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A NEW STEP
TOWARDS INTEGRATED WATER POLICY IN EUROPE:
Implementation of the Water framework Directive 2000-2015

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□ WHY A NEW FRAMEWORK FOR EUROPEAN WATER POLICY?

The policy on water pollution control is the oldest of the European environmental policies.

Since 1975, it has given birth to more than 30 directives or decisions about the pollution of freshwater and sea water.

The European policy in this area is characterized by a twofold logic:

- Firstly, a systematic approach to the control of discharges of dangerous or polluting substances into the aquatic environment.
- Secondly, a better targeted approach, defining quality standards for specific areas or special uses.

Consequence: the objectives, standards and reference-values varied from an environment and from a use to another, making **the European regulations complex, not very understandable and, therefore, not very inciting.**

Up to the end of the « 1990s », the policy on water pollution control had thus been characterized by a tremendous number of sectoral texts and a lack of overall vision.

Facing such a situation and the importance of the financial commitments generated by the two directives of 1991 (*Urban Waste Waters and Nitrates*), the people in charge at the national level wished a common reflection on the harmonization of the directives.

This led to the Directive of 23 October 2000, that intended proposing for the water community policy and to the Member States « a transparent, effective and consistent legislative framework ».

At the same time, the European Union will pass from its 15 current Member States to 25 Member States in 2004, and maybe 28 later, with the accession of the Eastern European and Mediterranean Countries.

The European Framework Directive will allow the establishing of a common objective for the water policies of the Member States and the capitalization of their experiences.

□ IT IS NOW NECESSARY TO ACT ON THE LONG TERM:

The Framework Directive is based on the same principle as the French water laws of 1964 and 1992.

« Water is not a commercial product like any other but, rather, a heritage which must be protected, defended and treated as such ».

It consequently reorganizes the European water policy with the objective of **long term protection of the aquatic environment and water resources**. Achieving this objective should secure drinking water supply for the population and meet the economic needs.

Therefore, the challenges are both simple and very ambitious:

- stopping the deterioration of water resources,
- reducing the discharges of substances,
- and achieving a « good status » for water and aquatic environments.

COMMON METHOD AND PRINCIPLES FOR ACTION

The preamble of the Directive proposes several main principles to the Member States:

- the need for integrated water policy;
- the principles of precaution and preventive action, as well as the principle of priority remedial measures at the source of the threats to the environment;
- the polluter-pays principle and the principle of the recovery of costs of services linked to water use « including environmental and resource costs »;
- decision making « at a level as close as possible to the sites of water use and degradation »;
- a river basin approach;
- a « combined approach aiming at reducing pollution at the source by setting emission limit values and environmental quality standards »;
- involvement of the public as a condition for success.

The Directive proposes an overall approach, with a precise timetable, methods and a progressive development of the tools.

It extends the planning logic (management plan) with a programming policy (program of measures) on the scale of the large river basin and thus constitutes a **real orientation tool for water policy**.

To the contrary, the Directive does not concern the organization of the community utilities in charge of water supply and sanitation. It does not modify their accounting practices nor the requirements of the service to the users.

A RELEVANT SCALE: THE RIVER BASIN

The Framework Directive plans for a similar system to the one that has been existing for several decades in France or in Spain, with the determination, on the scale of large river basins, of **river basin districts**. For each of them, « management plans », defining the objectives to achieve, and « programs of measures », defining the necessary actions, must be formulated before 2009 at the latest.

The Directive confirms river basin management at the international level. The international cooperation actions (commissions of the Rhine, the Scheldt, Meuse or Leman Lake, etc.) will be reinforced.

Europe is the continent having the greatest number of transboundary basins shared by at least two countries or more.

THE STRENGTHENING OF BASIN COMMITTEES AND CONSULTATION OF THE GENERAL PUBLIC

It confirms the role of the basin committees, in the Countries where they do exist, in which are represented the local authorities, the users, the associations and the Governmental administrations. By entrusting them with the information and the consultation of the general public, the Directive will contribute to a better understanding of their action by the citizens.

Indeed, the Directive clearly stipulates that the water stakeholders must actively participate in all the steps of the management plan formulation.

The reference documents will be available to the public, the latter being consulted during the formulation of the management plan.

WHAT ARE THE OTHER INNOVATIONS INTRODUCED BY THE DIRECTIVE?

The new Directive includes substantial innovations:

- ◆ **The Framework Directive defines an objective of « good status » for the aquatic environments before 2015;**
It will be based on ecological criteria, in particular, and corresponds to a quality of the aquatic environments allowing the greatest numbers of uses: drinking water supply, economic uses, recreational activities, etc. The discharges of certain substances, classified as dangerous or priority hazardous substances, must be respectively reduced or eliminated within 20 years.
- ◆ **The Directive concerns all the environments:** rivers, lakes, groundwater, coastal water, etc. **It asserts the principle of wholeness of the water resource** (ground, surface and coastal waters are interdependent) and draws from it as a consequence that all the environments must achieve the good status objectives.
- ◆ Being pragmatic, **the Directive institutes derogation possibilities** that will have to be justified:
 - ▶ **by economic reasons** (notion of disproportionate cost);
 - ▶ **by technical reasons** (delay in the building of infrastructures for example);
 - ▶ **by natural conditions** (times of pollutant migration for example) or by existing uses which cannot be suppressed and which have such

an impact that the « good status » objective cannot be achieved from a technical viewpoint (notion of heavily modified environments).

◆ **The Directive gives the natural environments their place in the European water policy and preserves the future.**

It introduces **obligations of results, of method and of timetable** and imposes to periodically report on progress, on obtained results, as well as on the delays or predictable failures to define, as quickly as possible, the possible remedial measures.

□ **A SOCIOECONOMIC APPROACH:**

Firstly, the Directive requires the identification of water uses (uses for recreational activities, abstraction for drinking water supply, for irrigation, industry, etc.) and the assessment of the economic impact of these uses.

After this first step, it will be necessary to examine the predictable impacts to appear before 2015 of the decisions already made regarding water management (works linked to the Directive on *Urban Waste Waters*, limitation of the nitrogenous inputs in compliance with the Directive on *Nitrates*, etc.). An examination that will also have to take into account the foreseeable growth of the populations and activities.

Thus, the water policy is no more only « mending » with chronic delays, but to the opposite is **an integrated policy involving the other sectoral development policies.**

□ **TRANSPARENCY OF COSTS AND POLLUTER-PAYS PRINCIPLE**

This is the third provision of the Directive, that requires a report on the recovery of the costs of services linked to water uses, while analyzing three questions at the level of the large river basin:

1. do the current prices cover the costs of the service, i.e. the operating and renewal costs?
2. does the implementation of the polluter-pays principle allow charging to the polluters the costs equivalent to the environmental damage they cause?
3. what is the sharing of the charges between the different economic sectors (households, industry, farming, etc.)?

The Directive includes a transparency requirement (who pays what and what for?), but does not impose complete cost recovery. For social, economic and environmental reasons, subsidies or common cause mechanisms and financial transfers can continue. **They must be evaluated, published in the management plan and submitted to the public for comments.** Incentive, the Directive makes pricing a tool for action and contributes to the achievement of the environmental objectives. It combines the necessary financing of the infrastructures and water utilities with a strategy of mastering demands with an incentive to water saving or to pollution removal at the source.

□ A PARTICIPATORY WORKING METHOD

The prerequisite to real transparency is the effective participation of the public, through planned consultations during the whole process. A participation that does not assert itself, but builds itself through previous information on water management (role and responsibility of everyone) and on the stakes. This implies the involvement of the local relays: local authorities, associations of users and for environmental protection.

The methods for information, consultation, the gathering and processing of the comments of the public will be based on a concern for transparency of the costs, the assigned objectives and granted derogation, the evaluation and publication of results.

Consultations of the general public are required at the different steps of the process:

- in 2006 on the definition of the work program,
- in 2007 on the identification of the main questions arising in the basin,
- in 2008 on the management plan.

□ A EUROPEAN FRAME OF REFERENCES FOR QUALITY

Today, the systems for assessing water quality and for formulating the objectives to achieve vary considerably from one country to another within the European Union.

By establishing a common frame of references for assessing water quality, the Directive will allow real analyses of the situations and strategies of the Member States. It is also a guarantee for transparency.

In order to develop this frame of references, the Directive firstly requires the identification of « water masses », i.e. homogeneous aquatic bodies (plain river, mountain torrent, estuary, lake, alluvial groundwater table, karstic system, sandy coast, etc.). Quality indicators and reference values of the « good status » will then be defined for each type of « water mass » enabling, for example, the comparison of the water quality of a mountain river in the Alps in France, Austria and in Italy.

The development of this European frame of references will take place between 2003 and 2006. The references that characterize the « good status » of surface waters will only be published at the beginning of 2007 at the European level. This delay is justified by the need of integrating the ecological quality parameters of the environments into the development of this frame of references.

Inter-calibration procedures are also planned for to calibrate the data provided by the Member States.

As regards groundwater, a Directive for the implementation of the Framework Directive (called « Daughter Directive ») will specify concentration limits for pollutants to achieve « good status ».

□ THE MAIN STEPS OF THE DIRECTIVE IMPLEMENTATION

The Directive sets out a precise timetable for its implementation:

- **2003: laws for transposition** of the Directive into the national legislations
- **December 2004:** definition of **the situation** of the basins
- **December 2006:** setting up of networks for monitoring water quality
- **December 2009 :**
 - definition of the objectives and justification for derogation (basin management plan)
 - formulation of the first action plans
- **December 2015 :**
Reporting on the achievement of objectives
+ new updating of the basin management plans
+ second action plan
- **December 2021 :**
Reporting on the achievement of objectives
+ new updating of the basin management plans
+ third action plan
(*and so on every six years*)

We must start now if we want to succeed in **the first step of the process: inventory to be established by the end of 2004.**

In order to do so, in France for example, the basin committees will have to deploy, at a level closest to the field, the consultation of the different water stakeholders: local authorities, users, associations of consumers and for the protection of nature, etc.

They will be able to widen this consultation by involving academics or qualified personalities in the work of their specialized commissions. In compliance with the Directive, these people will have to submit to the public for advice the list of the main issues identified during the inventory, as well as the provisional work plan for updating the management plan.

At the end of this analysis, the basin committee will have to identify, in collaboration with the water stakeholders and the administrations, the objectives to prescribe for 2015, according to their technical and economic evaluation.

Considering the Government responsibility towards the European Commission in the good implementation of the Directive, its representative (the prefect - basin coordinator in France for example), will have to check that implementation complies with the Directive requirements.

He will establish, in liaison with the Basin Committee, the regulatory action plan.

On the other hand, the action plan of the Water Agency will define the specific financial incentives, assistances or the modulation of taxes that will facilitate the implementation of the regulatory measures and the achievement of the objectives of the management plan. Regulatory action plans and action plans of the Water Agencies will thus act in synergy, for better effectiveness of the water policy defined through dialogue inside each basin committee.

The basin committee will have to follow up the implementation of the management plan and action plans.

This information should especially deal with the implementation of the program of measures, the difficulties or delays encountered and the obtained results.

□ CONCLUSIONS

While the Framework Directive confirms the principles of integrated management and planning at the level of river basins, instituted by the French water laws of 1964 and 1992 in particular, it inspires, above all, a new ambition for water policy by defining ecological objectives, a working method and deadlines to comply with.

The objectives are ambitious but realistic as concerns the public expenditures that must remain acceptable.

The search for necessary compromises, taking the economic constraints into account, implies the widest consultation possible and a dialogue between the local elected officials, the professionals and associations, but also with the general public, who will be consulted during the big steps of the process.

The Directive therefore entrusts the basin committees with the definition, in collaboration with the water stakeholders, of the objectives to achieve before 2015 at the latest.

These will have therefore a strategic role to play!