



# **Progress on implementing the WFD to date + key issues for auditors**

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# Overview

- *Assessment of WFD 1<sup>st</sup> RBMPS & Programmes of measures*
- *Key issues that could be of relevance for auditors: general + sector specific*
- *Current work of the EC to improve implementation*
- *Future : evaluation of the WFD*



# WFD Achievements so far

*Expected result: 53% of EU surface waters in good ecological status by 2015 if MS PoMs deliver (up from 43% in 2009)*

*WFD and "daughter" directives have contributed to improving water protection in EU*

*Effective dialogue with MS to improve implementation (CIS)*

*Increased trans-boundary cooperation in water management*

***But still a lot to do...***

# Findings & Recommendations

**PoMs general** : MS included what is in place, in the pipeline or feasible rather than what is necessary

- Base PoMs on assessment of pressures to design cost-effective measures, ensuring all basic measures are in place
- Provide appropriate justification for exemptions

**Water Abstraction**: insufficient measures to control abstraction and ensure ecological flows

- Review out-dated permits to ensure sustainable use (link to water balance)
- Improve monitoring and enforcement of volumes abstracted

**Water pricing and cost recovery** not applied across sectors & MS (e.g. lack of metering)

- Adjust inadequate pricing of water resources, eg agriculture in Mediterranean regions, households in Ireland



## **Agriculture:** still many gaps to address quality and quantity and hydromorphological impacts

- Better controls for nutrients and pesticides needed
- Create incentives for more water efficient irrigation (eg pricing)
- Review permits to ensure abstraction levels allow achievement of GES (setting environmental flows)
- Better use of EU Funds (i.e. Rural development measures)



**Industry:** inadequate consideration of WFD objectives in the review of permits/licences

- Review existing permits to ensure good water status (tighter requirements on discharges, mitigation measures on hydromorphological barriers)

**Household:** too slow planning and financing infrastructure investment (collection & treatment)

- Better use of EU Funds (i.e. Regional & Cohesion)
- Better implementation of Article 9 – cost recovery

# Further information for your MS

## ***WFD Implementation Reports***

*The Commission has to assess the progress in the implementation of the WFD in certain intervals and to inform the European Parliament, the Council and the public about the results of its assessments (see Article 18 WFD).*

*4th implementation report on the Programmes of Measures (March 2015)*

*3rd implementation report on the River Basin Management Plans (November 2012)*

[http://ec.europa.eu/environment/water/water-framework/impl\\_reports.htm](http://ec.europa.eu/environment/water/water-framework/impl_reports.htm)

# Key issues for auditors from 1<sup>ST</sup> RBMPs

## - general

- WFD Good status and non-deterioration – are these objectives legally binding in national law?
- Is there a legal requirement to review and revise existing and align future permits/licences to achieve WFD good status?
- Is there clarity on who has responsibility for delivering all measures included in RBMPs ?
- Is it clear what financial resources are available to implement measures, are they commensurate with the scale of the pressure, are they being deployed to deliver the best value for money outcome ?



## Key issues for auditors – WFD basic measure implementation to address agricultural diffuse pollution

- \* Nitrates Directive – what is the actual state of implementation – compliance with achieving 50 mg/l ?
- \* WFD – article 11.3.h – **controls** on diffuse pollution (do controls exist for agricultural phosphate?, sediment/soil erosion? nitrogen outside NZVs?)
- \* WFD – article 7 – source protection measures to reduce the need for additional treatment of drinking water? How is this being controlled/audited ?

# Achieving nutrient conditions consistent with WFD good status

- \* Are nutrient standards set for all water bodies that allow for achieving good ecological status?
- \* Are these standards reflected into tightened permits for urban wastewater installations and additional measures for agriculture ?
- \* Are the measures for agriculture specific/defined at farm level ?
- \* Are the measure mandatory/voluntary, and how will their implementation be checked ?
- \* What are the penalties for non-compliance ? Cross compliance penalty, but what additional follow up ensures the breach is redressed ?

# Key issues for auditors : WFD basic measure for controlling abstraction

- \* Controls on abstraction including self-abstraction (groundwater) clearly set out in national law?
- \* Does the law implementing WFD allow for all permits to be reviewed and revised to allow good status to be achieved?
- \* Are these controls being complied with on the ground ? (e.g. is metering in place, are volumes checked)
- \* Are penalties issued where breaches are found?

## Key issues for auditors: Implementation of Article 9

- \* Do industry, agriculture, households pay for the water they use and the negative impacts their activities can have on the status of waters?
- \* Does the price paid contribute adequately to support necessary investments/measures to sustain water services?
- \* Does the price paid by users have an incentive function to drive efficient use?
  
- \* **Ex-ante conditionalities** attached to EU funds (structural and agricultural). Many MS have changed laws to comply with Article 9 – important to audit/check that these legal changes are being reflected in permits and charges

# Abstraction– compliance assurance

- \*Taking more water than in permit condition – how can this be detected ?
- \*Breach = penalty under cross compliance.....and then what?
- \* How is the farmer helped to comply – advice on changing to less water consumptive crops, funding for winter storage ponds?
- \* Targeting of inspection effort in highly water stressed areas (using earth observation tools) ?

## Current work of the EC to improve implementation

\* *WFD Common Implementation Strategy guidance documents*

[http://ec.europa.eu/environment/water/water-framework/facts\\_figures/guidance\\_docs\\_en.htm](http://ec.europa.eu/environment/water/water-framework/facts_figures/guidance_docs_en.htm)

\* *Ex-ante water (pricing) conditionalities in EU structural and investment funds*

\* *Environment Compliance Assurance Initiative*

[http://ec.europa.eu/smart-regulation/roadmaps/docs/2015\\_env\\_066\\_environmental\\_compliance\\_assurance\\_en.pdf](http://ec.europa.eu/smart-regulation/roadmaps/docs/2015_env_066_environmental_compliance_assurance_en.pdf)

\* *Environmental Implementation Review*

[http://ec.europa.eu/environment/eir/index\\_en.htm](http://ec.europa.eu/environment/eir/index_en.htm)

\* *Taskforce on Water and Agriculture*

# Forward look

## Evaluation of WFD: Tentative timetable

- *Assessment of 2<sup>nd</sup> RBMPs, 1<sup>st</sup> FRMPs (2017)*
- *Commission implementation report to Council and Parliament – early 2018*
- *European water conference – mid/end 2018*
- *Stakeholder consultations*
- *Evaluation report – published mid/end 2019*
- *Decision on future of WFD to be taken by next Commission*

# *Conclusions*

- For effective implementation the legal basis must first exist and allow for certainty on making requirements operational
- Pre-existing permits/authorisations/controls need to be updated to allow for meeting WFD objectives
- WFD basic measures (the minimum required for a compliant POM) could be a priority for auditors + ensuring funds are going to projects that support WFD implementation (including compliance with article 46 of the RDR)
- Compliance assurance plans/strategies for specific sectors could help target scarce resources (e.g. agriculture, hydropower, floods) and allow for selecting the best tools to achieve a clear end goal of good status