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**TOWARDS INTEGRATED WATER POLICY IN EUROPE:  
Implementation of the Water framework Directive 2000-2015  
And European Water Initiative.**

**“For the first time in history,  
twenty-nine Countries are committed  
to jointly manage all their freshwater resources  
on a basin scale  
to reach a good ecological statute  
for the aquatic environments,  
before 2015!”**

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## □ WHY A NEW FRAMEWORK FOR EUROPEAN WATER POLICY?

The water policy is the oldest of the European environmental policies.

Since 1975, it has given birth to more than 30 directives or decisions especially 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 water policy 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 has passed from its 15 current Member States to 25 Member States in 2004, and maybe 29 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.

In Europe, the Community Directives are imposed to the Member States, which must not only transcribe them into their national law, but also apply them within prescribed times, unless they will face the risk of being prosecuted by the European Commission at the Court of Justice of the Union for lack of conformity and be condemned to very heavy financial obligations.

## ❑ 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, meet the economic needs or allowing recreational activities, etc...

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.

This « **good status** » for the aquatic environments will be based on ecological criteria, in particular, and corresponds to a quality of the aquatic environments allowing the greatest numbers of uses.

The discharges of certain substances, classified as dangerous or priority hazardous substances, must be respectively reduced or eliminated within 20 years.

But as everything is related at the basin level, the Directive cannot limit itself to the only issues of quality and conservation of the environments and must take simultaneously all the aspects of water and land management into account, navigation, flood and drought prevention or hydropower production in particular...

Basin management policy is not only water policy!

The linkage to other policy areas becomes even more important as concepts such as “living with rivers” or “giving space to rivers” get greater weight.

## ❑ 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;
- a river basin approach;
- the principles of precaution and preventive action,
- the principle of remedial measures at the source of the threats to the environment;
- the polluter-pays principle and the principle of the recovery of costs 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 « combined approach 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.

## □ **A RELEVANT SCALE: THE RIVER BASIN**

The Framework Directive is based a similar geographical system to the one that has been existing for several decades in France or in Spain

The Framework Directive plans for the establishment of **river basin districts** in large basins.

For each of **river basin districts**, « management plans », defining the objectives to achieve, and « programs of measures », defining the necessary actions, must be formulated before 2009 at the latest.

The WFD introduces also new territorial concepts such as:

- « sub-basins », in which particular issues can be dealt with,
- the « water bodies », which are entities corresponding to homogeneous ecosystems where the obtained results will be evaluated and compared,
- « heavily modified water bodies », for which exemptions could be obtained by the Member States...

Being pragmatic, the Directive institutes derogation possibilities **that will have to be justified:**

- ▶ by reasons of disproportionate cost;
- ▶ by too long delays in the building of infrastructures or pollutant migration;
- ▶ by existing uses which cannot be suppressed.

But Europe is the continent where there are the greatest number (69) of transboundary basins shared between at least two countries or more (18).

### **The Directive strengthens transboundary basin management.**

It introduces the concept of « **International Basin Districts** » for which the riparian Member States will have to comply with the same obligations as for the strictly national basins

The existing International commissions will be consolidated, new ones will be created.

In Europe, most of these International Commissions have a similar organization which is based on the plenary assembly of the international commission itself which makes the decisions committing the Member States, its permanent secretariat, and on many official geographical, sectoral or technical Working Groups which are the places where the decisions are prepared, the plans and programs developed or the common tools designed for observation, monitoring or warning in particular.

In each of these International River Basin Districts, a common characterization has already been established, and the following will have to be prepared: a master plan of the basin data, an overall management plan and a program of measures to achieve the objectives of the Directive.

**For the first time in history, twenty-nine Countries are committed to jointly manage all their freshwater resources on a basin scale.**

#### **□ THE NEW DIRECTIVE HAS SIGNIFICANT INNOVATIONS:**

- ◆ **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 must achieve the good status objectives.

- **The Directive introduces a socioeconomic approach and firstly 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.

The ecological criteria will correspond to a quality of the aquatic environments allowing the broadest range of possible sustainable uses.

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.**

- **The Directive requires the establishment of a common frame of references for assessment, allowing real analyses of the situations and strategies of the Member States. It is also a guarantee for transparency.**

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.

In order to develop this frame of references, the Directive firstly requires the identification of « water bodies ».

Quality indicators and reference values will then be defined for each type of « water body » allowing, for example comparisons between countries.

The development of this European frame of references will take place up to 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 various parameters monitored by each Member State.

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

As regards groundwater, an implementation Directive will specify the concentration limits for pollutants to achieve « good status ».

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

This is an essential provision of the Directive, which 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 introduces into the economic calculation not only the traditional investment and operating costs, but also newer approaches such as the calculation of opportunity costs between various uses of the resources and of the costs of the damage caused to the environment.

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.

But, 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 DEMANDING PLANNING:**

For each River Basin District, « **management plans** », defining the objectives to be achieved, and « **programs of measures** », defining the necessary actions, must be formulated before 2009 at the latest.

The Directive provides an interesting methodology for developing these management tools: characterization of the current situation in the basins, an assessment of the pressures and their impacts and the identification of significant sensitive areas have been just carried out and will be used as a basis for the establishment of different baseline scenarios before 2015.

An iterative approach of the programs of measures will permit assessing:

- if the mere continuation of the current actions is sufficient to achieve the objectives, or
- if additional actions must be considered and if their financial or social cost is acceptable, or in the negative option,
- if exemptions are appropriate, whose justification will have to be made public and subjected to possible discussion.

#### **STRENGTHENING OF BASIN COMMITTEES, PUBLIC CONSULTATION: A PARTICIPATIVE WORKING METHOD!**

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.

The prerequisite to real transparency is the effective participation of the public, through planned consultations during the whole process.

A participation does not assert itself, but builds itself through previous information on water management and on the stakes. This implies the involvement of 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 2004 on the initial characterization of the basins,
- in 2007 on the identification of the main questions arising in the basin,
- in 2008 on the management plan.

It confirms the role of the basin committees, in the Countries where they do exist, such as in France, Spain or in a majority of Eastern Europe new member States, 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.

## **AN OBLIGATION OF RESULT**

The Directive imposes to the Member States to achieve the « good status » objective for water bodies before 2015, for all those which will not have benefited from of an exemption, because too heavily modified.

The obtained results will be evaluated and made public and the European Commission will be able to prosecute the failing Member States before the European Court of Justice for non respect of the Directive and possibly to have them condemned to heavy financial obligations.

## **A PRECISE TIMETABLE FOR IMPLEMENTATION**

The Directive sets out a precise timetable for its implementation:

- **2003: laws for transposition** of the Directive into the national legislations
- **December 2004:** characterization of **the situation** in 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

We are thus committed from now on to carry out **the process with the obligation to succeed!**



The WFD 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**.

❑ **SOME COMENTS:**

Of course, the WFD, with its strong focus on "ecological status of waters" and the high cost for its implementation, might appear as a "good practice" tailored for the highly developed Europe and other industrialized countries.

WFD might be then considered as "IWRM in the North – mainly for countries where water is abundant and water infrastructure in place".

If just reading the formal legal text of the WFD, one might say that it only deals with water quality, but on an operational point of view, it's clear from the beginning that as everything is related at the basin level, the real implementation of the Directive will not limit itself to the only issues of quality and conservation of the environments, but will have to take into account all the aspects of water and land management in the Managements Plans and Programs of Measures: agriculture, navigation, flood and drought prevention or hydropower production in particular...even if the WFD seems to neglect the need for further water developments and not to be concerned with how water is used.

One may read in the preamble of WFD that "further integration of protection and sustainable management of water into other Community policy areas such as energy, transport, agriculture, fisheries, regional policy and tourism is necessary. This Directive should provide a basis for a continued dialogue and for the development of strategies towards a further integration of policy areas."

For defining, within the member States of EU, a WFD Common Implementation Strategy (CIS) a Strategic Co-ordination Group has been created, which has still published fourteen Guidance Documents on: 1) Economics and the Environment, 2) Identification of Water Bodies, 3) Analysis of Pressures and Impacts, 4) Artificial and Heavily Modified Water Bodies, 5) Transitional and Coastal Waters –Typology, Reference Conditions, 6) Intercalibration Network and the Intercalibration Process, 7) Monitoring, 8) Public Participation, 9) GIS and the WFD, 10) Rivers and Lakes Typology, 11) Planning Process, 12) Wetlands, 13) Classification, 14) Reporting.

The CIS priorities for 2005-2006 are climate change, droughts and floods, intercalibration exercise, WFD and agriculture, hydromorphology (hydropower and navigation), new Pilot River Basin exercise, reporting and WISE, priority substances / chemical monitoring and cost effectiveness.

Clearly, nowhere in the world, we may see, officially and for 29 countries, a so high care of water resources management.

This does not mean that WFD may be "exported" in an all for many poor developing countries facing severe competition for scarce and polluted water resources in their quest for economic and social development.

Hence developing countries can be inspired by the WFD, as some of its basic principles may be universal – but, of course, they should be shaped by context and time.

Conditions in other regions are different from EU. Millennium Development Goals (MDG's) are high on the agenda: *poverty, hunger, health, education – and environment*. Introducing WFD without prior cross-sector balancing would be like issuing a blank cheque

The important thing to “export” is the *process* of establishing an WRM framework - the final shape varies from country to country.

WFD itself is not universal. But some of its key elements are, such as securing public participation, forming river basin councils, making river basin plans, setting time-bound, measurable targets, establishing appropriate monitoring and enforcement, introducing cost recovery mechanisms...

Do not “export” the WFD *per se*. Export the process behind it and its universally relevant elements.

Based on the main principles of IWRM, the table below illustrates the coherence between IWRM principles and WFD requirements. WFD references can be found in the directive.

<b>IWRM principles</b>	<b>WFD elements</b>
<i>How is this IWRM principle...</i>	<i>... integrated in the WFD?</i>
<ul style="list-style-type: none"> <li><b>Integrated management</b></li> </ul>	
All functions and activities having an impact on the water resources must be considered	Art. 1. e): <i>Purpose</i> Art. 5: <i>characteristics of the RB district, review of the environmental impact of human activity and economic analysis of water use</i> Art. 7 <i>Water used for the abstraction of drinking water</i>
Co-dependent natural resources must be integrated: soils, forests, air, biota	Art. 1. a): <i>Purpose</i> Art. 4.9: <i>Environmental objectives</i> Art. 6: <i>Register of protected areas</i>
Qualitative and quantitative aspects of water resources must be addressed	Whereas 34; Art.4 <i>Environmental objectives</i> including ecological status (biological, hydromorphological, physico-chemical quality elements) for surface waters and quantitative and chemical status for groundwater
Trans border issues in case of shared river basins must be included	Whereas 35; Art.3.3 & 5: <i>coordination of administrative arrangements within river basin districts</i> ; Art. 13.2: <i>River basin management plans</i>
All relevant departments must collaborate (appropriate institutional arrangements in case of shared responsibility for water issues)	Art. 3. 2: <i>coordination of administrative arrangements within river basin districts</i>
<ul style="list-style-type: none"> <li><b>Water resources</b></li> </ul>	Art. 1: <i>purpose a)</i>
<ul style="list-style-type: none"> <li><b>Management at Basin level</b></li> </ul>	Art. 3: <i>coordination of administrative arrangements within river basin districts</i>

• <b>Participatory approach</b>	Art. 14 <i>Public information and consultation</i>
• <b>Gender and equity issues</b>	Not relevant in the European Water issues context
• <b>Water use efficiency &amp; demand management</b>	Art. 11 c) e); Annex VI Part B, (ix) (x)

Regulatory requirements are specific to the EU but approach and principles could also be adapted and applied in other contexts where sustainable water management is required.

The knowledge available in Europe through the development and implementation of the WFD will provide an important source of knowledge on IWRM that can be made available to other countries.

In the case of neighbouring countries - because of shared basins between EU and non-EU countries and legal framework requiring convergence of legislations - the implementation of the WFD becomes essential. In other regions, the detailed requirements of the directive itself are not as significant since each region and country will wish to implement IWRM in its preferred way. However, tools and methodological frameworks develop in the context of the Common Implementation Strategy of the WFD and related European Commission Research activities for management purposes with a view to supporting the WFD could be easily adjusted to the particular needs of those countries.

## **THE ROLE OF EUROPE IN INTERNATIONAL COOPERATION:**

Central to the international water agenda at this point in time is the challenge to achieve the Millennium Development Goals - all strongly depending on water! - and the targets set by the WSSD in Johannesburg in 2002 to develop "IWRM and Water Efficiency Plans by 2005", which evidently has not been reached.

Europe is playing a key role in these agendas, with the European Water Initiative (EUWI) and the European Water Facility for ACP countries.

The European Union Water Initiative (EUWI) was launched at the World Summit on Sustainable Development (WSSD) in Johannesburg in September 2002. The central objectives of the EUWI is;

- The reinforcement of political commitment towards action and innovation oriented partnership.
- The promotion of improved water governance, capacity building and awareness.
- Improved efficiency and effectiveness of water management through multi-stakeholder dialogue and co-ordination.
- Strengthened co-operation through promoting basin approaches in national and transboundary waters.
- Identification of additional financial resources and mechanisms to ensure sustainable financing.

In addition to the overall objective of **reinforcing the political will** of acting to improve water resource management, the European Initiative aims, let us remind it:

- **to render effective a better water governance** and to build the institutional capacities, to this end,
- **to improve co-ordination between European co-operation programmes** and to reinforce the efficiency of assistance.

This is not obviously by continuing to work « as usual » that these two objectives will be achieved.

The EU has established a multi-stakeholder forum to promote the Initiative and guide efforts to fulfil the objectives of strategic partnership.

The forum consists of representatives from EU Member States, Norway, Switzerland, The European Commission, the European Investment Bank (EIB), civil society and the private sector. The Initiative has established a number of regional and thematic components, each with a working group, headed by an EU Member State as follows:

- Water Supply and Sanitation (WS&S) in Africa; (led by Denmark)
- Integrated Water Resources Management (IWRM) and Transboundary Waters in Africa; (led by France)<sup>1</sup>
- Water supply and sanitation and IWRM in Eastern Europe, Caucus and Central Asia (EECCA) ; (led by Denmark)
- IWRM, Mediterranean region; (led by Greece)
- IWRM, WS&S and extreme events, Latin America; (led by Spain & Portugal)

The European Water Initiative in Africa, for example, aims to facilitate achieving this objective while, in particular, taking into account the specific situation of the Continent where most resources are located in transboundary river and lake basins.

This implies a specific African approach linking, in a consistent manner, planning on the scale of transboundary river basins with the national planning in each of the riparian countries.

The IWRM + 5 Conference of Ouagadougou in October 2003 allowed the definition of **the 6 specific objectives, that will be «the 6 pillars of the IWRM Initiative in Africa»:**

I) **Institutional strengthening**, for the effective creation and establishment of suited legislative and regulatory frameworks that define the statutes, tasks, responsibilities and delegations of the transboundary basin organisations and national institutions, either existing, being created or to be created, and to allow inter-sectoral and inter-administrative co-ordination between them.

II) **Confidence building**, for introducing in the context of the concerned African countries, suited methods for **better participation of the local Authorities, water users' groups and Non-Governmental Organisations, representing collective interest.**

III) **Water and uses monitoring**, for building or reinforcing systems and networks for monitoring and following up resources and uses, to identify the hot points and priorities for action and to follow up, over time, the effectiveness of the implemented policies.

IV) **Mobilisation of financial resources for investments and operation of community utilities**

These systems will have to take account of the ability to pay of the different categories of users and rely on economic and social common-cause principles (adequacy) and basin principles (downstream-upstream) and be proportional to consumption and pollution to play an educational and deterrent role with respect to bad practices.

V) **Capacity building and training**,

VI) **Development of IWRM and water efficiency plans**

**This means that management plans should be formulated at the level of transboundary basins and in each country**, to set the objectives to be achieved on the medium and long term, based on **a common vision** of all the concerned partners, and whose implementation involves **operational plans for priority action**, usually extending on a four or five-year period.

## **CONCLUSIONS**

While the Framework Directive confirms the principles of integrated management and planning at the level of river basins 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 which 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 search for necessary compromises, taking into account the economic constraints, involves the broadest concertation, and a dialogue between the local elected representatives, the socio-professionals and the associations, but also with the general public who is consulted during the great stages of the process.

The European experiment shows that, if water has no boundaries indeed, a suitable and constraining integrated management of the resources in the basins of rivers, lakes or aquifers shared by several riparian countries, is today necessary and can be considered with real ambitions.

The first results obtained within the EU member states are positive and stimulating.

## □ **RECOMMENDATIONS:**

The search for solutions for better water resources management must pass through an integrated and holistic approach, organized at the relevant level of basins of rivers, lakes and aquifers, either local, national or transboundary.

### **As regards large transboundary rivers, lakes or aquifers:**

- Cooperation agreements should be signed by riparian countries and Management Plans designed at the level of all the basins, especially in international or transboundary Basin Commissions, Authorities or Organizations.
- Transparency is essential for a good common understanding of the methods used and a comparability of the obtained results,
- It is recommended to make the monitoring/follow-up systems coherent and to harmonize the data and Geographic Information Systems in the transboundary basins as a priority,
- It is also proposed:
  - To strengthen the action of the existing international bodies (international commissions, bilateral cooperation, etc.) and to promote a clear definition of the roles and commitments of each country,
  - To support the creation of new International Commissions and to strengthen cooperation for shared basins with the countries neighboring the EU (candidate countries, NIS and Balkan countries), through projects, supported by the European Commission, for the implementation of the WFD principles in these basins,
    - to modify or complement the existing **international water treaties or agreements** to make them compliant with the new concepts of IWRM,

**As regards the consultation and the involvement of the general public in the implementation of water policies,** it appears that the use of specialists in communication and public enquiries will be required in order to tend to maximum effectiveness and better participative interactivity, to define the most suitable methods, most of which still remaining to be tested.

In particular, it is necessary to adopt a language adapted to the targeted publics while avoiding too technical or bureaucratic terms which would be inaccessible to the greatest number of citizens. The language should be clear, simple, understandable by everyone with strong and recognizable visual documents.

Attention has also to be paid to the cost of these consultations and to the need for planning significant budgets to conform to the new obligations in this field.

It seems that original approaches, based on the local organization of events or on the use of local communication supports, are sometimes more effective for mobilizing the citizens

than the use of the media for a wide dissemination to the general public, the cost of which is high for a return which is sometimes disappointing. The passage by the relay of local authorities and of NGOs may be very useful. It is necessary to take into account the proximity and the direct contact on the places of living.

It is also recommended to rely, as much as possible, on participative bodies already existing in the various Member States (river committee, local water commission) and on the local processes of water management (river contracts, etc.) which are the ideal support to develop the participation of the public on its territory.

### **Other recommendations:**

- Better identifying the areas in which agricultural pressures have a significant impact on water and prioritizing the means necessary for restoring these areas,
- Mobilizing joint financing for these priority zones/measures, and in particular considering financial compensations for the farmers who changed their behavior,
- As concerns floods, underlining the « upstream-downstream » common cause as the basis for consistent management on the scale of river and sub-basins,
- Taking into account the quantitative problems, and obviously the issues related to droughts and floods, and all other aspects of water management and their impacts, and not only the problems of quality of water and the environments, as everything is linked in each water body,
- Better considering a continuum between surface water and groundwater, especially regarding non-point pollution and contaminated soils and sites,
- Ensuring the continuity of rivers to restore or guarantee the upcoming and circulation of fish species,
- Introducing reflexions and prospects on climate change,