Ecological quality of surface water in Natura 2000 areas

Methods and lessons learned

Presentation of the Netherlands Court of Audit (NCA) for WGEA 26/04/2017
Contents

- Project proposal 2011
- Why a combined audit on water and nature policy (different SDGs now)
- Methods used
- Discoveries and challenges along the road
- Time in between (2012-2014)
- Final publication 2014
- Lessons learned
- Current situation in the Netherlands and future risks
Project proposal 2011

- Audit started as an initiative from the EU department: ‘Compliance with and effects of EU-policies’
- Audit on policy areas where the national policy is influenced by EU policy
- Analysis of 4 different phases:
  1. Policy design
  2. Implementation of policy
  3. Execution of policy
  4. Policy effects

- Risk analysis:
  1. Water and nature policy
  2. Combating tax fraud
The Water Framework Directive (WFD) is quite broad. Ecological water quality of surface waters was most at risk in 2009. 1% of the status of all the water bodies in the Netherlands (724) in 2009 was good.
Why a combined audit water and nature policy?

Birds and Habitats directive and Natura 2000, the European network of protected areas to conserve the biodiversity in the EU. The ecological water quality in these areas was poor in 2009. Water conditions in 30 protected areas received a ‘sense-of-urgency’ status.

Overlap: About two thirds of the Dutch protected areas consist of water, for example big lakes.

Synergy between water and nature management plans?
Auditing methods

- **Policy design:** archives of the Permanent Representation in Brussels
- **Implementation:** literature, policy documents, interviews with legal experts
- **Execution phase:**
  - Interviews with Ministry for Nature and Agriculture and the Ministry for Infrastructure and Environment (water quality), analysis of documents
  - Main implementation bodies WFD: National Water Authority (national waters) and regional water bodies (regional waters)
  - Nature directive: National Coordination Office, provinces (decentralised policy)
- **Policy effects:** Environmental Assessment Agency and other bodies
- **8 case studies** for combined protected area/waterbody under WFD
- **Visit to DG Environment in Brussels**
Discoveries and challenges along the road

- The Netherlands showed, vis-à-vis the WFD, limited ambitions:
  - Most waters are artificial or ‘heavily modified water bodies’ (98%) and restoration could only be limited;
  - For 86% of the water bodies the realisation of a good status was postponed to 2021;
  - In the first management plan (2009-2015) focus on ‘feasible and affordable’ measures, for example landscaping, wildlife-friendly banks and research measures. Little measures to reduce nutrient loads from agricultural soils.

- Water and Natura 2000 plans not simultaneous, no coordination
  Management plans of 133 of the 162 protected areas are delayed because of ongoing discussion on the ‘Programmatic Approach for Nutrients’ in agricultural policy

- Discussions about the article 9 in the WFD ‘polluter pays principle’

- Very difficult to determine the planned and realised costs of the WFD-measures
Time in between (2012-2014)

- The NCA’s role as an audit institution
- Not being an ‘arbitrator’ on the maximum use of formal scope of policymaking within the boundaries of the law
- The result obligation or effort obligation discussion
- Influence of decentralisation of policy versus national responsibilities
Publication in 2014

• **Bad timing:** Not all our information was up-to-date anymore or already known


• **Good timing:** End of 2014 start of negotiation phase of new RBMP’s 2015-2021 and plan of the ministry itself for an evaluation on water quality in 2015

• Summary of our main conclusions in our concise ‘budget letter’ for Parliament

We asked special attention for monitoring the progress, costs and effects of measures

• Recommendation for more open data and geographical information
Lessons learned

Macro level
• The original programme goal was too ambitious and complex?
• Extensive focus on the first phase (making of policy) led to much discussion
• Underestimated the strong conflicts of interests between water, nature and agricultural policies

Meso level
• Water and nature policies are interrelated but also had their own complex procedures
• Credibility of a sai can be challenged if good relationships with our auditees are not maintained

Micro level
• Team members became disappointed and demotivated, but they also experienced growth in personal competences!
Current situation in the Netherlands and future forecasts

Diagram 2: Water bodies with assessment of the four biological quality elements in 2009 and 2015

- Biological condition
- % of water bodies that meets objectives in terms of biological elements
- % of water bodies that meets objectives in terms of nitrogen
- % of water bodies that meets objectives in terms of phosphorus

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