation of SCG Members in the first SCG meeting in 2019