

# EWA Position

## Water Framework Directive 2019



## Commitment to the Water Framework Directive – further development of the WFD while maintaining its objectives



The Directive 2000/60/EG of the European Parliament and of the Council of 23 October 2000 which establishes a framework for Community action in the field of water policy (Water Framework Directive, in short: WFD), prescribes the central framework conditions in Europe for a sustainable water policy and influences European and national water law significantly with its subsidiary directives. By the year 2019 at the latest, the Commission is to review the WFD and its implementation, and to propose any necessary amendments. This process requires a thorough evaluation of the directive which is undertaken by the Commission currently.

In the course of the implementation of the WFD, the state of waters in Europe has improved significantly. The WFD contains key elements for water management which have proven their effectiveness. The EWA is therefore fundamentally committed to maintaining and developing the WFD with its essential instruments:

- Cross-boundary river basin districts as the basis for management cooperation.
- Regular monitoring of water bodies according to EU-wide methods and evaluation procedures.
- Pursuit of a scientifically derived target horizon for good status of waters.
- Prevention of deterioration and the requirement to improve as a driver for target achievement.
- Regularly reviewed and updated management plans and programmes of measures as water management instruments for the achievement of the targets.

### 1. Ensuring continuation of the WFD, also after 2027

The path taken with the entry into force of the WFD needs to be pursued consistently. Achieving a good status of all water bodies is, however, a very challenging target, and a task that in some water bodies may exceed the time horizon of one generation. Even where the implementation of the WFD is ambitiously pursued, there is a high chance that the good water status will not be achieved in all water bodies by 2027.

For some water bodies, more time will be needed to attain good status, as required by the WFD. Many water-related habitats will need to be restored and others will need to be preserved from negative impacts from economic, land use and demographic developments, and from climate change. This will require investment and availability of the necessary financial resources.

The way the WFD is written, it automatically continues with requirements of updated River Basin Management Plans every 6 years. Even if good status were to be achieved in all water bodies by 2027, updates would still be necessary to take account of changes in economic, demographic and land use developments and of climate change.

The need for planning security does not only apply to the “water sector” alone. Moreover, it applies to all water-using sectors as well as sectors which have an impact of the status of water resources.

Nevertheless, there is a need to ensure that all water bodies attain good status and that those that are in good status remain in good status. This will require continued implementation of the WFD beyond 2027, taking fully into account the practical implementation experience as well as new challenges, such as climate change. The European Commission should consider in its review process how to ensure this the best.

### 2. Creating reliable foundations for water management – the need for interim targets

The ultimate objective of the WFD must remain to achieve the good status of all waters. However, for certain issues, e.g. some changes in land use, some ecosystem restoration measures and introduction of some new technologies and practices in land use and in sectors, such as agriculture, industry, energy production and transport, lead times may be long. As a result, some targets (relating e.g. to hydromorphology or ubiquitous chemical substances) may only be attained gradually.

Achievable interim targets, based on realistic lead times, should be set for the respective management cycles, in order to achieve overall progress and make the success of considerable efforts in water protection visible. This requires further development of the previous approach of implementation goals involving the stakeholders in the water sector and considering the actual possibilities for reaching the objectives in the respective management period.

### 3. Implementing the “one out – all out” principle

With its uncompromising nature, the “one out – all out” principle does not do justice to the success and progress of water management activities, as it provides only a highly aggregated snapshot of the overall water quality. Failing to reach the target for a single component leads to a failure to meet the overall target for water quality. Thus, the failure to reach good chemical status is reduced from 49% to 3% of EU surface water bodies<sup>1</sup>

<sup>1</sup> European Environment Agency, European waters – Assessment of status and pressures 2018

reflecting progress made in reducing pollutant discharges over the last decades, if a handful of so-called “ubiquitous substances” are not considered. Therefore, presenting water quality on this basis only, does not show the progress achieved by implementing the measures required by the Directive.

As a consequence, the review process should include considerations of how improvements in individual evaluation components could be made more visible in future. The benchmark for progress in attaining implementation goals in a management period has to be the implementation targets set for this. Where interim targets are applied, two benchmarks may be established: one to measure the distance to good status, and one to measure performance against the interim target.

#### 4. Clarifying the non-deterioration principle

The review process should be used to make the important instrument of deterioration prevention more practicable with regard to the uses of waters. The recent ruling passed by the European Court of Justice leaves a number of open questions regarding the non-deterioration principle. In particular, there is a need for new guidance on its application in the assessment of the chemical status of waters.

#### 5. Needing to address all sources of pollution

While much effort has gone into reducing pollution from point sources, relatively little has so far been done to address issues of diffuse pollution, hydromorphology and restoration of aquatic ecosystems effectively. This derives from the fact that 40% of European water bodies are subject to significant hydromorphological pressures; only 18% are subject to significant pressures from point sources and 38% from diffuse sources of pollution (mainly from agriculture and atmospheric deposition)<sup>2</sup>.



Addressing these issues to reduce the pressures is necessary to make significant progress towards the targets of the WFD. Therefore, it is important to strengthen the integration of water-related issues into fields of regulation, also beyond the environmental sector, for example the agricultural sector or the health sector. Any improvement at the source of pollution prevents complex and difficult attempts to mitigate their impacts, e.g. by trying to eliminate pollutants from wastewater discharges.

Furthermore, sustainable, long term improvement of water status requires close integration of water policy with nature protection, flood protection and climate adaptation policies to maximise synergies and increase cost-effectiveness of policies.

#### 6. Monitoring

According to Article 8 of the WFD, Member States shall ensure the establishment of programmes for the monitoring of water status in order to establish a coherent and comprehensive overview of water status within each river basin district. It is important that stakeholders and the interested public in general have access to the data collected when those monitoring programmes are applied in real time or within a short delay of time. This is particularly relevant in international river basins, where the water status of downstream countries depends on the implementation of the programmes of measures or on other actions undertaken upstream, beyond the jurisdiction of such states.

Much of today’s monitoring is based on ideas and technologies that were developed before the 1960s and 1970s and prior to the development and advent of remote-sensing technologies (including satellite monitoring techniques). Monitoring data collected using such technologies easily lend themselves to the provision of access in real time for all interested parties and authorities.

Hence the request to the Commission will be to ensure access to the monitoring data on a real-time basis and to ensure that the possibilities for implementing the use of remote-sensing monitoring where such monitoring is technically and economically feasible and will deliver the information needed.

<sup>2</sup> European Environment Agency, European waters – Assessment of status and pressures 2018



## 7. Evaluating the effectiveness of the “phasing out” obligation

The regulation in article 16 para. 6 WFD on ending the emissions and phasing out of so-called priority hazardous substances seem not to have gained practical significance since the WFD has been entered into force. This provision has largely been superseded by the adoption of the 2007 “REACH” Regulation and the Regulations on Plant Protection Products and on Biocides and the Directive on Sustainable Use of Pesticides.

However, as borne out in the European Environment Agency’s latest report on European Waters<sup>3</sup>, pollution of waters with priority hazardous substances continues to be a challenge. The measures adopted and their implementation under the said Regulations and Directives have therefore, so far, not been effective in ensuring the attainment of the WFD’s targets for chemical status of waters.

Furthermore, many substances have lost significance in water management over time while other, so-called emerging substances (including some pharmaceutical substances), may pose a problem for water quality and the aquatic environment.

In this context, it is proposed to evaluate the effectiveness of the phasing out of Priority Hazardous Substances, giving priority to ensure that they are effectively phased out and prevented from reaching the environment.

<sup>3</sup> European Environment Agency, European waters – Assessment of status and pressures 2018

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## 8. Harmonising WFD with other European regulations

Top priorities to harmonise with other European regulation coordinates better with nature protection and biodiversity policies, better integration with agriculture, energy and transport policies and improved consistency of chemicals, pesticides, biocides and pharmaceuticals regulations.

The EWA calls for a stronger integrative consideration and harmonisation of the existing European regulations with the WFD. This task offers great and cost-effective opportunities to improve water protection and to reduce bureaucracy and should already be carried out within the upcoming review process, if possible.

The harmonisation of substance-related regulations is an important aspect. In particular, this implies that the regulations for the assessment, approval and use of substances as they result from, for example, the REACH Regulation, CLP Regulation, Biocidal Products Regulation and phytosanitary or pharmaceutical legislation, are more closely harmonised with water law. It is necessary to unite the differences between the different sets of rules together in a comprehensive, integrative solution.

If not yet applicable, flood risk management and water management should be well integrated to exploit synergies in full. EU agricultural policy and subsidy programmes and EU energy policy should consider the objectives of water and flood risk management policies comprehensively.

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