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REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

on the Implementation of the Water Framework Directive (2000/60/EC)

River Basin Management Plans

(Text with EEA relevance)

{SWD(2012) 379 final}

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1. INTRODUCTION

The Water Framework Directive (WFD[1]) introduced in 2000 new and ambitious objectives to protect and restore aquatic ecosystems as a basis for ensuring the long term sustainable use of water for people, business and nature. The WFD has incorporated into a legally binding instrument the key principles of integrated river basin management bringing together economic and ecological perspectives into water management.

The WFD established a programme and timetable for Member States to set up the River Basin Management Plans (RBMPs) by 2009. The Plans should have identified all actions to be taken in the river basin district to deliver the objectives of the WFD.

Implementation of the WFD has been supported since 2001 by an informal co-operative effort under the Common Implementation Strategy (CIS), led by Water Directors of the Member States and the Commission with the participation of all relevant stakeholders. The CIS has delivered guidance documents and a large number of policy papers and is a valuable platform for the exchange of experience and best practices.

This Commission implementation report is required by WFD article 18 and is based on the Commission's assessment of the RBMPs reported by Member States. It is accompanied by Commission Staff Working Documents that include a detailed assessment of the RBMPs. It is one of the basis of the Commission Communication on the 'Blueprint to Safeguard Europe's Water Resources'.

2. MAIN ELEMENTS OF THE WFD

The key objective of the WFD is to achieve good status for all water bodies by 2015. This comprises the objectives of good ecological and chemical status for surface waters and good quantitative and chemical status for groundwater.

The main instrument for the implementation of the WFD is the RBMP and the accompanying Programme of Measures (PoM). The planning process starts with the transposition and the administrative arrangements, followed by the characterisation of the river basin district[2], the monitoring and the assessment of status, the objective setting, and finally the programme of measures and their implementation. The monitoring and evaluation of the effectiveness of measures is vital information that links one planning cycle with the next. The programme of measures is the tool to respond to the identified pressures, thus enabling the river basin/water body to reach good status.

The strength of the planning process, and the adequacy and reliability of the RBMP depends upon good implementation of every intermediate step. If, for example, a significant pressure is overlooked during the pressures and impacts analysis, the monitoring will probably not be designed to assess it and the programme of measures will not envisage action to address it.

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1 Directive 2000/60/EC establishing a framework for Community action in the field of water policy; supplemented by the Groundwater Directive (2006/118/EC) and the Environmental Quality Standards Directive (2008/105/EC)

2 This includes the pressures and impacts analysis, the economic analysis, the delineation of water bodies and the establishment of the typology and reference conditions for surface water bodies, and the basis for the ecological status assessment.

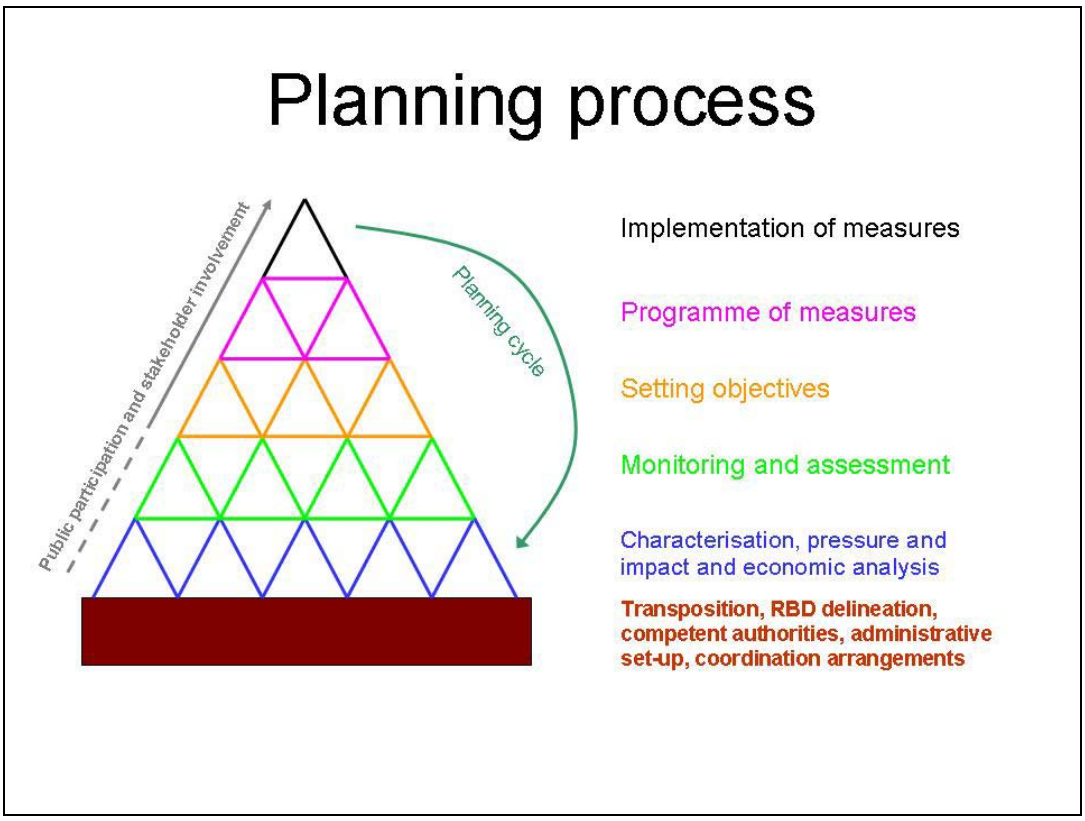


Figure 1: Schematic representation of the WFD planning process

3. THE ASSESSMENT OF THE RIVER BASIN MANAGEMENT PLANS

The assessment of the RBMPs is based on the reporting by Member States, consisting of the published plans and accompanying documentation[3] and the electronic reporting through the Water Information System for Europe (WISE)[4]. The assessment of the plans is a complex task that involves dealing with extensive information in 21 languages.

The Commission assessment will be as accurate as Member States' reporting. It is recognised that reporting is a significant undertaking for Member States, in particular the electronic reporting in WISE. There are examples of very good quality reporting, but also cases where reporting contains gaps or contradictions.

4. STATE OF PLAY OF ADOPTION AND REPORTING OF RBMPS

23 Member States have adopted and reported all their Plans. 4 Member States (BE, EL, ES and PT) have either not adopted Plans or only adopted and reported some plans. In total, the Commission has received 124 RBMPs (out of expected 174). 75% of them concern transboundary river basins[5].

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3 See http://circa.europa.eu/Public/irc/env/wfd/library?l=/framework_directive/implementation_documents_1/submitted_rbmps

4 See http://water.europa.eu and in particular http://www.eea.europa.eu/themes/water/interactive/water-live-maps/wfd

5 Norway is implementing the Water Framework Directive as part of the European Economic Area Agreement, with specific timetable agreed therein. Therefore, Norway has adopted 9 pilot RBMP.

In Belgium, the Flemish Region, the Brussels-Capital Region and the Federal Government (responsible for coastal waters) have adopted plans; the plans for the Walloon Region are awaited. In Spain, the RBMPs of Tinto Odiel y Piedras, Guadalete y Barbate and Cuencas Mediterraneas Andaluzas have been approved but not reported and only the plan for the river basin district of Catalonia has been adopted and reported. In Portugal and Greece no plans have yet been adopted or reported.[6]

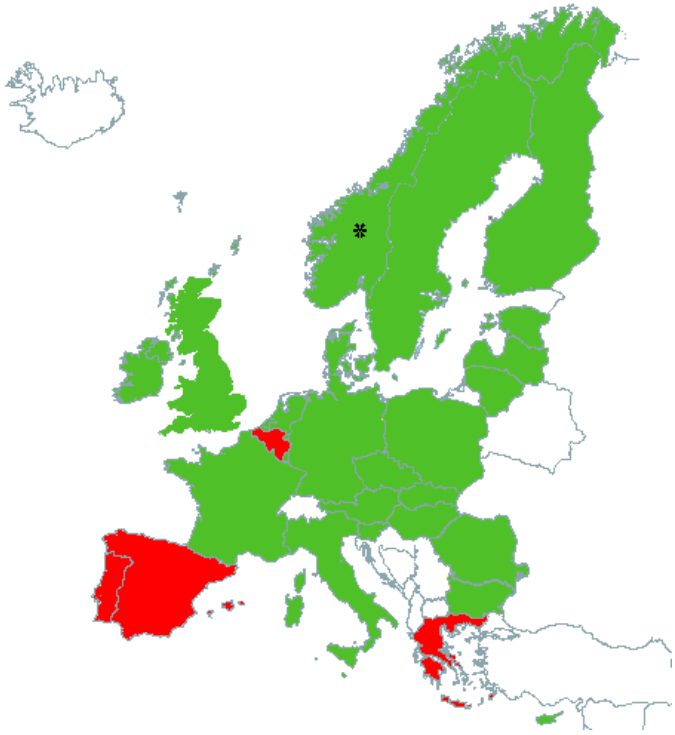


Figure 2[7]: State of adoption of the RBMPs: GREEN - adopted. RED – Not adopted or partially adopted.

The delays in adopting first cycle RBMPs in some Member States has consequences for the second implementation cycle both within the Member States concerned and for other countries they share catchments with.

5. COMMISSION FINDINGS: KEY MESSAGES AND RECOMMENDATIONS

5.1. Will the objective of good status in 2015 be reached?

The WFD objective of good status is necessary to ensure long term availability of sufficient water of good quality. Achieving good status for all waters will allow aquatic ecosystems to recover and to deliver the ecosystem services that are necessary to support life and economic activity that depend on water.

6 The Court has ruled against Belgium, Greece and Portugal for not having adopted and reported the plans. A judgement on Spain is pending. The cases are: Greece - C-297/11, Belgium - C-366/11, Portugal - C-223/11

7 Updated overview at http://ec.europa.eu/environment/water/participation/map_mc/map.htm

The assessment of the RBMPs indicates that progress towards the objective is expected, but good status will not be reached in 2015 for a significant proportion of water bodies. Several reasons are behind this. The assessment of the RBMPs by the Commission[8] identifies the main obstacles encountered in each Member State and stresses that hydromorphological pressures, pollution and overabstraction remain the main pressures on the water environment.

	No of MS	**No of water bodies**	**% Water bodies in good status or potential 2009**	**% Water bodies in good status or potential 2015**	**Progress 2009-2015 in %**	**Unknown status in 2009 in %[9]**
Ecological status of surface waters	21[10]	82684	43	53	10	15
Chemical status of surface waters	Information unclear to establish the 2009 baseline[11]					40
Quantitative status of groundwater[12]	24	5197	85	92	7	6
Chemical status of groundwater[12]	24	5197	68	77	9	3

Source: Information reported by Member States, 2012

The information provided in the RBMPs on chemical status for surface waters is not sufficiently clear to establish a baseline for 2009. The chemical quality of water bodies has significantly improved in the last 30 years, but the situation as regards these priority substances introduced by the WFD is below the objectives. A large proportion of surface water bodies are reported with unknown chemical status. In addition, the first RBMPs show different degrees of implementation of the Directive 2008/105/EC setting Environmental Quality Standards and this makes the chemical status assessment in the Member States difficult to compare.

The WFD recognises that the achievement of good status might take more time in some water bodies. For this reason, it allows Member States to rely on an exemption on the basis of the natural conditions of the water body, and to extend the deadline up to 2027 or beyond[13].

The deadline for the achievement of good status can also be extended if inter alia, it is technically infeasible or disproportionately costly to restore the water body to good status by 2015[14]. Where exemptions are applied, the WFD requires Member States to justify and explain the reasons in the RBMPs. This means explaining on what basis the evaluations of

8 See accompanying Commission Staff Working papers

9 ES, PT and EL not included because of the lack of RMBPs

10 Ecological status: countries that have not reported RBMPs, or not reported exemptions or have high unknown status, are not included.

11 Chemical status: More than 40% of the surface water bodies are reported as "unknown chemical status" and for the rest of WB the assessment is not comparable.

12 Numbers do not include FI and SE which have a very large number of small WB in good status

13 Article 4.4(c)

14 Article 4.4, 4.5, and 4.7

natural conditions, disproportionate costs and/or technical infeasibility have been made and how to move towards the objective of good status. This justification is key for the transparency and accountability of decision making.

All too often, in the RBMPs, exemptions are used to justify existing water uses and management practices showing no plan to achieve WFD objectives.

Recommendations to Member States:

– *Assess the obstacles that have hindered the implementation in the first cycle and take action to overcome them in the second cycle;*

– *Step up ambition in taking measures to achieve good status. In case of uncertainties about effectiveness, take no-regret measures.*

5.2. Monitoring and assessment: robust knowledge to take informed decisions

Robust monitoring and methods for a comprehensive assessment of the status of water bodies are essential elements for sound water management. The cost of monitoring is much lower than the cost of inappropriate decisions.

The WFD provides for adaptive monitoring programmes that can be used to prioritise monitoring where it is most needed. Smart monitoring programmes should be an integral part of building the evidence base for the design and implementation of measures. In many monitoring programmes it is unclear if and how the information on characterisation and pressures is used in the further development of RBMPs.

A clear gap in monitoring emerges from the information reported to the Commission. This shows that around 15% of surface water bodies in the EU are in unknown ecological status and 40% in unknown chemical status. In some Member States ecological and chemical water status is unknown for more than 50% of the water bodies. A determined effort is required.

Ecological status as defined by the WFD is an expression of the quality of the structure and functioning of aquatic ecosystems. The WFD intercalibration exercise has compared Member States' methods for assessing ecological status to ensure that they are consistent with the WFD definitions ensuring comparability of results across Member States. This has promoted a large exchange of information that has allowed countries with less experience in the assessment of ecological status to benefit from others' knowledge.

Despite considerable progress, some countries show important gaps in the development and application of assessment methods. Frequently, the intercalibration exercise has been taken as a scientific exercise not used for water management. Gaps are significant for transitional and coastal waters and for biological assessment methods sensitive to hydromorphological pressures, which are the most important pressures preventing water bodies from achieving good ecological status.

The assessment of chemical status presents a large proportion of water bodies with unknown status. Chemical monitoring is insufficient in many Member States, where not all priority substances are monitored or the number of water bodies where monitoring takes place is limited.

Recommendations to Member States:

– *Improve and expand monitoring and assessment tools to ensure a statistically robust and comprehensive picture of the status of the aquatic environment for the purpose of further planning.*

5.3. Legal framework and governance

A robust legal framework and appropriate governance structures are essential pre-requisites for successful integrated river basin management.

The WFD introduced a new focus for water management by putting the protection of the aquatic environment and ecological targets at the heart of an integrated water management approach at the river basin scale. To this end, an adaptation of existing legal frameworks and water management administration was expected.

Although progress has been significant, this has not taken place in most Member States, where there is a continuation of the status quo. The WFD environmental objectives appear to have been included as additional goals but not really integrated into policy decisions.

Appropriate coordination in decision making across sectors is essential. Decisions on economic activities that do not take into account current and future availability of water resources can drive unsustainable practices, such as overexploitation of resources, with negative consequences for environment, population and other economic sectors. With the adoption of the WFD, Member States are expected to include in the RBMPs measures addressing all water uses and to ensure coherence between RBMPs and other spatial planning tools. The WFD also introduced a shift away from the traditional water use-driven approaches to a more integrated approach that should be reflected in a governance setting. This has happened to varying degrees. In some cases the responsibility for WFD implementation has been placed in dedicated units without clear links to the day-to-day water management or feedback at basin level. The result creates overlapping approaches and in some cases decisions and actions that are not compatible with WFD objectives.

Cross-border cooperation and coordination of implementation processes is also essential to implement the WFD principle of management at the river basin scale, in particular considering that transboundary river basins cover most of the EU. With the adoption of the WFD, international cooperation has been reinforced and improved significantly. It has progressed in some cases from an exchange of information to a joint problem diagnosis and joint decisions on transboundary measures. Joint river basin management plans in large transboundary basins have been prepared but efforts on coordination of measures need to continue.

Public and user participation in water management is another key element introduced by the WFD. A proactive approach can deliver optimal decisions that are more acceptable and better implemented on the ground. Transparency on how the results of the consultation processes are considered is important, and there are some good examples in this respect.

Recommendations to Member States:

– *Continue consolidation of integrated multidisciplinary water management; look for solutions that balance environmental protection and sustainable economic development in the long term and, when necessary, adapt legal and administrative approaches;*

– *Coordinate with countries in shared river basins early in the process of RBMP preparation, agree and implement transboundary measures;*

– *Involve stakeholders and authorities from the beginning of the planning process and be transparent.*

5.4. Integration of quantitative and qualitative aspects in water management

Sound water management should integrate qualitative and quantitative aspects: the achievement of the WFD objectives is only possible if sufficient quantity of clean water is available for the aquatic ecosystems. To this end, the ecological flow is necessary to support the ecological status and ensure water availability for different uses. The relevance of water quantity issues is recognised in many river basins across Europe. RBMPs have identified measures addressing water scarcity and drought problems which are expected to be aggravated by the impacts of climate change[15]. However, shortcomings have been identified in the RBMPs in relation to the quality and availability of datasets and lack of coherent measures.

Information on the impacts of climate change is included in a number of RBMPs, but in most cases it does not influence the selection of measures and it is planned to be addressed more thoroughly in the next RBMP planning cycle.

Flood risk management is an inherent part of integrated water management, and as a result flood related issues are mentioned in the RBMPs throughout the EU, notably as a reason for heavily modifying a water body. The second cycle of RBMP will need to be coordinated with the first Flood Risk Management Plans.

Recommendations to Member States:

– *Apply ecological flow regimes to ensure that authorities and users know how much water and which flow regime is needed to achieve the objective of good ecological status;*

– *Improve datasets on water quantity, water availability and demand trend projections to be able to develop coherent and effective sets of measures;*

– *Integrate climate change consideration into the RBMPs;*

– *Coordinate the preparation and consultation on the Flood Risk Management Plans with the second RBMPs to ensure coherence.*

[15] Communication on the Review of the European Water Scarcity and Droughts policy

5.5. The key role of pre-WFD legislation in attaining WFD objectives

Before the WFD, EU water policy addressed important pressures on the aquatic environment through the adoption of the Urban Waste Water Treatment (UWWT) and Nitrates Directives[16]. These Directives provide water protection with respect to nutrients pressures associated with agriculture and urban developments and contribute to WFD objectives.

Implementation of the Nitrates Directive is relatively advanced in the old Member States (EU15), but significantly less in the Member States that joined the EU since 2004 (EU12) and enjoy transitional periods. Lack of financial support and appropriate planning are the main bottlenecks.

The latest reporting[17] under the Urban Waste Water Treatment (UWWTD) Directive shows that waste water collecting systems were in place for 99% of the total polluting load of EU-15 and for 65% of the total generated load of EU-12. Secondary treatment was in place for 96% of the load for EU-15 and for 48% of the load for EU-12. More stringent treatment was in place for 89% of the load in EU-15 and for 27% of the generated load in EU-12. Availability of resources to cover investments remains a bottleneck for compliance. Therefore, cost-effective innovative technical solutions should be promoted.

Pollution from industrial emissions is regulated by the IPPC Directive[18]. Its last implementation report shows that although IPPC has prompted significant streamlining of industrial environmental legislation in many Member States, too many permits had emission limit values (ELVs) that were not in line with Best Available Techniques (BAT) and sufficiently protective of the water environment.

Recommendations to Member States:

– *Reinforce Nitrates Directive action programmes and vulnerable zone designation, improve compliance rates on waste water treatment by establishing appropriate investment plans and ensure compliance of ELVs with BAT.*

5.6. Promoting rational use through adequate water pricing

Transparency in the form of adequate information on water costs is the basis for the development of water pricing policies that provide adequate incentives for users to use water efficiently in accordance with the WFD. However, little progress has been made so far in implementing transparent pricing policies.

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16 Council Directive 91/271/EEC concerning urban waste-water treatment. OJ L135, 30.5.91 and Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources. OJ L375, 31.12.91.

17 6th Commission summary on the Implementation of the Urban Waste Water Treatment Directive-Commission Staff Working Paper SEC(2011)1561 final (reference years 2007/2008)

18 Directive 2008/1/EC of the European Parliament and of the Council of 15 January 2008 concerning integrated pollution prevention and control Integrated pollution prevention and control Directive OJ L 24, 29.1.2008, p. 8–29. To be replaced by Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (IED) as of 7 January 2014. See http://ec.europa.eu/environment/air/pollutants/stationary/ippc/key_impl.htm.

An efficient use of water requires measuring the volume of water used. Flat rates, tariffs that rely on the irrigated area or shared bills among users hardly provide any incentive for sustainable water use. In some Member States, in some sectors, such as agriculture or households, metering of water consumption is not fully implemented.

Recovery of financial costs of water services, including capital costs, ensures the necessary long term sustainability of investments. Environmental and resource costs are also an essential part of the cost recovery to ensure that externalities generated by the use and disposal of water are adequately recovered. Moreover, the cost of water services should be recovered taking into account the polluter pays principle[19].

There are very few Member States that have implemented a transparent recovery of environmental and resource costs. Cost recovery is implemented, to a greater or lesser extent, in households and industry. For agriculture, in many areas, water is charged only to a limited extent.

The assessment of the RMBPs shows the poor quality of the assessment of costs and benefits. A strong improvement in this area and the definition of a shared methodology for the calculation of costs (including environmental and resource costs) and benefits (including ecosystem services) is necessary. Otherwise, it will be possible neither to ensure the implementation of effective pricing policies nor to avoid disproportionate and inadequate measures.

Recommendations to Member States:

– *Ensure the transparency and fairness of water pricing policies and base them on metering;*

– *Improve cost-benefit assessment to ensure cost-recovery.*

5.7. Funding of measures

Member States' Programmes of Measures contain different instruments (legal, administrative, technical, infrastructure, training, etc.), and are potentially funded in different ways. Public budget is expected to cover part of the measures but also private operators are expected to provide funds e.g. through the cost recovery provisions. European funds – Structural cohesion or CAP funds - can also contribute to financing some WFD measures.

The Commission's proposal for a new LIFE regulation 2014-2020 includes the possibility to co-finance projects which integrate different EU funds and other financial sources in a single, large scale project for the implementation of measures under the WFD.

[19] The Commission has started infringement procedures against 9 Member States that have implemented a narrow interpretation of water services limited to drinking water and water treatment.

The Commission's proposal for 2014-2020 cohesion policy builds on key elements of the WFD proposing ex-ante conditionality for the use of cohesion and structural funds in the water sector. Cohesion policy provides an opportunity for joining water use management needs and implementation of water policy.

Decisions on funding have to match the priorities set in the RBMPs. Most of the RBMPs do not contain precise information on how much it will cost to implement the measures and how they are going to be financed. Financing mechanisms and availability of funds are to be identified when selecting the measures. Otherwise, the feasibility of implementation is uncertain.

Recommendations to Member States:

– *Align funding decisions (including EU funds) to priorities and actions identified in the RBMPs including the fulfilment of EU water legislation requirements;*

– *Include in the RBMP and the Programmes of Measures the costs of the measures, the responsible authorities and indicate who is bearing the cost.*

5.8. Integration with other policies

Planning of land use, agriculture, urban development, hydropower, navigation, flood protection, all have potentially important impacts on water resources. The RBMP process offers a unique opportunity to interact with these sectors and to develop a framework within which these activities should take place in a sustainable way. Implementing the WFD requires integration of water policy objectives into the development and planning of economic activities that rely on water.

More than 90% of the RBMPs assessed indicate that agriculture is a significant pressure in the basin, including diffuse or point source pollution by organic matter, nutrients, pesticides and hydromorphological impacts.

Although a large variety of technical, non-technical measures or economic instruments can be found in the programmes of measures, important elements are missing (scope, timing, and financing). In general, the RBMPs do not show determined action to address agriculture pressures nor satisfactory association of farmers to the WFD process[20]. Moreover, there are not many details on how the opportunities provided by the Rural Development Programmes are taken.

The Commission proposals for the CAP reform[21] contain a number of elements that could greatly improve the interaction between agriculture and water policy. These include the addition, subject to conditions, of WFD to cross-compliance, the greening of the first pillar of the CAP and a programming system with rural development policy which explicitly identifies water use efficiency and water management as sub-priorities addressed through rural development programmes.

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[20] See on DG ENV website in all EU languages: "Guidance for administrations on making WFD agricultural measures clear and transparent at farm level" and "Handbook on Farm Advisory Systems and water protection".

[21] http://ec.europa.eu/agriculture/cap-post-2013/legal-proposals/index_en.htm

WFD Article 4.7 on new projects and modifications to water bodies frames the conditions under which trade-offs between water protection and economic developments can be established. This Article makes new modifications conditional on specific explanations in the RBMP. Out of the 116 plans assessed that refer to exemptions inter alie, only 12 plans refer to projects that fall under Article 4.7. While it is clear that there are more projects, planned and on-going, likely to cause deterioration of status of water bodies, these are not mentioned in the RBMPs.

The lack of references to new projects and programmes in most of the RBMP indicates a missed opportunity for the sustainable development of economic activities under a framework of real integrated water management.

In the context of Article 4.7, development of hydropower deserves specific attention. Significant environmental impact of hydropower needs to be properly addressed. Refurbishing and expanding existing installations should be given priority over new developments which should be underpinned by a strategic assessment at the river basin scale, selecting optimal locations in terms of energy production and lowest environmental impact[22].

Similarly, inland navigation, although potentially a low carbon mode of transport, can also have detrimental effects on the aquatic environment. Extensive guidance has been developed in the context of the CIS and other processes[23] that should be used to ensure that inland navigation is developed in a sustainable way not hampering WFD objectives.

Inland pressures influence the status of the marine environment. The measures taken under the RBMPs will contribute to reaching good environmental status under the Marine Strategy Framework Directive (MSFD)[24]. MSFD requires preparing a programme of measures by 2015 which would benefit from coordination with the RBMPs produced in the 2nd cycle by 2015.

Recommendations to Member States

– *Use the RBMP process to provide a clear framework for the development of economic activities that rely on water;*

– *Improve co-operation with the farming community in the preparation of the PoM to ensure feasibility and acceptance; ensure that the Farm Advisory System plays a proactive role and exploit the opportunities under the Rural Development Programmes;*

22 CIS Policy Paper on WFD and Hydromorphological pressures. Recommendations for better policy integration (2006). http://circa.europa.eu/Public/irc/env/wfd/library?l=/framework_directive/thematic_documents/hydromorphology/hydromorphology/_EN_1.0_&a=d

23 Ibidem; see also Joint Statement on Inland Navigation and Environmental Sustainability in the Danube River Basin (2007); PLATINA project Good Practice Manual on Sustainable Waterway Planning (2011); Commission's Guidance document on sustainable inland waterway development and management in the context of EU nature legislation (2012).

24 Directive 2008/56/EC establishing a framework for community action in the field of marine environmental policy, O.J. L174,25.06.2008

– *Balance voluntary actions and mandatory measures in agriculture to provide a solid baseline for rural development programmes and cross-compliance water related requirements; increase reliance on multipurpose natural water retention measures;*

– *Coordinate and include programmes, plans and projects affecting the water environment (such as navigation, hydropower or flood protection measures) in the RBMP.*

6. CONCLUSIONS

- A lot of effort has been put into the preparation and drafting of the RBMPs. Our knowledge about the status of EU waters and the activities that influence them is better than ever before. However, the Commission's assessment shows that a more determined effort is needed to ensure achievement of WFD objectives in 2015, 2021 and 2027 cycles.

- There are good examples of implementation of all aspects of the WFD. Therefore, Member States lagging behind in the approval and implementation of their RBMPs have the chance of learning from others with a view to remedy their delays.

- Implementation should ensure that water management is based on a better understanding of the main risks and pressures in a river basin founded on proper monitoring. This will result in cost effective interventions to ensure the long term sustainable supply of water for people, business and nature.

- The Commission will continue to seek and promote a fruitful informal cooperation with Member States and stakeholders in the context of the CIS.

- The Commission will also follow-up bilaterally with the Member States on the implementation of the recommendations that it is putting forward in this implementation report and in accompanying documents, while keeping on enforcing WFD obligations as necessary.

- The findings in this report have been used to identify policy proposals put forward in the Commission Communication on the 'Blueprint to Safeguard Europe's Water Resources' and will be further discussed under the CIS.