

Are there gaps in the EU legislative framework for water protection and water management ?

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The EU legislative framework for water protection and water management has drastically expanded since 1990, in terms of level of protection, and in terms of geographical scope of application.

By 1990, on the eve of the signature of the Alpine Convention, there was very limited EU legislative framework on water protection, only a limited number of elements¹ not interlinked to each other and not providing comprehensive water protection.

Since 1991, EU legislation on water protection has been comprehensively expanded

- emission controls addressing key sources of pollution at source,
- protection of all waters and addressing all sources of human impacts, and
- combating climate change.

EU emission control legislation

- Urban Waste Water Treatment Directive 91/271/EEC: obligation for waste water treatment for all settlement areas of more than 2000 inhabitants, plus provisions for the discharge of industrial waste water;
- Directive on Nitrate Pollution from Agricultural Sources 91/676/EEC: obligation to address nitrate pollution from agriculture, with legally binding measures in all areas with nitrate problems either in groundwater or in surface waters;
- Directive on Integrated Pollution Prevention and Control (IPPC) 96/61/EC (now 2008/1/EC): obligations for a range of industrial installations to have their pollution prevention and control based on best available techniques, including existing industrial installations;
- Waste Landfill Directive 1999/31/EC: provisions on choice of location, prevention measures, operation and maintenance of landfills.

EU water management and environmental objectives legislation

- Water Framework Directive 2000/60/EC and its Daughter Directives on Groundwater 2006/118/EC and on Priority Substances (adopted; about to be published),
- Floods Directive 2007/60/EC.

This expansion of EU legislation is complemented by *EU legislation and global commitments by the EU on combating climate change*.

Further, a range of *water-related Conventions under International Law and agreements* have come into force for the Alpine region

- Danube Protection Convention 1991, covering all the Danube basin countries including Alpine Convention Contracting Parties Austria, Germany and Slovenia, and Italy and Switzerland cooperating,
- New Rhine Protection Convention 1999, covering all the Rhine basin countries including Alpine Convention Contracting Parties France, Germany and Switzerland, and Austria and Liechtenstein cooperating within a cooperation covering the whole basin and based on the EU Water Framework Directive,
- Alpine Rhine Agreement 1995, covering Austria (Vorarlberg), Liechtenstein and Switzerland (cantons St.Gallen and Graubünden)

¹ Protection of bathing waters (Directive 76/160/EEC), of surface waters for drinking water abstraction (Directive 75/440/EEC), and of fish waters (Directive 78/659/EEC); discharge of certain dangerous substances (Directive 76/464/EEC and Daughter Directives)

The Water Framework Directive has drastically expanded water protection:

- protecting all waters – rivers, lakes, groundwaters and coastal waters;
- covering all human impacts without exception;
- setting a legally binding environmental objective of good status for all waters, to be achieved as a rule by 2015 (the environmental objectives are derived from the untouched status of waters in the eco-region; the Alps are specifically mentioned as one eco-region); plus prohibition of deterioration of water status;
- plus additional protection measures for water-related protected areas (for drinking water abstraction, nature protection, nutrient-sensitive areas);
- committing countries to full cooperation and coordination within shared river basins – defined as ‘must’ for/with EU countries, defined as ‘endeavour’ for cooperation/coordination with non-EU countries;

Water quality is defined in a holistic and type-specific way based on ecological criteria, with specific obligations to address the particular problems and challenges of the (eco)region; River basin management plans as the operational tool, to be coordinated across the river basin /sub-basin; these have to address all problems identified; Comprehensive monitoring systems serve both as a basis for tailoring the measures and for assessment of success; Regular review and, where necessary update will have to be done (e.g. with a view to the impacts of climate change); Public information and consultation - of citizens, municipalities, NGOs and stakeholders is mandatory when developing river basin management plans (and their review/update). Implementation of the Directive is accompanied and guided by an unprecedented cooperation of Commission, Member States, NGOs, stakeholders and the scientific community, the ‘Common Implementation Strategy’².

The Daughter Directive on Groundwater

- defines EU-wide objectives for the chemical status of groundwater, at this stage for nitrates and pesticides (and the environmental quality objectives are identical to drinking water quality standards),
- defines the criteria for upward pollution trends (where the Water Framework Directive sets the obligation to reverse such trends).

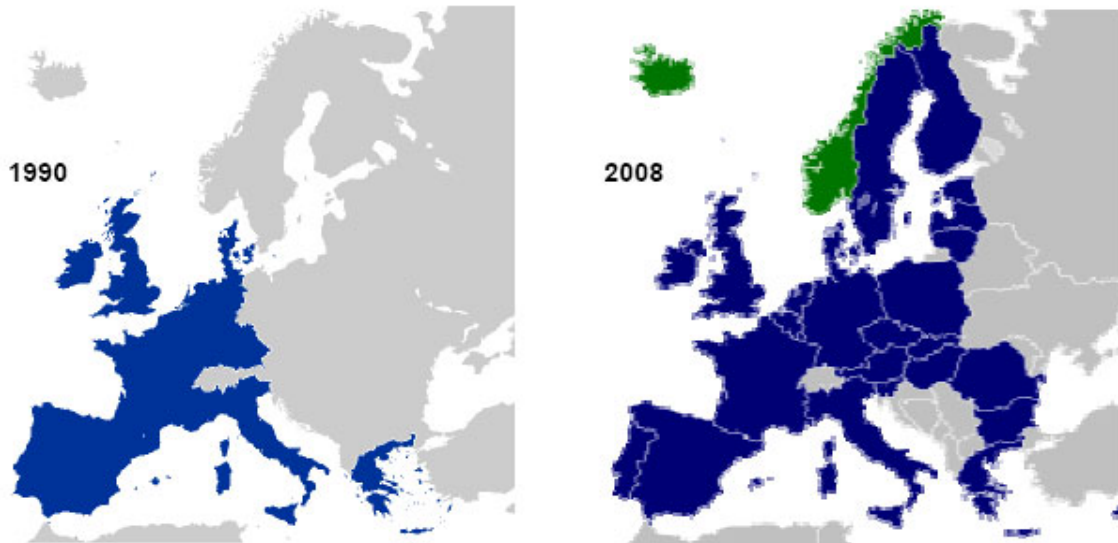
The Daughter Directive on priority substances and environmental quality standards

- defines environmental quality standards for a range of pollutants of EU-wide relevance, in a first step for 33 substances;
- will on its list of pollutants and quality standards be regularly reviewed.

Expansion of geographical scope of application of EU legislation

Beyond the comprehensive expansion of the level of protection, its geographical scope of application is of crucial importance for the Alpine region, and the commitment by Alpine countries under the Alpine Convention to preserve or re-establish healthy water systems (article 2 of the Convention). The scope of application expanded by enlargement of the EU to Austria and Slovenia, as well as adoption of EU water legislation by EFTA countries Liechtenstein, Norway and Iceland through the European Economic Area Agreement.

² http://ec.europa.eu/environment/water/water-framework/objectives/implementation_en.htm



Geographical scope of application of EU water legislation 1990 and 2008

Conclusions

- Water Framework Directive and related EU legislation are ambitious, legally binding and enforceable;
- Their legislative framework applies to the whole Alpine region with the exception of Switzerland; for Switzerland comparable national legislation and comprehensive international cooperation is in place;
- Addressing and solving the water-related challenges and problems of the Alpine region is under the EU legislation not just a possibility ...
... it is an obligation – including all specific regional challenges such as those of the Alpine region; implementation must be based on holistic criteria, and embedded in a transparent and participatory process. Conflicting aspirations and interests, such as small hydropower plants vs. ecological status and non-deterioration, will be a joint challenge.
- The European Commission will continue to scrutinise implementation, and where necessary take action.

The necessary legislative and management instruments are in place, and we all need to take efforts to use and implement them,

In the European Commission's opinion there is currently no need for additional instruments within the Alpine Convention for the protection and management of water resources

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