



2nd Stakeholder Workshop for the Fitness Check of EU Freshwater Policy



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Organized by



on behalf of the European Commission

Workshop conclusions

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Compiled by:

Eleftheria Kampa, Johanna von der Weppen (Ecologic Institute)

Andrew Farmer (IEEP)

Linda Johansson (BIO)

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List of Abbreviations

CAP	Common Agricultural Policy
CIS	Common Implementation Strategy
DWD	Drinking Water Directive
EIA	Environmental Impact Assessment
EQS	Environmental Quality Standards
EQSD	Environmental Quality Standards Directive
IPPC	Integrated Pollution Prevention and Control
MFSD	Marine Strategy Framework Directive
NiD	Nitrates Directive
NVZ	Nitrate vulnerable zone
PoM	Programme of Measures
RBD	River Basin District
RBMP	River Basin Management Plan
SEA	Strategic Environmental Assessment
UWWTD	Urban Wastewater Treatment Directive
WFD	Water Framework Directive

I Introduction

I.1 Objectives of the workshop

Organised by DG Environment, the 2nd Stakeholder Workshop on the Fitness Check of EU Freshwater Policy (9-10 February 2012, Brussels) was an important component of the stakeholder consultation process of the 2nd phase of the Fitness Check.

The event focused on the **precise definition and explanation of the issues, problems and challenges identified in the scoping study** on the Fitness Check of Water Policy, on the following major topics:

- Relevance of EU water policy
- Coherence of EU water policy
- Effectiveness of EU water policy
- Efficiency of EU water policy

Participants were also invited to discuss **possible solutions to the problems**, for further use in the preparation of the Blueprint to Safeguard Europe's Water Resources.

This report summarises the main conclusions and lessons learned from the 2nd Stakeholder Workshop. The European Commission will use these conclusions in the process of drafting and finalising the Fitness Check of EU Freshwater Policy.¹

For further background information, please see:

- Discussion paper of the 2nd Stakeholder Workshop on the Fitness Check of EU Freshwater Policy (<http://ecologic-events.eu/Fitness-Check-Workshop/background-documents>)
- Scoping study on the Fitness Check of EU Freshwater Policy (www.ieep.eu/assets/826/Water_Policy_Fitness_Check.pdf)
- Roadmap of the Fitness Check of EU Freshwater Policy (http://ec.europa.eu/environment/water/blueprint/fitness_en.htm)

¹ Apart from the WFD, the Fitness Check of EU Freshwater Policy covers the following Directives / instruments: the Groundwater Directive, the Environmental Quality Standards Directive (EQSD), the Urban Waste Water Treatment Directive (UWWTD), the Nitrates Directive (NiD), the Floods Directive, the Communication on Water Scarcity and Drought and the Policy Paper on Adapting to Climate change on water, coasts and marine issues.

The Ecologic Institute, IEEP and BIO IS were engaged in a support contract with the European Commission for the organization of this event.

1.2 Set-up of the workshop

Workshop invitees were members of the Strategic Coordination Group of the Common Implementation Strategy of the WFD. Approximately 45 delegates participated in this event, including representatives from the Member States, the European Commission, relevant European-level organisations and stakeholder groups.

The workshop was set up in a participative way to consult with and actively gather feedback and contributions from all participants.

On Day 1, delegates participated in four roundtable discussions moderated by DG Environment on the four major topics of the Fitness Check, i.e. relevance, coherence, effectiveness and efficiency of EU water policy.

On Day 2, the appointed rapporteurs (from IEEP, Ecologic Institute and BIO) of the four roundtables gave report-back presentations from each table/topic.

In the last plenary of Day 2, Peter Gammeltoft (DG Environment) presented a summary of key lessons learned from the 2nd Stakeholder Workshop on the Fitness Check of EU Freshwater Policy.

1.3 Structure of this report

This report summarises the main conclusions and key lessons learned from the workshop.

Section 2 summarises the discussions of the four moderated roundtables on the four topics of relevance, coherence, effectiveness and efficiency.

Section 3 reports key conclusions and lessons learned from discussions on all topics of the workshop.

The workshop programme and the workshop presentations are available online:

<http://ecologic-events.eu/Fitness-Check-Workshop/programme>

2 Round Table Discussions

2.1 Table 1: Relevance of EU Water Policy

Introduction

Within the Fitness Check, the issue of relevance addresses how far existing EU water laws and policies address the important challenges that Europe's freshwaters face, whether these laws and policies consist of the right instruments and whether there are gaps or overlaps that need to be addressed. Participants were asked to focus the round table discussion around the following **questions**:

1. Does the current EU water policy framework adequately address all challenges regarding surface and ground water quality?
2. Are the current EU instruments sufficient to address water quantity issues (flooding, droughts and long-term scarcity) and the sustainable management of different water uses?
3. Does EU water policy allow Member States to respond to future climate change impacts with effective adaptive responses?
4. Where there are gaps in water protection actions on the ground, is this a reflection of gaps in the EU policy framework or of Member State interpretation and/or implementation?
5. Where there are gaps, etc., in the EU policy framework, what solutions are appropriate to address these?

Within the discussion it was recognised that questions 4 and 5 are appropriate to each of the first three questions. Therefore, the summary of the discussion is structured according to the main themes of water quality, water quantity and climate change.

Overview

Participants largely agreed that the current EU legal and policy framework for water issues is well designed, is able to address the challenges that Europe's waters face and can take account of emerging issues. It was felt that there was no need to re-open the existing body of water law or add to it, rather that now was a time for consolidation. In relation to quantitative aspects of water management, support was expressed for additional tools to help implementation and delivery of agreed objectives.

It was particularly emphasised that the Water Framework Directive (WFD) has a broad scope and the assessment and planning processes allow for adaptive management to new issues.

It is, therefore, flexible, enabling it to address all or most pressures. At a detailed level some WFD issues could benefit from further clarification, such as on the concept of water services in relation to cost recovery, but these should do not detract from the successful policy framework that the WFD provides.

It was further emphasised that the common understanding, a harmonized implementation and the relevance of EU water law has been enhanced by the Common Implementation Strategy (CIS) process – not only the guidance produced but the opportunity to exchange experience, etc. This has been a key element for the success of EU water policy.

The ability of the EU legal framework and how well its flexible approach addresses current and emerging water challenges depends on how well the law is implemented by the Member States. Implementation is a challenge and depends on a number of factors, including:

- The (political) willingness of Member States to implement EU law.
- The availability of funding and other resources to allow implementation to proceed.
- Whether there are sufficient tools and knowledge available correctly to interpret and implement the legal requirements.

Water quality

Participants considered that, with regard to delivering water quality objectives, there are no significant gaps in the overall body of EU law. Major pollutant sources (point and diffuse) are addressed by the Nitrates Directive, UWWTD and WFD, although there are practical challenges at Member State level in addressing some diffuse sources and in achieving the WFD objectives, as well as on sector integration, spatial planning and land use to deliver good ecological status. The broad objectives of the WFD and the flexible provisions for Member States to adopt measures in RBMPs should allow critical pollution issues to be captured. It was recognised that new pollutants do need to be controlled, but that the rolling review programme for priority substances under the WFD addresses this and no further action is needed.

Issues raised related to water quality concerned invasive alien species (IAS) and drinking water. With regard to IAS, some considered that the issue should be able to be addressed within the WFD. It was also noted that the Commission is currently consulting on proposals on this subject. On drinking water, it was suggested that Article 7.3 of the WFD (drinking water source protection) has not been well implemented and that, rather than new law, a more coherent, holistic approach to the application of the Drinking Water Directive (DWD), WFD, Nitrates Directive, Groundwater Directive and UWWTD is needed and a clearer assessment of how pathogens should be addressed within the DWD and WFD.

While participants considered that changes or additions to EU water law are not needed with regard to water quality objectives, they did note the importance of implementation and policy development in other policy areas to deliver the controls on specific pollutants necessary to achieve water quality objectives. These policies include REACH, pesticides law, Industrial Emissions Directive, the CAP, and other funding policies.

Water quantity

Participants noted that water quantity issues are less explicitly addressed within the WFD, nevertheless the WFD should act as a driver to address relevant water quantity issues. However, these issues do not appear to have always been sufficiently addressed at national level and within a number of RBMPs.

On the issue of water efficiency, participants did not support the idea of legislation on water efficiency in buildings. However, there was support that, where appropriate, specific product standards could be developed.

Concern was raised over obstacles to the re-use of treated waste water, e.g. in agriculture, and that common European standards could provide a consistent approach for both farmers and the water industry. There were divergent views among those supporting such standards on whether these might be developed within EU law or within CEN.

The importance of green infrastructure was highlighted as an area to address some quantitative water issues. In particular, it was stressed that green infrastructure could be supported by more creative approaches to spending under Rural Development and Cohesion Policy.

Participants stressed the challenge that water managers face in addressing water quantity issues and that support for information and analytical tools at EU level would be useful. Examples included understanding environmental flows, water accounts and exchange of information on water trading.

Improving water efficiency, managing various water uses, etc., can be enhanced by improved technology. Participants felt that the EU could support technology development and foster innovation (including through funding) and also support diffusion of the knowledge of technology developments to those who will benefit from them.

Climate change

Participants noted climate change as an important challenge. They also noted that other (sometimes linked) changes were occurring in Europe (e.g. on demography) which also presented future challenges. It was considered that likely impacts of climate change within the next 15 years may be limited and may, therefore, not affect the legal obligations arising from the WFD with its objectives to 2027.

It was also stressed that adaptation responses to climate change will need to be local - at the river basin scale. It is not possible to prescribe adaptive responses at the EU level. Rather, the EU can guide, support and enable local adaptation responses.

It was also noted that funding is available for climate adaptation projects and this could provide opportunities for investment in relevant water projects. Furthermore, many climate impacts are predicted for water and will affect various sectors through their impact on water. Therefore, consideration of water protection and future adaptation is a useful means to strengthen debate with sectoral concerns on water issues. In this respect, the CIS Guidance on integrating climate change concerns into the development of river basin management plans was recalled.

2.2 Table 2: Coherence of EU water policy

Introduction

The coherence of EU water policy addresses the questions whether EU policies covered by the Fitness Check of EU Freshwater policy, other environmental policies and sectoral policies are coordinated and complementary, and do not contradict one another. Moreover, policy coherence requires that policies reinforce their effects, create synergies and minimise negative trade-offs. During the workshop, roundtable 2 on coherence discussed the following questions:

1. Are there particular issues of concern regarding the coherence of EU water policies (including those not covered by the Fitness Check, such as Bathing Water, Drinking Water, Marine Strategy Framework Directive)?
2. What are the main concerns of the coherence of freshwater policy with other relevant environmental policies (especially policies dealing with land use planning, protected areas and pollution control)?
3. What are the main concerns arising from the integration of freshwater policy with other relevant sectoral policies?
4. What solutions are appropriate to address the most significant problems identified in terms of policy integration?

On the basis of these questions, discussions focused on i) the integration of WFD with other EU water policy instruments (internal coherence), ii) integration of freshwater policy with other relevant environmental policies and iii) integration of freshwater policy with sectoral policies.

Coherence of WFD with other EU water policy instruments

Generally, participants agreed that the objectives of the WFD and other instruments covered by the Fitness Check are well-aligned. However, the same opinion was not stated about reporting and implementation at Member State level. Participants considered that it would ease the burden, if policy **reporting deadlines** were better aligned. Streamlining the reporting requirements to avoid overlap and doubling work is crucial, for example between the WFD and the UWWTD and between WFD and the Nitrates Directive (NiD). Also the implementation of the Floods Directive and of the Water Framework Directive should be harmonised.

At Member State level, implementation remains largely sectoral, however cooperation efforts are increasing. Integration of sectors needs time to build trust and a common understanding of the issues at stake. River Basin Management Plans (RBMPs) were recognized as a potentially powerful tool in order to integrate the WFD and related policies covered by the Fitness Check, but they are not yet fully living up to the expectations. Linking RBMPs more strongly to financial mechanisms and economic instruments as well as enhancing stakeholder involvement and communication are necessary steps to improve the

effectiveness of RBMPs. Discussion arose around the topic of the level of implementation. Some participants argued that the river basin level is too large to work out real solutions and to building trust, and that a focus on smaller catchments has proven to work.

Concerning the coherence between individual Directives covered by the Fitness Check, participants raised that the Nitrates Directive (NiD) and the UWWTD have similar definitions of vulnerable / sensitive areas, but the area of application differs (NVZ (nitrate vulnerable zones) for the NiD and the entire river basin for UWWTD).

Concerning the **Environmental Quality Standards Directive (EQSD)**, some participants raised concern that the new list of priority substances and stricter EQS for existing ones are highly ambitious and that best available technology is not prepared to tackle all problems yet. Other participants however stressed that the list is still insufficient to address environmental damage.

The Fitness Check includes questions of consistency with other regulations and instruments addressing pressures on water resources, the Drinking Water Directive, the Bathing Directive and the Marine Strategy Framework Directive:

- Participants highlighted differences between the WFD and the **Bathing Directive**, which monitors water quality to ensure human health standards but does not focus on the perturbation of the ecosystem.
- Participants also mentioned different thresholds between the **Drinking Water Directive** and the WFD. Improvements are necessary concerning the definition of protection areas for drinking water in the WFD.
- Participants considered that the **Marine Strategy Framework Directive (MSFD)** and the WFD had differing definitions of good status, which also has implications on monitoring and reporting. Especially the interaction of coastal and inland waters concerning nutrient pollution and fish migration requires a stronger common implementation. Therefore, in addition to the back-to-back meetings already taking place, more communication is needed.
- **Water reuse**, while already practiced in countries with water scarcity, is often hindered by caution from governments in particular with regard to health aspects and insufficient guidelines. Information exchange and the work on EU wide standards for water reuse could enhance the common knowledge base.
- Instruments such as **water pricing** and metering are an important tool to increase water efficiency, however some participants considered that its use is limited by the ambiguous wording of Article 9 and the definition of water services in Article 2 (38) of the WFD.
- Finally, especially for an equal representation of southern European Member States, further integration of **water quantity** issues into the WFD is crucial. In general, the lack of a policy framework for water quantity is felt by southern Member States.

Coherence of freshwater policy with other relevant environmental policies

The question of coherence of freshwater policy with other relevant environmental policies addressed the following Directives and issues: Directive on Strategic Environmental Assessment, land use planning, regulation on plant protection products and chemicals, the IED (former IPPC) and REACH.

The **Industrial Emissions Directive (IED)**, the successor of the Directive concerning integrated pollution prevention and control (IPPC), is technology based and targets the best available techniques (BAT) in order to prevent pollution, whereas the WFD assesses the environmental impact and aims at a good ecological status.

Coherence between **REACH**, the EQSD and pesticide legislation was highlighted as an area where improvement is needed. Different views were presented on the role the WFD should play concerning the integration of pesticide legislation and REACH. Participants also felt that REACH focused more on human toxicology, rather than on the ecosystem impact on waters. Generally, participants called for a clear mechanism of feedback and a direct trigger for action between the WFD, EQSD, the Directive for sustainable use of pesticides and REACH, when research identifies problems of water quality with chemical substances, priority substances and pesticides.

The Directive on **Strategic Environmental Assessment** is considered a tool that could be used for better integration of other policies with EU water policy. Especially concerning spatial planning and land use, SEA could provide a link for coherent implementation of water policy objectives into other sectoral policies at national, regional and local level.

Coherence of freshwater policy with sectoral policies

Several major issues were discussed by participants on coherence concerning sectoral policies, including the CAP, Cohesion and Structural Funds, energy and climate change and navigation. Some participants expressed the concern that water policy often is a second priority.

- Participants were skeptical about the alignment of objectives of water policy and the **Common Agricultural Policy (CAP)**. The discussion focused on how to streamline measures and activities, for example on the appropriateness of integrating more requirements concerning water under cross-compliance. On the one hand, it was argued that cross-compliance proved to be an effective tool for implementing measures and that it provided a baseline for greening the CAP, whereas **Rural Development Funds** go beyond the baseline and offer support to more ambitious measures. On the other hand, to achieve integration of WFD objectives in the CAP, also other instruments could be foreseen in the first and second pillar, inspired by present agri-environmental schemes or payments to compensate for environmental regulatory constraints in specific sensitive areas. It was mentioned that the mandatory greening of measures as foreseen in the CAP proposal would cause additional costs for the farmer, whereas financial incentives could be given under the second pillar for water protection measures.

The potential of Rural Development Funds to integrate water policy objectives has not yet been fully explored, and innovation partnerships and advisory mechanisms should

be developed. The notion of public goods should be reflected more strongly in the funds, as incentives for the provision of public goods can help reach environment objectives. Especially incoherence between DG Competition and the use of funds for public goods (for example drinking water protection) because of state aid rules was mentioned as a barrier.

- Participants expressed that **Cohesion and Structural Funds** need better targeting to local needs. Timing between the policy process and the time when funding is received are not always in line. The accessibility to co-funding from national sources proves difficult sometimes, partly due to the economic crisis or impeding regulation. Examples concerning the **Solidarity Fund** were mentioned, where reasons for eligibility were unclear.
- The issues of **energy and climate change** were raised. Some participants mentioned that a divergence of objectives exists between the **Directive on Renewable Energy Sources** and EU water policy, due to the pressure to add new hydropower capacity and to intensify biomass production. However, exchange of views and common discussion is ongoing and mechanisms exist to seek for better policy integration.
- **Navigation** was mentioned as a good practice example of integration of EU water policy objectives in navigation regulations at catchment level. However, divergence of objectives remains.
- Topics such as **geothermal** and related groundwater pollution as well as **mining** were mentioned. Coherence with these policies has so far not been focused on by EU water policy.
- Although out of scope of water policy, the relation between EU environmental objectives and **trade policies** was mentioned. Trade enables the import of goods from non-EU countries, where standards concerning water policy and environmental protection do not always apply to the same extent as in the EU.

2.3 Table 3: Effectiveness of EU water policy

Introduction

Within the Fitness Check, the issue of effectiveness addresses how far existing EU water laws and policies deliver the objectives for which they have been developed. It is important to note that effectiveness of an EU instrument depends not only on how the objectives and obligations of that instrument are presented, but also on how well Member States have implemented that instrument in practice.

Participants were asked to focus the round table discussion on the following **questions**:

1. Notwithstanding the ongoing implementation of the existing regulatory instruments of EU water policy, to what extent are preliminary achievements in line with the stated objectives?

2. Where implementation is poor, what are the reasons (political, financial, technical, procedural, etc.)?
3. Where gaps exist in the achievement of objectives of the EU policy framework, what solutions are appropriate to address these?

Achievements of EU water policy vis-a-vis objectives

Participants largely agreed that EU water policy consists of effective tools and has been a driver for improvement. Achievements to date are especially remarkable on the chemical quality of water resources with some positive developments regarding the aquatic flora and fauna.

In particular, the UWWTD has been a successful policy instrument, which has delivered clear results. The UWWTD enjoys public support, because of the obvious improvements in the quality and appearance of waters due to the treatment of wastewater in recent decades.

The Nitrates Directive is also a successful instrument to address nutrient surplus arising from agricultural activity, despite delays in its implementation. As a result of different objectives from different policies (especially water policy versus policies driving bioenergy) and some incoherence regarding the implementation of the EU legislation, new drivers (especially the rise of bio-energy crops) may put additional pressure to water quality.

Concerning the WFD, its environmental objectives are considered as good and necessary objectives, which should not be lowered in terms of their ambition. However, the overall impression of participants is that the time to achieve the WFD objectives by 2015 is too short and more time is needed to show effects in practice in the next WFD planning cycles. In addition, the implementation of the WFD overall needs to be reinforced, e.g. in terms of the economic analysis of water uses and cost-benefit analysis.

As regards the 1st RBMPs, they are characterised by a diverse level of ambition in different Member States and RBDs. Some stakeholders feel that the level of ambition in the 1st RBMPs has been overall low. This is however not the view of some Member States. The assessment of the 1st RBMPs is still ongoing and will shed light on the level of ambition.

Preliminary assessments show that in the 1st planning cycle of the WFD, limited progress will be made in reaching the environmental objective of good status. Nonetheless, workshop participants considered that other significant efforts and important preliminary achievements have been made, especially on the following:

- Set up of comprehensive and consistent monitoring programmes
- Set up of new water administration in some Member States, in particular to implement the principle of management at the river basin scale
- Reinforcement of international cooperation in European water management

- Implementation of key measures, which should be further used as a yardstick for reporting implementation progress in 1st planning cycle. Participants suggested that the European Commission could play an active role in EU-wide prioritisation of key measures which should be followed-up in a tighter timeframe (some proposals for priorities were given such as restoring longitudinal continuity, tackling nutrient pollution, establishing minimum ecological flows and water scarcity/droughts measures where necessary).
- Halting further deterioration of the status of waters.

Reasons for poor implementation of EU water policy

As mentioned above, the effectiveness of an EU instrument depends also on how well Member States have implemented that instrument in practice. A number of issues were identified by the participants as reasons for the poor implementation of EU water policy at present:

- Insufficient sectoral integration, especially in the preparation of the 1st RBMPs from objective setting to the planning of measures.
- Gaps in financing the implementation of EU water policy (e.g. for WFD measures to address agricultural and hydromorphological pressures), which may become more acute in view of the current economic crisis.
- Limited capacity of national/regional water authorities (e.g. in terms of manpower) to implement measures. The limited capacity of authorities also limits the capacity for proper enforcement of water policy on the ground.
- Knowledge gaps, e.g. on the environmental effectiveness of measures taken.
- Technical/administrative problems, e.g. on the time- and cost-consuming task of finding and buying land for restoration measures.
- Governance problems, especially the lack of adequate involvement of local authorities in the implementation of EU water policy. An important effort should be done to ensure that the EU policies are mainstreamed as the core element in the water management of the Member States, at all relevant levels (national, regional, river basin, local).

Solutions to address problems in effectiveness and implementation

Several solutions were proposed by workshop participants to address gaps in the achievement of policy objectives and problems in practical implementation:

- Sectoral integration needs to be improved, also in terms of improving coordination of sectoral parts of the administration, e.g. between different sectoral Ministries.
- EU funding (available for different policies) should further address water management needs as a priority.

- The implementation of cost recovery from all kind of water users should be improved and made more transparent. This is potentially an important source of funding that is currently not fully exploited.
- EU water policy (as top-down policy driver) should be better embedded in water management at all levels. Participants noted that the time needed to involve local authorities has been underestimated so far. Local and regional water managers should be directly involved by Member States in coming up with solutions to problems with water bodies, so the solutions can be better tailored to local conditions.
- Regular exchange of experiences on more practical level, involving river basin and local authorities, should be promoted at European level (i.e. within the CIS process), especially to secure sector integration of WFD objectives into the policy areas where it is perceived that divergence of objectives still exists.
- Public participation should be improved to gain more public support for the necessity of further water management action in view of the current economic crisis.
- More efforts in communicating the effectiveness of water policy and improvements in water quality (e.g. via maps) are needed to encourage public support. In the case of the chemical status, the objectives evolve over time due to the regular review of the priority substances. This needs to be communicated and explained properly to avoid wrong messages to the public.
- Research efforts on water related topics should be better aligned to policy needs and more targeted to bridging sectoral policy conflicts on measures.
- The evaluation of the 1st RBMPs should be used as a key source of lessons learned and good experiences for the 2nd cycle of the WFD.
- Some technical solutions were also suggested, especially:
 - Development of EU standards for water reuse in irrigation
 - Better management of stormwater & rainwater

2.4 Table 4: Efficiency of EU water policy

Introduction

Assessing the efficiency of a policy concerns the cost-effectiveness of the choice of measures. Are the costs associated with implementing EU water policy proportionate to the benefits that derive from its implementation? The following **questions** were addressed in the roundtable discussions:

1. What are the main concerns regarding the efficiency of administrative co-operation and policy coordination to respond to the requirements of EU water policy?
2. What are key concerns regarding the availability of and access to funding to support

the implementation of EU water policy?

3. Are compliance costs and the administrative burden to public administrations of practical implementation proportionate to the challenges addressed by EU water policy?
4. What would it take to improve the efficiency of EU water policy implementation?

Whereas the first three questions mainly led to discussions about problems experienced by the participants, the responses under the last question pointed on aspects to facilitate the implementation of EU water legislation and pathways forward.

Efficiency of administrative co-operation and policy coordination

There was general agreement that the WFD has provided improvement in terms of coherence in EU water policy, by bringing policies together, and for setting objectives with a paramount perspective. However, EU water policy is a complex framework which has an influence on - and receives influence from - several other policies. Also water policy in most Member States is implemented at different administrative levels (national, regional and local). Besides, in the case of transboundary basins, the required coordination between countries has encountered difficulties in some cases, in particular regarding different degrees of understanding, prioritisation for implementation of measures, etc. Nevertheless, some progress has been achieved so far and efforts need to continue.

Participants indicated that an enforced transmission of adequate information, transparency and communication between different administrative layers (EU, national, regional, within cities and river basins) would have provided better implementation. In particular, this issue becomes important to ensure coherence between planning, implementation and funding of measures. Frequently planning, decision, funding and implementation are responsibilities of different managers/administrations which do not properly coordinate their actions.

In this sense, participants underlined the need to identify priorities and share these priorities amongst all layers of the decision and implementation chain.

At EU level, some participants felt that adequate strategies need to be created to enable the coordination/alignment of water policy and sectoral policies, e.g. in terms of sharing priorities and comparing objectives to ensure no conflicts arise. The WFD is a good start but there is room for further coordination between water Directives. Each directive is efficient in its own goals, but brought together there are some lacks on efficiency (different reporting cycles, monitoring obligations, different interpretations and definitions which makes it difficult at MS level).

At the national level, priorities are not always clear and coordinated among the administrations. This was especially highlighted as an issue by new EU MS. This may mean that investments are not always made where they are most needed. Efficiency losses were also mentioned in relation to e.g. timing in reporting cycles, monitoring obligations, different interpretations of the policies and their definitions.

It was reported that sometimes implementation burden is determined by governance traditions (administrative, conceptual, previous situation etc). The implementation may demand a change of approach, practices, traditions in certain countries and the effort for this change is still to be done or in slow progress. In particular, custom (in some cases, the reluctance to change custom) still plays a major role regarding water use and pricing of water.

Availability of and access to funding

Some participants indicated that there may be lack of (public and private) funding for the amount of needs that arise from implementing EU water legislation (e.g., for monitoring). Also the need was reported to streamline priorities and to reinforce the information about how to apply for funds, what funds exist and how to make use of the funds at the national level (prioritisation between measures and make the wisest use of the limited funds) were issues highlighted especially in the newer EU MS.

However, some participants noted increasing difficulties to obtain EU funding, partly since projects which are aimed at fulfilling EU obligations are not subject to funding. Concerns were also raised about the time lag between planning, application, funding obtained and implementation of measures. Sometimes it is not possible to use available / accessible funding for legal reasons (state aid rules, EU competition law, administrative binding procedures, lack of coordination). Regarding the auditing of EU funding, the participants underlined that not only economic results and how money was spent is relevant; the audit should also examine to what extent the funding helped solving the problem at stake. Sometimes implementation is due to EU funding; in that sense, the opinion of participants was that use of EU funds should look more for results, not only economic results and auditing of how money has been spent etc. they should focus on how they solved the problem.

It was mentioned that sometimes the economic tools available have not been sufficiently analysed, studied and implemented at MS level. However, some countries reported a satisfactory cost recovery in particular for specific sectors.

Monetising costs and benefits, and how these should be divided between different stakeholders, is not always easy. For some measures, presenting the efficiency and benefits (though expected) is difficult, for example if the benefits will only be apparent at a later stage. The benefits should play an important role although sometimes they are difficult to translate into monetary terms. Cost and benefit analysis should not only include monetary benefits, but take a wider viewpoint, e.g. ecosystem service benefits could be better accounted for.

Proportionality of compliance costs and administrative burden

In general, the participants agreed that setting up the administrative structures has led to significant but acceptable costs and administrative complexity. Unproportionate administrative burden with regard to monitoring was highlighted as an issue for small countries/river basins. Excessive monitoring requirements are also perceived as a problem in countries where large areas are uninhabited, and waters relatively unaffected by human activities. This could however also be true for specific sectors, regions etc. Other participants reported that the administrative reorganization required in the implementation of the WFD has had positive results through clarifying issues amongst different actors.

The participants suggested that an efficient way of working would be to allow MS to set priorities for *what* to achieve *when*. This would allow for taking into account regional specificities (depending on river basin, region, country size, etc.). Also, it was pointed out that there is a need for numerous exemptions in the first cycle of the WFD implementation. It would therefore be useful to identify some common ground for exemptions.

It was also highlighted that the resource needs for the coming cycles of the WFD implementation (carrying out the monitoring, undertaking the measures) could be expected to be higher although probably streamlined and more focussed than the initial setting up of the administrative structures.

The application of the EIA/SEA Directives can cause an unnecessary burden in terms of e.g. repeated public consultations first for the RBMPs and then for specific measures.

Some participants noted that the monitoring burden of new substances (e.g. hormones, sometimes measured in picograms) is taking focus away from the “big” issues. A risk based approach should be taken (e.g. Marine Strategy), and monitoring focus should be on waters affected by human activities.

The WFD is complex and has burdensome obligations which could not be fully considered when it was established. This was mentioned in the context of monitoring requirements, as they only became apparent during the implementation. A balance is needed between what is efficient at administrative level and what is efficient on the ground. The CIS recognises the complexity and supports a harmonised implementation of the WFD across the EU. Analysis on how to address and overcome these complexities is essential for the 2nd cycle of WFD implementation and also in its integration with other pieces of EU water legislation.

How can the efficiency of EU water policy be improved?

Suggestions on how to increase the efficiency of EU water policy included:

- Highlighting the enormous progress achieved so far in EU water management. In relation to the resources used, the efficiency of the policy and the change in behaviour can be considered good/reasonable. The coordination amongst Member States and the Commission on the implementation of EU water legislation is also a proof of effectiveness, with improvements in transparency, transmission of information, coordination, finding common solutions to common problems and more;
- Streamlining and coordinating reporting and monitoring requirements: finding the best working schedules and coordinated approaches to achieve legal monitoring and reporting obligations and using resource efficiency approaches. Some refinement would be needed in the assessments under the WFD (without more monitoring burden) to show the progress made towards achieving the objectives;
- Setting priorities in the implementation of measures, at river basin scale or per region;
- Planning of all actions: Ensuring coherent planning, timing and objectives of funding cycles in different water related sectoral policies;
- Coordination: Ensuring adequate coordination amongst all levels;

- **Prioritising:** Providing guidance to national administrations (or lower administrative levels) regarding how to set priorities for funding measures in the field;
- **Transparency and information:** Further analysing and obtaining transparency regarding cost and benefits; users should be aware that the price is part of a water management policy, and cost benefits should not be considered in purely economic terms;
- **Recognizing efforts made:** The assessment of water protection / water management in a region or MS needs to focus not only on the achievement of the good ecological status. It would be useful if the effort made could be recognised (e.g. measures taken or improvements obtained) also in cases where the good status cannot be reached (at the time of the evaluation). When doing so, attempts should be made to relate this evaluation to the local circumstances with regard to pressures such as population density.

Good implementation requires good organisation of planning, not only funding. Integration of the different pieces of EU water policy is a cornerstone for the efficiency of the water policy, and sharing the effort between policies is important.

3 Key conclusions and lessons learned

Workshop input to the Fitness Check and Blueprint

DG Environment of the European Commission will prepare a Report on the Fitness Check of EU Freshwater Policy. The report will be published in April 2012 as a European Commission Services Working Document. Lessons learned from the 2nd Stakeholder Workshop on the Fitness Check will also contribute to the design and assessment of Policy Options for the Blueprint to Safeguard Europe's Water Resources.

Relevance of EU water policy

There was consensus among workshop participants that the current framework of EU water policy largely covers the key challenges. In specific:

- Quality - EU water policy addresses the challenge of quality, although there is still a need to look into other policy areas to better control (diffuse) pollution.
- Quantity – No need was expressed for new EU water legislation, but instead for providing tools, knowledge, funding and some common standards to better manage water quantitative issues.
- Climate – The EU water policy framework is perceived as robust and flexible enough in the medium-term, but it is important to address future challenges (including demography, etc.) in the next cycles of the RBMPs.

Coherence of EU water policy

In general, the objectives of different EU water policies are regarded to be well-aligned. However, the reporting calendar of different Directives (WFD, Nitrates Directive and the UWWTD) could be improved, as well as the practical implementation at Member State level. In addition, even though similar definitions are used in different directives, the area of application may not always be necessarily identical.

On the coherence of EU water policy with other EU environmental policies, it is emphasised that:

- On the issue of chemicals, the WFD sets relevant objectives but concrete measures and actions are taken mainly under other Directives. Participants called for a clear mechanism of feedback and a direct trigger for action between the WFD, EQSD, the Directive for sustainable use of pesticides and REACH.
- Articulation with SEA Directive to better integrate water policy with spatial planning and land use.

The integration of EU water policy into sectoral policies has been perceived by the participants as one of the most challenging aspects of policy coherence in the Fitness

Check. Coherence might not be achieved due to diverging objectives between water policy and sectoral policies, but efforts are needed to streamline actions and measures (e.g. funding instruments).

Effectiveness of EU water policy

The effects of 30 years of EU water policy on the improvement of water quality are impressive and tangible.

Concerning the WFD, its environmental objectives are considered as good and necessary objectives, but there are concerns on the timeframe of their achievement.

As regards the 1st RBMPs, some stakeholders feel that their level of ambition leaves scope for improvement. The assessment of the RBMPs will give a precise indication of the overall level of ambition in the 1st planning cycle of the WFD.

A need was expressed for prioritising measures, next to setting water-related priorities in other policies.

It was also emphasised that we should not forget the important WFD objective of halting the further deterioration of the status of waters.

Improving implementation of EU water policy

The following are considered as key aspects for improving the implementation (and thus effectiveness) of EU water policy:

- More involvement of the local level of water management, which has proven to be time-consuming.
- Support of the regular exchange of experiences on more practical level (involving river basin and local authorities).
- Sharing knowledge / Working on technical solutions e.g. for water re-use & water storage.
- Further improving communication and public participation.

Efficiency of EU water policy

The participants felt that there is a need to highlight the achievements so far in EU water policy, taking into account the financial and human resources used. However, there is also a need to ensure sufficient resources for the upcoming steps in the implementation (the running of the RBMPs, the monitoring, funding the planned measures).

A particular focus has to be put on international river basins. A lot of progress has been achieved in international cooperation. Nevertheless there is still a long path ahead.

Causes of inefficiencies, as observed by participants, include the differences in capacity to fulfill the requirements between Member States, which depends on regional situations.

Suggestions on how to increase efficiency of EU water policy included:

- Streamlining reporting and monitoring requirements.
- Ensuring coherent planning, timing and objectives of funding cycles in different water related sectoral policies (e.g. RDP v.s. water policy).
- Further analysis and transparency regarding cost and benefits; users should be aware that the price is part of a water management policy, and cost benefits should not be considered in purely economic terms.
- Information and transparency amongst managers and stakeholders (in particular regarding costs and benefits and implementation of measures).

Next steps

- Workshop participants to comment draft workshop conclusions by 28/2/2012
- Workshops conclusions to be presented at next SCG meeting on 7/3/2012
- March 2012: Inter-service consultation on the Fitness Check
- April 2012: Publication of the Fitness Check as Commission Services Working Document
- March-May 2012: Public & Stakeholder Consultation on Policy Options of the Blueprint