

# The Water Framework Directive: an Overview

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*"Water is not a commercial product like any other but, rather, a heritage which must be protected, defended and treated as such" (first recital of the EU Water Framework Directive)*

## 1. Introduction

By adopting the EU Water Framework Directive<sup>1</sup> the European Union has completely restructured and expanded its water policy.

Implementation of the Water Framework Directive, its 'daughter directives' on quality standards for groundwater and for surface waters, and its 'sister directive' on flood risk management will be a challenge as well as an opportunity for all those involved at European, national, regional and local level. In a largely unprecedented move, the European Commission, countries including candidate countries, stakeholders and NGOs have cooperated closely within a Common Implementation Strategy. This process of cooperation on implementation can now, after some 8 years, be regarded as an example of Good European Governance.

## 2. Building on past experience and initiatives in European water policy

First steps of European water legislation date back to the 1970s. A "first wave" in the 1970s and 1980s, focused mainly on quality standards for certain types of waters. Success stories from this period include the 1976 Bathing Water Directive, which brought about drastic improvements to the quality of our beaches and the 1980 Drinking Water Directive, which provided for the quality of drinking water at the tap.

In the 1990s a "second wave" of European water legislation addressed key sources of pollution - waste water, agriculture and major industries, with the Directives on urban waste water treatment, nitrates pollution from agriculture and integrated pollution and prevention control. Recent Commission Implementation Reports underline that significant progress has been made, but also that considerable further work will be required<sup>2 3 4 5 6 7</sup>.

## 3. Key elements of the Water Framework Directive

Following a broad consultation with all involved parties, Member States, stakeholders and water users, NGOs and the scientific community, the Water Framework Directive is based on a set of shared principles and objectives:

- ensuring protection of all waters, with the objective of good quality ('good status'), as a rule by 2015, linked to a non-deterioration clause,
- being ambitious and legally binding on the objective, whilst leaving considerable flexibility on how to achieve the objectives,
- covering all human impacts on water, regardless of their origin, and providing a single coherent management frame based on river basins and the integration of all water-related legislation,

- ensuring broad public participation,
- using economic instruments in support of environmental objectives,
- providing for ensure streamlining and coherence of water legislation, and thus a sound long-term basis for political, technical and financial decisions at all levels.

### **3.1. Expanding the scope of water protection**

All of Europe's waters are protected under the Water Framework Directive - rivers and lakes, groundwater and coastal waters - thus leaving behind past legislative approaches that only protected a limited number of waters with a specific use.

### **3.2. “Good status” for all waters**

Good status for waters is comprehensively defined:

- for surface waters in terms of biological elements, hydromorphological elements and chemical and physico-chemical elements supporting biological elements
- for groundwater in terms of quantity (sustainable balance between abstraction and recharge) and chemical elements.

Europe shows a diversity of rivers, lakes and surface waters. In order to take account of this fact whilst ensuring comparability, the Directive

- defines ‘good status’ as derived from (pristine or almost pristine) ‘high status’; ‘good status’ of an Alpine river will therefore be reflected operationally within certain parameters that may differ from those of a lowland river in the South - and
- provides for a so-called ‘intercalibration’ procedure to ensure comparability and transparency of biological monitoring results. Intercalibration results have been agreed by Commission and Member States; publication is foreseen for late 2008.

For groundwater, the principle of non-deterioration is complemented by an obligation to reverse any significant and sustained upward trend in any pollutants. Quality standards for certain pollutants (currently nitrates and pesticides) have been set at EU level under a Groundwater “Daughter” Directive<sup>8</sup>. For surface waters, environmental quality standards are defined for a range of ‘priority substances’; this Daughter Directive has been adopted in December 2008<sup>9</sup>.

Under the Water Framework Directive, Member States will have to ensure that ‘good status’ is achieved/maintained in all waters, as a rule by the end of 2015. However, the Directive does provide for certain limited derogations, linked to a clear set of conditions. However, such derogations have to be limited to a particular body of water and must not impact on any other water bodies.

### **3.3. Water management based on river basins**

One of the Framework Directive’s innovations is that rivers and lakes will now be managed as per river basin - the natural geographical and hydrological unit – rather than on the basis of mere administrative or politically defined boundaries. Several EU Member States have already in the past taken a river basin approach. For each river basin district – about two thirds of which transcend national frontiers – a river basin management plan will need to be established and updated every six years.

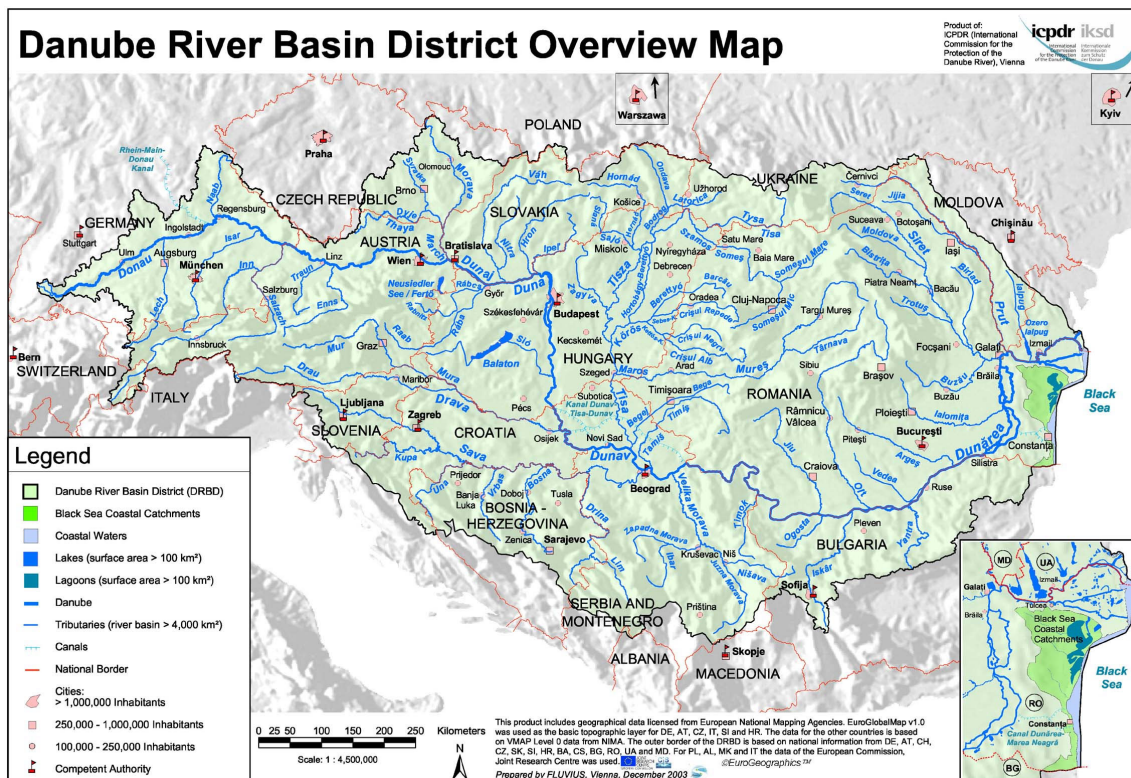
The river basin management plan and its programme of measures will serve as:

- an assessment tool for the status quo

- a planning instrument
- an instrument for assessing the success of implemented measures.

It will include an analysis of the river basin's characteristics, a review of the impact of human activity on the status/quality of waters in the basin and an economic analysis of water use within the basin's district, and – last but not least - the package of measures to achieve the environmental objective of good status where this is currently not yet the case.

An identical river basin approach has been followed in the Floods Directive<sup>10</sup>, complemented by an obligation to for coordination with the Water Framework Directive.



### 3.4. Emission limit values and water quality standards – the “combined approach”

The Directive takes a “combined approach” to pollution control:

- firstly, by limiting pollution at the source by the setting of emission controls (e.g. waste water, agricultural fertilisers); relevant legislation are inter alia the Urban Waste Water Treatment Directive, the Nitrates Directive and the IPPC Directive<sup>11</sup>; and
- secondly, by establishing water quality objectives for bodies of water (to ensure that those reduced emissions fit into the local or regional environment, complying with the objective of ‘good status’; see also 3.2).

In every case, the more stringent approach will apply. The development and implementation of river basin management plans and programmes of measures as well as their regular update ensures one coherent management frame for all water-related legislation.

Bodies of water used for drinking water abstraction (or intended for future use) will be subject to particular protection, linked to a requirement of complementary standards and measures to ensure safe drinking water supply, ensuring – under the anticipated water treatment regime – that the standards of the Drinking Water Directive are met.

### **3.5. Permit requirements for impacts on waters**

Whilst many Member States have already established under their own national legislation a system of permits or a regulatory system, this is not the case in all regions or for all relevant sources of impact on water. The Directive requires that such permits or prior authorisation cover all major impacts on water and that the rules for such permits/authorisations are set out as a part of the programme of measures.

### **3.6. Getting the prices right**

The Directive introduces as per 2010 the principle that prices charged for water services reflect the principle of cost-recovery. Such cost recovery plus water quantity being defined as an indispensable element of the 'good groundwater status' of groundwater, and the permit requirements for abstractions will be major elements in the protection of water as a resource, not least in addressing water scarcity and droughts, in particular against the upcoming challenges of the impact of climate change.

### **3.7. Getting the citizen involved: participation of the public**

Caring for Europe's waters will require the increased involvement of citizens, interested parties, and NGOs. In order to further that aim the Water Framework Directive requires all interested and involved parties to be informed and consulted when river basin management plans are established.

### **3.8. Streamlining legislation, and ensuring coherence between all water-related legislation**

The Water Framework Directive will:

- provide for a coherent managerial frame for all water-related EU legislation, and
- rationalise EU water legislation: 7 old directives are absorbed and step by step repealed. Further, the Daughter Directive on environmental quality standards adopted in December 2008 repeals further 5 old directives.

## **4. Implementation - a challenge for all involved**

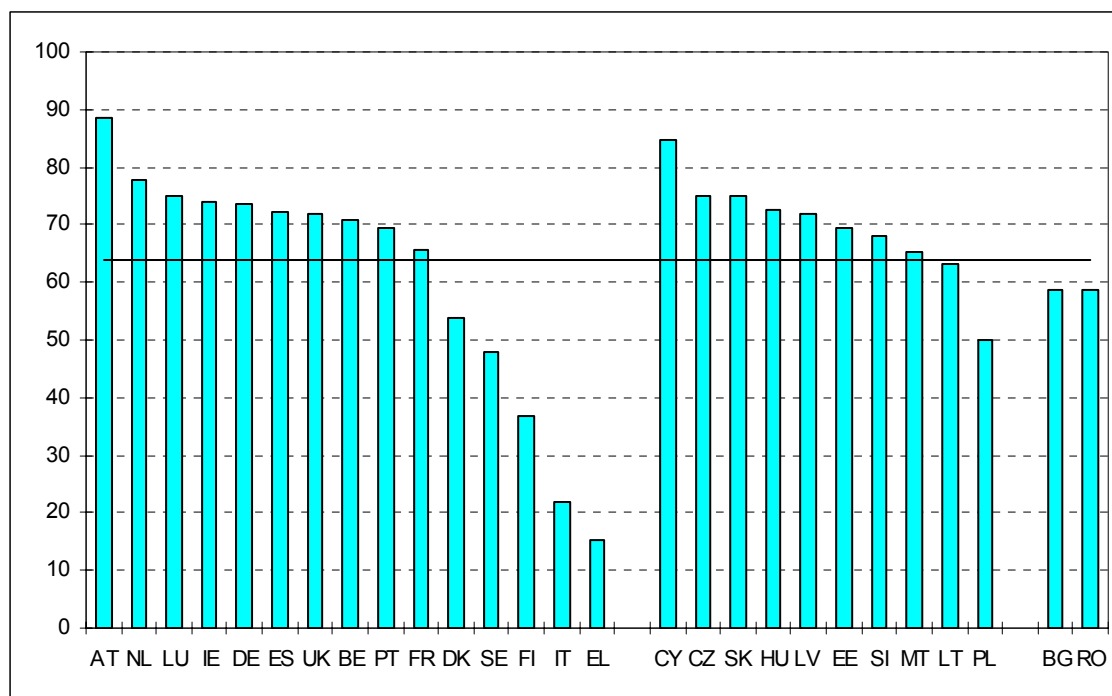
As implementation of the Water Framework Directive provides for challenges for all involved – Member States, European Commission, Candidate Countries and all other involved parties, they have in an unprecedented move for water policy, agreed on a Common Implementation Strategy for the Water Framework Directive<sup>12</sup>. Stakeholders and NGOs are fully participating in the work under the strategy.

22-23 March 2007 saw a European Water Conference hosted by the European Commission, with opening addresses by Environment Commissioner Stavros Dimas, German Environment Minister Sigmar Gabriel, Portuguese Environment Minister Francisco Nunes Correia and Mr Karl-Heinz Florenz MEP, former chairman of the Environment Committee of the European Parliament.

The conference presented the 1<sup>st</sup> report by the European Commission<sup>13</sup> on implementation of the steps due under the Water Framework Directive, assessing progress and quality of implementation as well as ranking countries in a transparent manner. The report as well as

background documents are available on the Internet, as are reports on the implementation of two keys other water directives, the Urban Waste Water Treatment Directive and the Directive on Nitrates Pollution from Agriculture. A complete video coverage of the conference, as well as access to all documents and presentations are available on the Internet<sup>14</sup>.

The performance of 27 Member States is assessed in detail, with a summary assessment providing the following picture for the analysis under article 5 of the Directive:



*Performance indicator per Member State regarding the implementation of the environmental and economic analysis– Article 5 WFD- including the EU-27 average (based on Member States' reports). For more detailed information see the Commission Staff Working Document "First report on the implementation of the Water Framework Directive 2000/60/EC"*

All Member States' reports under articles 3, 5 and 8 of the Water Framework Directive are accessible via the Commission Internet site<sup>15</sup>.

2-3 April 2009 saw the 2<sup>nd</sup> European Water Conference "Plunge into the Debate" hosted by the European Commission, with keynote speeches by Environment Commissioner Stavros Dimas, Mr Richard Seeber, MEP (European Parliament) and Mr Karel Bláha, Deputy Minister for the Environment of the Czech Republic, and dedicated to public participation under the Water Framework Directive. A complete video coverage of the conference, as well as access to all documents and presentations are available on the Internet<sup>16</sup>. On the occasion of the conference, the Commission also published its 2<sup>nd</sup> Implementation Report<sup>17</sup> on the monitoring networks established by Member States.

## 5. Conclusions

The Water Framework Directive commences with the words,  
*"Water is not a commercial product like any other but, rather, a heritage which must be protected..."*

In many fields progress has been achieved, however Europe's waters are in need of more protection, as well as increased efforts to get them clean or keep them clean. This is emphasised in the reports published by the European Environment Agency.

After more than 30 years of European water legislation this is a demand that comes not only from the scientific community and other experts, but also to an ever increasing extent from citizens and environmental organisations.

The Water Framework Directive sets ambitious objectives for the protection of European water resources:

- binding on environmental objectives, whilst flexible on the tools to achieve those objectives, as well as on organisation and finance - open to innovation
- providing a sound basis for long-term planning at a technical, financial and political level
- involving civil society, and thus
- providing a real example of Good European Governance.

Let us take up the challenge of protecting our waters, one of the great challenges for the European Union in this new millennium. Let us seize the initiative generated by the present political process on water policy, for the benefit of all Europe's citizens and its waters.

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This contribution reflects the views of the author and not necessarily those of the European Commission.

<sup>1</sup> Directive 2000/60/EC, as amended; consolidated version of June 2009 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2000L0060:20090625:EN:PDF>

<sup>2</sup> European Commission, 4<sup>th</sup> Report on the implementation of the Urban Waste Water Treatment Directive, Brussels 22 March 2007; available at [http://ec.europa.eu/environment/water/water-urbanwaste/implementation/implementationreports\\_en.htm](http://ec.europa.eu/environment/water/water-urbanwaste/implementation/implementationreports_en.htm).

<sup>3</sup> European Commission, Report on the implementation of the Nitrates Directive, Brussels 19 March 2007; available at: [http://ec.europa.eu/environment/water/water-nitrates/index\\_en.html](http://ec.europa.eu/environment/water/water-nitrates/index_en.html)

<sup>4</sup> <http://ec.europa.eu/environment/air/pollutants/stationary/index.htm>

<sup>5</sup> European Commission, IPPC Bureau, Sevilla 2001-2009; documents available at: <http://eippcb.jrc.es/reference/>

<sup>6</sup> European Commission, Water Framework Directive Implementation Report 2009 [http://ec.europa.eu/environment/water/water-framework/implrep2007/index\\_en.htm](http://ec.europa.eu/environment/water/water-framework/implrep2007/index_en.htm)

<sup>7</sup> European Commission, 5<sup>th</sup> Report on the implementation of the Urban Waste Water Treatment Directive, Brussels 3 August 2009; available at [http://ec.europa.eu/environment/water/water-urbanwaste/implementation/implementationreports\\_en.htm](http://ec.europa.eu/environment/water/water-urbanwaste/implementation/implementationreports_en.htm)

<sup>8</sup> Directive 2006/118/EC, OJ L372 of 27.12.2006 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:372:0019:0031:EN:PDF>

<sup>9</sup> Directive 2008/105/EC, OJ L 348 of 24.12.2008 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:348:0084:0097:EN:PDF>

<sup>10</sup> Floods Directive Directive 2007/60/EC, OJ L288 of 6.11.2007

<sup>11</sup> Urban Waste Water Treatment Directive 91/271/EEC, OJ L135 of 30.5.1991; Nitrates Directive 91/676/EEC, OJ L375 of 31.12.1991; IPPC Directive 2008/1/EC, OJ L24 of 29.1.2008

<sup>12</sup> European Commission, Member States and Norway: Common Implementation Strategy for the EU Water Framework Directive; Internet: <http://europa.eu.int/comm/environment/water/water-framework/implementation.html>

<sup>13</sup> [http://ec.europa.eu/environment/water/water-framework/implrep2007/index\\_en.htm#first](http://ec.europa.eu/environment/water/water-framework/implrep2007/index_en.htm#first)

<sup>14</sup> [http://ec.europa.eu/environment/water/water-framework/2007conference/index\\_en.htm#streaming](http://ec.europa.eu/environment/water/water-framework/2007conference/index_en.htm#streaming)

<sup>15</sup> [http://circa.europa.eu/Public/irc/env/wfd/library?!=/framework\\_directive/implementation\\_documents\\_1/wfd\\_reports/member\\_states&vm=detailed&sb=Title](http://circa.europa.eu/Public/irc/env/wfd/library?!=/framework_directive/implementation_documents_1/wfd_reports/member_states&vm=detailed&sb=Title)

<sup>16</sup> [http://ec.europa.eu/environment/water/participation/index\\_en.htm](http://ec.europa.eu/environment/water/participation/index_en.htm)

<sup>17</sup> [http://ec.europa.eu/environment/water/water-framework/implrep2007/index\\_en.htm#second](http://ec.europa.eu/environment/water/water-framework/implrep2007/index_en.htm#second)