



## **EUWMA Frankfurt Declaration on Water Framework Directive**

The EU Water Framework Directive (WFD), adopted in 2000, takes a pioneering approach to protecting water, based on the natural geographical formations of river basins. It set out a precise timetable, with 2015 as the deadline for getting all European waters into good condition.

The Water Framework Directive, WFD is built on four main pillars:

1. Setting up a water-management system based on natural river basin districts transporting its substance load into the correspondent sea, crossing regional and national as well as eco-regional boundaries .
2. Coordinated action to achieve 'good status' for all EU waters, including surface and groundwater through 3 management cycles, by 2027 at the latest.
3. Integrated water management, bringing different water management issues as well as Water related Policies into one framework.
4. Active involvement of interested parties and consultation of the public.

WFD covers groundwater and all surface waters including rivers, lakes, coastal waters and 'transitional waters', such as estuaries that connect fresh and saltwater. It sets a less ambitious objective – 'good potential' – for artificial and 'heavily modified' bodies of water such as canals and reservoirs, or industrial ports. It also streamlines EU legislation by replacing seven of the 'first wave' water related Directives, and incorporating their provisions into a more coherent framework.

The WFD will be revised in 2019 under Art. 19 WFD.

The five equally assessed principles of the WFD are:

- 1) It is holistic;
- 2) It applies the integrated approach;
- 3) It is transparent;
- 4) It follows economic principles; and
- 5) It is ecological.

EUWMA's members, who are all closely linked to their respective governments and have the appropriate skills and expertise in water management, fully support these principles and amongst all members, there is a real desire to be as ambitious as possible in delivering meaningful outcomes referred to in each one of these 5 principles. EUWMA members do feel, however, that there are a number of unhelpful barriers in the way, preventing the proper application of the Water Framework Directive, and in some cases generating the opposite effects intended.

To that end, EUWMA members have concluded that considerable gains could be made to the environmental quality of our watercourses with some simple and pragmatic revisions to the Directive and the following paragraphs spell out EUWMA's current concerns and, most importantly, their ambition to create solutions which could generate a step-change in the quality of delivered outcomes.



## EUWMA position on the Water Framework Directive with reference to the current discussion “lesson learned” according to Art. 19 review by 2019:

### 1) Level of Ambition

EUWMA members acting under self-governmental responsibility authorized by their respective national laws argue that there is considerable opportunity to significantly increase the level of ambition through a series of minor/simple changes to the Directive which encourages all EU Member States to take action rather than prescribing exactly what action they must take. Prescription of action generates behaviours which can lead in some cases to the unintended deterioration of water quality, as prescribed targets force governments to prioritize their achievements. EUWMA believes that a **more reward-driven approach**, linked to lengths of watercourse which meet good status and good potential targets on a realistic time schedule will drive a positive step-change in the progress made in improving the quality of our watercourses throughout Europe.

### 2) Reporting Principles

#### a) Time schedule

The current approach of 6-year management cycles discourages ambition for longer term actions to improve groundwater or biological outcomes, which may only become evident 20 to 30 years after remedial actions have been taken, and may also encourage member states to invest in shorter term “easy wins” rather than invest in more significant long-term improvements to the health of water bodies across Europe.

Time limitations should be relaxed as the current timescales are unrealistic. It would be reasonable to set a series of short term ( 1 – 10 year) goals, medium term (11 – 25 year) goals and then long term ( 26 – 50 year ) goals to encourage governments to make more ambitious plans. From EUWMA practical operational experiences, water level and flood risk planning is commonly planned in a similar way with short, medium and long term investment plans laid out ( *ref:* UK’s Long Term Investment Scenarios (LTIS) 2014 – Environment Agency, 2014 ). To enable the achievement of long term goals, these goals should ideally be connected to the short term - and medium term goals".

As already mentioned, EUWMA members have ambitious aims to significantly improve the quality of our watercourses, but are challenging that the “one out, all out” principle is hindering this ambition across all our member states. There has been a notable slowness of progress and EUWMA believes that the removal of the “one-out-all-out” policy and the replacement with a much more encouraging reporting mechanism which divides watercourses into measurable more eco-regional related reaches and set different time goal more closely to evident natural conditions e.g. groundwater and biological attributes and mechanisms would significantly improve the rate of progress of watercourse improvement.



This would also have the added benefit of highlighting those stretches of watercourse which do continue to fail and which, therefore, may require added attention to find improvement solutions.

**b) One-out-all-out Principle:**

Having now worked with the current reporting principles for some time, EUWMA is increasingly concerned that the current reporting principles can serve to deter good practice, discourage ambition and have the unintended consequence of reducing watercourse quality. This is best demonstrated by a typical watercourse with varied geography and a mix of rural, urban and industrial landscapes. The condition of the watercourse in the rural areas may be excellent but a “heavily modified” environment in a more urban, agricultural or industrial setting may lead to that entire watercourse failing, despite sections of it being in excellent condition. The unintended consequence of such a fail can be the situation where the “excellent” section of that watercourse is then neglected in favour of another watercourse where full compliance can be achieved and “signed-off”. Both the “one out, all out” principle and the limitations of only looking at an overall change of state, may miss some of the major improvements achieved towards the WFD by member states.

**3) Terminology**

EUWMA also believes that some slight modifications on the language used to describe water bodies would be beneficial. The use of the term “heavily modified water bodies” (HMWB) is of particular concern to EUWMA where many of our nations have landscapes that are almost entirely heavily modified, and have been for centuries – for example Italy and Holland. There and, in most EUWMA countries, much of the land has been significantly modified over historic periods of time and, for the water bodies, water quality is not necessarily the problem. EUWMA therefore suggests that a better way to classify these water bodies is to refer to them as ‘**Cultured Areas of Land Management (CALM)**’.

In addition, the level of ambition and the practical accessibility of status should be addressed positively as “best practically obtainable objective” and not as a “less stringent environmental objective” and/or “exemption” but best reasonable outcome / benefit in compliance with all five WFD principles assessed equally. The importance of this better and positive use of language is again to encourage ambition and the delivery of outcomes, which the current language does not do.

**4) Local governance:**

Water should be managed on a catchment-based approach and recognize the different geographical variations within Europe – the approaches taken in the water- scarce Mediterranean countries will and should differ from the northern European states with entirely different weather-led water cycle regimes. This is necessary even within larger



river basins themselves when they are running through and effected by different eco-regions (see Illies boundaries WFD Annex XI Ecoregions for rivers and lakes).

A “one size fits all approach” is at present often favoured by Member States’ government departments and those departments are concerned about the possible legal implications of making interpretations based on their needs and requirements which might lead to infraction proceedings. This situation is a significant deterrent to progress and a revision of WFD should be looking to encourage Local and Regional Water Managers to be directly involved by their Member States in coming up with the solutions to problems with water bodies so that the **solutions can be tailored to local, regional and eco-regional conditions**, rather than the “one size fits all approach”. However, this tailored approach can only be successful by taking into account the WFD goals downstream.

#### 5) Holistic approach of water:

There should be a **better integration of WFD with CAP and other environmental policies** (eg - Pesticides, Nitrates, buffer strips, Birds and Habitats Directives, renewable energy, flood and drought risk management, and major infrastructure development).

*EUWMA, the European Union of Water Management Associations, represents public local and regional water management organizations from nine EU member states, covering a surface of at least 50 million hectares.*  
**EUWMA members:** Belgium/ Belgique - Vereniging 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); Portugal - Federação Nacional de Regantes de Portugal (FENAREG); Spain - Federación Nacional de Comunidades de Regantes de España (FENACORE); The Netherlands - Unie van Waterschappen (UvW); United Kingdom - Association of Drainage Authorities (ADA).



## Annex 1

excerpt minutes WD meeting Amsterdam 2016

### 13. Lessons learned on implementing the WFD<sup>1</sup>

The WD reaffirm their commitment to the purpose of the Water Framework Directive (Directive 2000/60/EC - WFD) that water is a heritage which must be protected, treated and managed to ensure sustainable use. They underline that the environmental objectives and the instruments of the WFD aim to achieve the good status of water bodies and welcome the focus on outcomes and flexibilities within the WFD and the fact that it allows consideration of proportionality and technical constraints. They consider the experiences on achievements and difficulties encountered during the first cycle and the preparation of the second cycle of river basin plans are important to develop further the successful implementation of the WFD. They note that according to Article 19 of the WFD the Commission will review the Directive by 2019 and may propose necessary amendments to it. They took note of the provisional roadmap that was presented by the Commission at the WD meeting and welcome the commitment from the Commission to keep Member States and stakeholders closely associated to the upcoming work of assessment of implementation and review, holding regular discussions both within the CIS as well as at the WD meetings.

The WD agreed on the need to continue efforts to reach good status/potential in water bodies, as well as to tackle emerging and new water management issues such as climate and demographic changes, and they recognise that this will demand significant investment and effort before and beyond 2027. They also recognise the need to urgently work to better understand the challenges with regard to the deadline of 2027 and to develop options to enable continuous and ambitious national implementation regarding specifically the third WFD cycle but also beyond. This common understanding on the 2027 challenges should be developed well before decisions must be taken on the third planning cycle as of 2018, which means that a parallel discussion process will be started. For this purpose, interested Member States and the Commission will work together and will present the conclusions of their work at the next WD in November.

In addition to further elaborating on the 2027 challenges with priority, the WD commit to continue to work together to further elaborate (and potentially add to) the other issues in the Thought Starter and feeding those to the review process towards 2019. This may include consideration of links with other water related legislation. The WD support the objective of further improving water policy instruments to achieve our common purpose for the protection and improvement of the water environment at a national and European level.

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<sup>1</sup> WD agreed to mandate the Dutch Presidency and the COM to finalise the conclusions on the basis of the available proposal. Based on this mandate the following text was added.