



An Assessment of actions taken by the EU to
Implement the Water Framework Directive (WFD)
Do they make the WFD work?



The European Environmental Bureau (EEB)

The EEB is a federation of more than 130 environmental citizens' organisations based in all EU Member States and most Accession Countries, as well as in a few neighbouring countries. These organisations range from local and national, to European and international. The aim of the EEB is to protect and improve the environment of Europe and to enable the citizens of Europe to play their part in achieving that goal.

The EEB office in Brussels was established in 1974 to provide a focal point for its Members to monitor and respond to emerging EU environmental policy. It has an information service, runs 11 working groups of EEB Members, produces position papers on topics that are, or should be, on the EU agenda, and it represents the Membership in discussions with the European Commission, the European Parliament and the Council of Europe. It closely coordinates EU-oriented activities with its members at national levels, and also monitors the EU enlargement process and some pan-European issues.

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Implement the Water Framework Directive (WFD)**

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1. Foreword and introduction

Europe's water policy has been fully reformed by the Water Framework Directive (WFD) adopted in December 2000. The Directive has been described as the most complex and the most ambitious piece of environmental regulation ever undertaken by the EU. Hardly any other legal text has been scrutinised by more legal experts, trying to fathom the “real” meaning and consequences of this new law. While some judge the Directive as the “worst” piece of EU legislation, others praise it as a new and successful model for other environmental policies.

The EEB has been, over the past 6 years, heavily involved, both in the negotiations leading up to the WFD and in the follow up process. It has released several publications on this issue. The EEB believes that an ambitious implementation, based on the application of best practice, and a clear focus on achieving the long term objectives are crucial to making the WFD work. In its publication “Making the EU Water Framework Directive Work” presented in July 2001, the EEB set out ten key demands for a better European water policy:

1. *Securing public participation*
2. *Substantial support (human resources and finances) for implementation*
3. *Extending sustainability rules to all water uses*
4. *Integrated water management*
5. *A robust good ecological status definition*
6. *New economic transparency for water use - Laying the foundations to get the prices right*
7. *Making the polluter pay and creating incentives*
8. *Protecting groundwater for future generations*
9. *Cessation of emissions of all hazardous substances*
10. *Implementation and enforcement of existing water and nature protection legislation*

Because of the complexity of the Directive and the threat of incomplete implementation (as experienced with most existing EU water legislation), the Commission and Member States adopted a Common Implementation Strategy (CIS) in 2001 in order to assist Member States. The Strategy was endorsed by EU Water Directors and is based on a process of extensive consultation input from Member States, stakeholders and NGOs. It has been estimated that, to date, over 700 experts on different Expert Advisory Forums (EAF), Working Groups and a steering group, have been involved in the CIS.

The EEB welcomed this exercise in developing a common understanding and guidance on best practice for the WFD implementation and the role the EAF has played in advising the Commission on groundwater protection and chemical control measures. In November 2002, after one and a half years of extensive CIS work, the EU Water Directors got together to adopt a set of Guidance Documents which will now be tested in pilot river basins before being improved, and finally used, in the implementation of the WFD. In addition, the Commission has presented a list of priority substances and a draft groundwater Directive. The first objective of the CIS - to issue Implementation Guidance documents - has been achieved. While Guidance Documents are informal and legally non-binding, they might act as a control mechanism and reference for future compliance checks. More results of the EU implementation efforts are expected in 2003, such as the Commission's legislation proposals for groundwater protection and emission controls and environmental quality standards for priority substances.

It is clear that most of the implementation work will have to be done by national governments and authorities, who are fully responsible for meeting the WFD's obligations and for achieving its objectives. However, a comprehensive overview of national activities to enable assessment and comparison is not yet available and not covered by this report. Europe is still living with considerable uncertainties regarding the interpretation of the WFD and its successful implementation.

There are some positive and some disappointing developments, which leave the EEB uncertain about what environmental improvements will be finally achieved through the WFD.

For this reason we consider that an early critical assessment of the EU actions to implement the WFD is essential.

The EEB strongly believes that the WFD is setting out a route for sustainable water management although some of its legal basis may be ambiguous and unclear. In the end, the success of the WFD will have to be judged on its real environmental outcomes in 2015.

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2. How far have the 10 key demands been achieved?



SECURING PUBLIC PARTICIPATION

The EEB congratulates the Commission and Member States for assuring transparency in the work of the Common Implementation Strategy. Furthermore, at the request of the EEB, the Commission and Member States supported the idea to develop guidance on public participation. This process resulted in a very useful document¹, which gives water managers a tool kit to develop best public participation practices in their implementation work.

Unfortunately, these positive developments did not result in transparency and public participation principles being applied to the final decision-making body of the CIS process – the EU Water Directors’ Conference - which is still not accessible to NGOs. The EEB is also concerned that Member States do not adequately involve NGOs in the pilot testing of the EU implementation Guidance Documents in 2003/4.



SUBSTANTIAL SUPPORT FOR THE WFD IMPLEMENTATION

The EEB is concerned that financial capacities and human resources in the WFD implementation process remain insufficient at almost all levels. The Commission has failed to provide its services with sufficient resources to ensure the necessary coordination and integration of the different thematic activities. National experts have been complaining about their lack of resources, with some Member States and Accession Countries even unable to attend all relevant meetings.

Most importantly, financial support is critical at the national level. So far, it seems to be insufficient in most cases to deal with the complex and integrative tasks of the WFD.

¹ *Guidance on public participation in relation to the Water Framework Directive. Active involvement, Consultation, and Public access to information. Endorsed by Water Directors, Dec 2002, http://forum.europa.eu.int/Public/irc/env/wfd/library?l=/framework_directive/guidance_documents/public_participation_guidance&vm=detailed&sb=Title*



EXTENDING SUSTAINABILITY RULES TO ALL WATER USES

The EEB is disappointed about the Commission's and Member States' lack of ambition in enforcing sustainability rules for all water uses, particularly the reluctance to fully address water transfers, hydropower, flood defence and navigation, in the WFD implementation.

Prevention of further deterioration: One key requirement of the WFD, which supports sustainable water use, is the “prevention of further deterioration of water status”. The EEB believes that this obligation has effectively been in force since the publication of the Directive in December 2000, however Member States are reluctant to take this obligation seriously with some even claiming that it does not take effect before 2009 or 2012. An outstanding negative example is that of Spain's unsustainable water transfer plans.²

So far, the Commission has failed to clarify and explain this contentious and potentially far-reaching WFD obligation. Nevertheless, the Commission has clearly stated at the plenary sitting of the European Parliament on March 15, 2001, that this obligation is about “avoiding the repetition of errors of the past” and that it has been legally binding since December 2000.

Heavily modified water bodies (HMWB): Under specific conditions, the WFD permits Member States to designate water bodies as ‘heavily modified’ and thus to set less stringent environmental objectives. This HMWB clause acknowledges that it may not be practical or desirable to return some water bodies to a pre-engineered state by removing significant water constructions such as dams or concrete embankments. However, the EEB is concerned that Member States might abuse this clause by applying a lax interpretation of the designation tests and conditions for HMWBs. Such a practice would clearly violate the purpose and spirit of the WFD and lead to significant water uses being excluded from the Directive's overall requirement of sustainable water management.

² Spain passed a law called ‘National Hydrological Plan’ in July 2001, which will cost more than 20 billion Euro. It includes 889 water infrastructure projects and one major transfer of 1000 million m³ of water per year from the Ebro river in the north east of Spain to the south west.

The EU guidance on implementation³ confirmed these fears: Mediterranean Member States and Member States with extensive hydropower operations opposed the WFD's strong legal requirements regarding water quantity management. Water extractions from water discharges and artificial changes to natural water flow in it self do not normally justify the designation of a water body as heavily modified, unless they result from major infrastructure works, like dams. Thus the Member States concerned tried to broaden the definition of a HMWB to automatically include water extractions and discharges. Other Member States and the Commission preferred the strict definition. The EU Water Directors finally adopted a compromise position⁴ which may allow the designation of HMWB on the basis of extractions and discharges alone, thereby potentially lowering the required environmental standards and undermining the original intention of the WFD.



INTEGRATED WATER MANAGEMENT

The integration of water protection objectives into other policy sectors remains the most challenging task of the Commission and Member States. The CIS had little to offer on this issue, the important development of a Guidance Document on “river basin planning” did not cover the integration of activities within the river basin. Nevertheless, an encouraging Commission paper about the links between the WFD and the EU's Common Agricultural Policy (CAP) has been presented⁵ pointing out some possible mechanisms to reduce the damages from the CAP. On the other hand, Member States and the Commission have failed yet to include the WFD on the cross-compliance list for EU agricultural funding or

³ *Guidance Document on Identification and Designation of heavily modified and artificial water bodies, endorsed by Water Director, Nov 2002*
http://forum.europa.eu.int/Public/irc/env/wfd/library?l=/framework_directive/guidance_documents/modified_guidance&vm=detailed&sb=Title

⁴ *ibid.* page 25, para 2 and 3

⁵ EC Working Document “The Water Framework Directive (WFD) and tools within the Common Agricultural Policy (CAP) to support its implementation” 7 Feb 2003

on the list of new environmental standards under the CAP allowing temporary support for farmers complying with WFD objectives. The Commission Services have been reluctant to apply, or they have been silent about, WFD objectives and principles as a precondition for EU Structural and Cohesion Funds.



A ROBUST DEFINITION OF GOOD ECOLOGICAL STATUS

“Good ecological status” is the second highest ecological standard of the WFD five tier classification scale for surface waters and the overall objective of the WFD to be achieved in 2015. However, it remains an open question what “good ecological status” will eventually mean in practise. Member States and the Commission have failed to engage in an open debate with experts and concerned citizens. Thus, an important opportunity has been missed to increase public and political interest and to ensure general acceptance of the WFD.

The development of the important Guidance Documents on typology, reference conditions, and classification⁶ and intercalibration⁷, has been partly dominated by Member States trying to avoid strict and comprehensive quality criteria by continuing to use their old assessment tools. However, none of the currently used national water quality assessment tools are suitable to meet the assessment requirements of the holistic WFD approach.

Some Member States questioned the necessity to use physical and chemical elements, such as temperature, oxygen and nutrient concentrations, in determining the ecological status of rivers and other water bodies, although this is clearly

⁶ *Guidance on typology, reference conditions and classification systems FOR transitional and coastal waters, endorsed by Water Directors, Nov 2002*
http://forum.europa.eu.int/Public/irc/env/wfd/library?l=/framework_directive/guidance_documents/transitional_classification&vm=detailed&sb=Title

⁷ *Towards a guidance on establishment of the Intercalibration network and on the process of the Intercalibration exercise, draft Guidance of the Working Group, Dec 2002*
http://forum.europa.eu.int/Public/irc/env/wfd/library?l=/framework_directive/guidance_documents/intercalibration&vm=detailed&sb=Title

required by the Directive. The problem has been solved by recognising that physical and chemical parameters are essential to control the biological quality assessment. The Guidance Documents also emphasise the WFD principle that if one of the physical, chemical or ecological parameters fail to meet the standard, the water body fails the “good ecological status” altogether. These clarifications are an important step towards a robust assessment methodology.

The intercalibration exercise is aimed at ensuring that good status in e.g. Sweden is, in principle, comparable with good status in Italy. However, it still needs to be carried out. Comparability depends on Member States’ willingness to supply complete data on all biological quality elements for the reference sites.

At present, the short time remaining for undertaking the intercalibration exercise is being cited as a reason for Member States to undertake only a limited exercise, comparing a restricted number of pressure/impact relationships in a tightly defined number of water body types. Member States are as yet under little or no pressure to collect new data where gaps exist. This could result in a total failure to intercalibrate little understood or sampled biota, or to attempt understand and take account of the effects of poorly studied pressures, such as some physical modifications of the water environment. The result may be that only ‘traditional’ indicators are compared, driving a classification system which confirms, rather than challenges, traditional standards for the management of water. A CIS expert group on lakes acknowledged the fact that even existing data has been collected in such differing ways that it cannot be meaningfully compared, and that a new data collection and analysis exercise for the purposes of intercalibration is required. To manage some of these problems, a re-iteration of the intercalibration exercise after the establishment of surveillance monitoring programmes in 2006 is desirable. However, it remains to be seen if this is politically and legally viable.

Ideally, Member States should support the setting of ambitious and harmonised boundaries between good and moderate status, thus fixing the lower threshold of good status.

Overall, the EEB believes that the results are mixed, with some positive developments on the technical side and a missed opportunity to increase public awareness. In the following years the intercalibration process will be the most crucial for the success of the WFD. As yet, the potential gap in standards between those proposed by countries with relatively undisturbed water environment systems (for example some Scandinavian or Eastern European systems) and those with systems heavily impacted by industrial pollution and intensive agriculture has not been exposed. The intercalibration process will reveal this. It will be crucial to ensure that the principles of true reference conditions and establishing a common degree of deviation from these to define good status are not undermined by political horse-trading.



NEW ECONOMIC TRANSPARENCY FOR WATER USE – LAYING THE FOUNDATIONS TO GET WATER PRICING RIGHT

Member States and the Commission endorsed a Guidance Document on the economic analysis of water uses⁸, which the EEB regards as an important step towards an operational and comprehensive economic assessment of river basins. If applied correctly, this guidance should deliver valuable information on environmental and resource costs to the public and decision-makers, helping water pricing to reflect the Polluter Pays Principle.

Nevertheless, the development of the guidance showed the reluctance of some Member States to include all water services. They attempted to exclude hydropower, navigation and self-services (e.g. farms or enterprises with own access to water resources) in the definition of water services. This would have automatically removed these activities from the assessment of environmental and

⁸ *Economics and the environment – the implementation challenge of the Water Framework Directive. A Guidance document, endorsed by Water Directors, June 2002*
http://forum.europa.eu.int/Public/irc/env/wfd/library?l=/framework_directive/guidance_documents/economic_wateco&vm=detailed&sb=Title

resource costs and the implementation of the polluter pays and cost-recovery principle despite their considerable negative impacts on the aquatic environment.

However, the lobbying by self-interest groups was resisted, and Water Directors agreed that, by definition, Water Services include all services (public or private) of extraction, impoundment, storage, treatment and distribution of surface water or groundwater, along with wastewater collection and treatment facilities. This is an important step to make sure that Member States effectively include hydropower, navigation and self-services in their environmental cost assessment for each river basin.



MAKING THE POLLUTER PAY AND CREATING POSITIVE INCENTIVES

Besides the very helpful WFD implementation guidance on economic analysis, the Commission published a forward-looking communication on water prices COM (2000) 477 on July 26, 2000. Unfortunately, the European Parliament could not agree on a coherent and constructive position regarding that communication, with the political debate blocked on the closely related issue of water service liberalisation and privatisation.

However, much remains to be done to phase-out “perverse” subsidies in the water sector, particularly those applied at EU and Member States levels. For instance, the Commission is presently hesitating to take a clear position on the Spanish request for EU funds for highly unsustainable water transfer schemes (termed the Spanish National Hydrological Plan). This hesitation leaves doubts about the Commission’s political willingness to strictly enforce compliance with WFD obligations where important national infrastructure plans are concerned.

Furthermore, Member States and the Commission have failed yet to include the WFD on the cross-compliance list for EU agricultural funding or on the list of new environmental standards under the CAP allowing temporary support for farmers complying with WFD objectives. The EU has thus missed an excellent opportunity to direct financial aid to farmers in a way that would directly support the objectives set out in the WFD. Instead, the CAP reform is proposing to increase subsidies to the Dairy sector (one of the worst culprits for water pollution in Europe) from 2004 to 2012, and limit extra resources for environmentally sustainable farming measures.



PROTECTING GROUNDWATER FOR FUTURE GENERATIONS

At the moment, groundwater protection relies solely on the 23-year-old Groundwater Directive (80/68/EEC) which the WFD repeals in 2013. Because the WFD does not contain comprehensive provisions for protecting groundwater against chemical pollution, it requires the Commission to propose a new Groundwater Directive. This should have been done by December 2002, but the Commission missed this date. The EEB is also concerned that the Commission Working Papers⁹ on this issue are heading in the wrong direction, and are potentially weakening existing groundwater protection standards. Instead of elaborating strategies for the protection of the remaining unpolluted groundwater and for the prevention of the input of hazardous substances into groundwater, the Commission has focused on statistical and monitoring requirements and established further exemptions from strict groundwater protection.

⁹ Commission working paper from 20.02.2003, "DRAFT 1.0 - COMMUNICATION FROM THE COMMISSION Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing strategies to prevent and control pollution of groundwater".



CESSATION OF EMISSIONS OF ALL HAZARDOUS SUBSTANCES

The Commission has rapidly developed the first list of priority substances, including hazardous substances such as mercury, cadmium, benzene compounds, and various pesticides, for which the WFD requires a cessation of all emissions, discharges and losses into the environment. The methodology applied – combining monitoring data and intrinsic hazard information – is a suitable basis for precautionary action. The EEB believes that the general methodology should be maintained and its scope widened when revising the priority list every four years - as set out in the WFD. The European Parliament and the Council have swiftly adopted the Commission's proposal and methodology with their decision No 2455/2001/EC from November 20, 2001, establishing the list of priority substances in the field of water policy.

After this encouraging start, the Commission unfortunately has not managed to keep to the timetable and propose which other substances on the priority list should be finally identified and regulated as hazardous. For instance, Parliament and Council have requested that a number of pesticides are to be checked whether they are hazardous. The Commission has not yet made clear if it will identify pesticides as hazardous under the WFD before the EU pesticides authorisation procedure has concluded its work. The EEB believes that the WFD hazard identification should override pesticides legislation, since it does not provide for water protection criteria equivalent to the WFD.

More generally, the EEB was seeking clarification from Commission and Council about the obligations laid down in the WFD regarding the implementation of the OSPAR Convention on the Protection of the North-East Atlantic (to which 12 Member States and the Commission are party). In reply, the Commission and several Member States have expressed their commitment to cease all emissions of priority hazardous substances, thereby fulfilling their obligations under the OSPAR Convention.

Overall, the EEB is disappointed by the political hesitation in the EU regarding hazardous substances used in pesticides or in consumer products. Given the present slow pace of developments, especially of the EU Chemicals Policy Reform, it seems unlikely that the first hazardous substance will be phased out under the WFD in the near future.



IMPLEMENTATION AND ENFORCEMENT OF EXISTING WATER AND NATURE PROTECTION LEGISLATION

Implementation and enforcement of water and nature protection legislation in the EU remains poor. Currently there are 158 open cases¹⁰ (those awaiting judgement by the European Court of Justice or responses from Member States) in the field of water and 564 in the field of nature. The number of new cases each year remains at a high level.

The European Commission does not have the resources to deal with citizens' complaints, about non-compliance with EU laws, in a timely and transparent manner. The EEB has requested that the Commission reviews and amends the procedures to increase their effectiveness. So far, no such measures have been taken.

In 2000, for the first time in EU history, the European Court of Justice imposed a fine on a Member State for breaching an EU environmental law¹¹. At the time, this ruling was celebrated as a milestone for EU law enforcement. In fact, it has turned out to be a one-off action, which did not set a significant precedent.

¹⁰ *Complaints, Commission's initiatives and Infringements*

¹¹ *ECJ judgement from 04.07.2000 against Greece C-387/97*

3. Conclusion

NGOs have welcomed the commitment to public engagement shown by the Commission and the Member States in introducing the Common Implementation Strategy. We have found the participation in the CIS process to be very informative and consider that, in general, the Guidance Documents produced can be used to provide meaningful results for all Member States. The Guidance Documents deviate from best practice only in a few cases. However, in the process, a few useless and potentially damaging compromises have been negotiated, such as in the case of the WFD's quantitative water management requirements, relevant to hydropower and self-services.

The EEB noted throughout the WFD implementation process that Member States were hesitant to focus their work on best practices, to achieve the overall objective and fulfil the spirit of the WFD. Many Member States have the tendency to follow a minimalist legal approach, and to focus on reaching an agreement about the minimal reporting requirements to the Commission. The EEB is concerned that the Guidance Documents, which provide narrow or lax interpretation of the WFD obligations, could restrict the Commission politically in pursuing Member States which breach the WFD.

Apart from the development of voluntary and legally non-binding Guidance Documents, there are various other policy and legislative developments which directly or indirectly influence the future outcome of the WFD. The most important issues are the Common Agriculture Policy Review, EU regional funding policies and the new water legislation concerning chemical pollution and groundwater protection.

The Spanish National Hydrological Plan must be regarded as the first big challenge to the new EU water policy under the WFD. The Spanish plans for extensive transfers of water from North to South are intended to satisfy the increasing water needs of unsustainable tourism and agriculture in Southern Spain. The plan is clearly unsustainable as it will destroy many nature conservation sites and upset the balance of entire river systems. There can be no doubt that the Spanish National Hydrological Plan is violat-

ing key obligations of the WFD. Any provision of EU funding for this project would destroy the credibility of Europe's entire environmental legislation. (Spain intends to ask for more than 7 billion Euro in EU funding). The Commission has not taken a position yet but is engaged in a 'technical' dialogue which is not the primary role of the Commission being the guardian of the EU Treaty. The EEB is extremely concerned about the Commission's position as it has recently stated that it regards the WFD as 'silent' on projects such as the Spanish National Hydrological Plan¹².

Taking all these different developments into account, the EEB considers that the EU is on the right path concerning:

- increased transparency and public participation in water management; and
- the provision of more economic transparency.

The EEB is less satisfied with the following developments:

- integrated water management;
- providing clarity and robust assessment tools for the main WFD objective - the good ecological status;
- cessation of emissions of hazardous substances; and
- willingness to improve the implementation and enforcement of existing legislation.

On the negative side, the EEB criticises:

- lack of support for WFD implementation;
- half-hearted application of sustainability rules for all water uses;
- hesitation to implement the Polluter Pays Principle and to phase out perverse subsidies; and
- lack of political will to prevent the entry of pollutants into groundwater and to embrace concepts protecting groundwater for future generations.

¹² Statement of Commission's representative during the Green/EFA Conference on "Water Transfers", 6 May 2003, European Parliament, Brussels.

4. What next? The way forward

Continuation of the Common Implementation Strategy (CIS)

The EEB supports the continuation of the CIS with a focus on developing a better understanding, and ambitious criteria and status boundaries for the assessment of ecological status. Current water quality assessment systems used by national authorities are insufficient to satisfy the holistic ecological status assessment requirements of the WFD. New methodologies, which are already available or in development, have to be used to extend the scope of current systems – otherwise the Directive is doomed to fail.

All Guidance Documents need to be rapidly tested in the pilot river basins, ensuring full participation of environmental NGOs.

Critical use and improvement of Implementation Guidance Documents

Guidance Documents need to be improved and restructured – combining all documents in one manual – in order to make them understandable and accessible for authorities and the public. NGOs should use the Guidance Documents to assess how their governments/authorities are progressing in WFD implementation. However, the ultimate reference remains the WFD's legal text, especially in cases where the Guidance Documents deviate from best practice approaches, provide unjustifiably narrow legal interpretations or remain ambiguous in their meaning.

Observer status in Water Directors' meeting

One of the problems during the CIS process was that NGOs were only permitted to contribute and participate at the technical and coordination level. EU Water Directors still take their decisions behind closed doors. The EEB's continued request for observer status to the Water Directors' meetings has so far been rejected.

Challenging and watching Member States' implementation on controversial issues

Controversial issues in the Guidance documents, such as heavily modified water bodies (HMWB), show where Member States are anticipating problems and may try to evade WFD obligations. NGOs will have to continuously challenge Member States in these cases. The EEB also wants to remind the Commission that Guidance Documents are not legally binding. In the end, the WFD is the ultimate and exclusive legal basis for the Commission's task to check compliance.

Groundwater protection

The EEB demands that new legislation achieves:

- 1. Protection of pristine and near to pristine groundwater from deterioration;**
- 2. The prevention of hazardous inputs into groundwater; and**
- 3. The limitation of all other pollutants in groundwater in order to achieve Article 4 WFD objectives and to progressively reduce the level of purification treatment needed to produce drinking water.**

So far the Commission has failed to address these objectives in a coherent way. Instead it is proliferating confusion about terminology and definitions.

Cessation of hazardous substances

The Commission must rapidly identify all hazardous substances on the WFD priority list, based on available hazard information, without waiting for the conclusion of the pesticides or other assessment processes. The emission controls to be presented by the Commission by the end of 2003 for priority hazardous substances must phase out all hazardous emissions as soon as possible. Quality standards for such substances are not an acceptable implementation of the phase out objective and can only be temporary benchmarks on the road to zero concentrations for synthetic and background concentrations for natural substances. The EEB further expects the revision of the priority list in 2004/5 to add a number of new substances.

CAP and EU Structural Funds

Water and agricultural policies are inextricably linked. Therefore, the EEB demands the mid-term CAP review to include the WFD as a statutory standard for mandatory cross compliance. Progress towards a more environmentally sound agricultural policy could thus, be ideally combined with the implementation of the WFD.

Member States' requests for EU Structural Funds for any construction and infrastructure works in the water sector, including dams for hydropower and water transfers, must be conditional to the strict compliance with all WFD requirements for such construction works.

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