



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

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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**

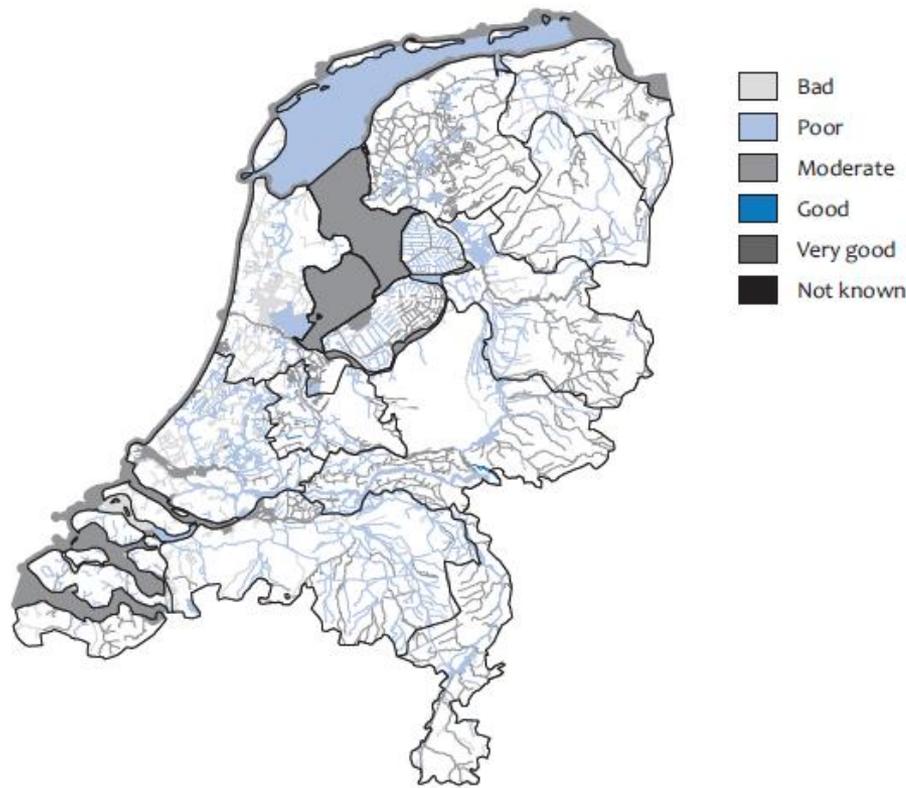


Problem from the water policy perspective

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.

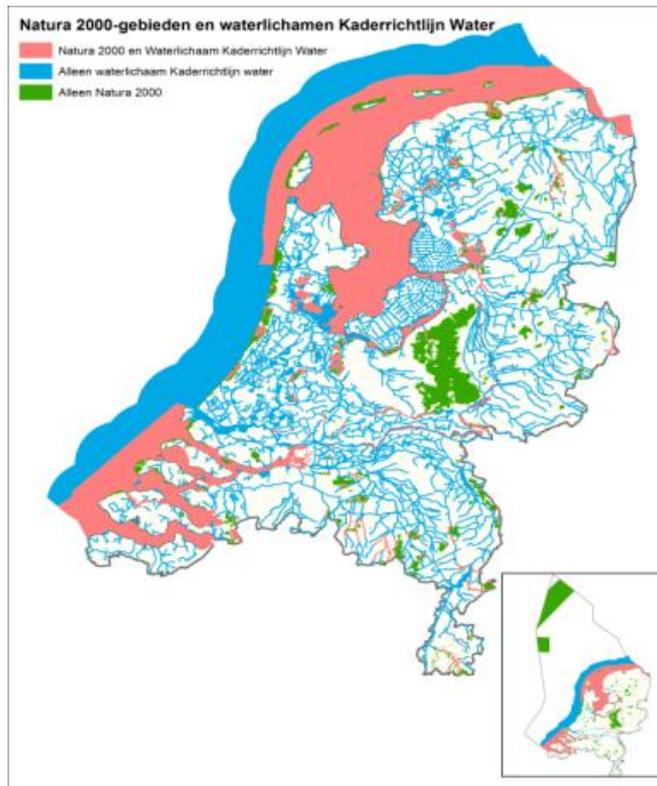


Why a combined audit water and nature policy?

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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

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- **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

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- **Bad timing:** Not all our information was up-to-date anymore or already known
Other publications in 2014. Environmental Assessment Agency report + OECD report 'Water governance in the Netherlands: fit for the future? Similar conclusions
- **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

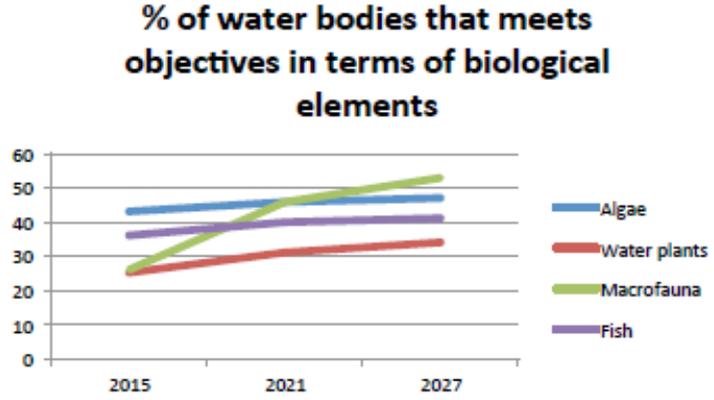
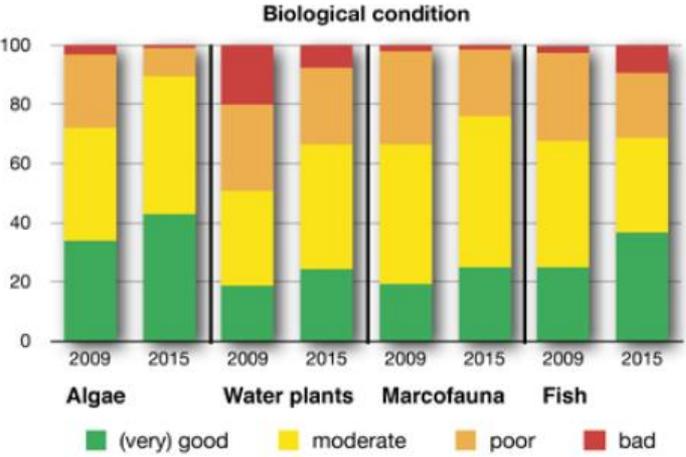


Diagram 2: water bodies with assessment of the four biological quality elements in 2009 and 2015

