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Post 2027 scenario

Realising the Water Framework Directive

Summary

The Water Framework Directive (WFD), adopted in 2000, was a ground- breaking Directive as it set out a journey to achieve 'good status' for water bodies by 2015. However, since then the implementation of the WFD has revealed some issues, especially concerning the way the status of a water body is defined and assessed at Member State level. This position paper aims at describing the shortcomings in the tools for status assessment and the role played by exemptions, with a focus on the implications for water services in Europe. It also intends to suggest possible solutions that could be part of the future revision of the WFD in order to uphold the main goal of the directive: the protection of European water bodies even after 2027.

Background

The Water Framework Directive (WFD), adopted in 2000, was a ground- breaking Directive as it set out **a journey to achieve 'good status' for water bodies by 2015**. It embraces a water management model based on the river basin - the natural geographical and hydrological unit - instead of administrative or political boundaries.

The holistic nature of the directive is reflected in the River Basin Management Plans adopted by Member States, which aim at identifying pressures on the aquatic environment. Measures tackling these pressures, are proposed and financed by Member States according to dedicated Programmes of Measures.

However, at the time of adoption, the efforts required to implement the provisions and to achieve the objectives, were neither clearly known, nor fully costed. This is why, to support its implementation, elements such as technical feasibility, disproportionate costs, natural conditions and time extensions are enshrined in the Directive itself.

As the status of water bodies depends on the cumulative impact (both current and historic) of several activities carried out by various sectors, as well as on natural conditions, it is not often straightforward to establish causal links between pressures and impacts.

Furthermore, given the complex interactions between various pressures and surface water ecology and groundwater conditions, it is challenging to build River Basin Management Plans that have a high degree of certainty.

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1. Water Services as Asset Managers

Water services operate within a strict regulatory framework. They have to satisfy their customers' needs while complying with environmental obligations. In order to do that, water professionals have to operate and maintain, resilient, sustainable and affordable assets on the long term.

Water services are required to ensure that drinking water and waste water treatment works and networks address the following needs of the communities they serve:

- ~ Maintenance to keep existing equipment functioning, or improve its operability
- ~ Adaptation of plants and networks according to population changes
- ~ Adaptation to new or revised legal obligations
- ~ Enhanced performance which is not part of formal obligations

Water services make investment decisions across their whole asset bases, which can cover up to an entire region of a Member State. Moreover water services assets have, by their own nature, low flexibility. In the case of drinking water and waste water infrastructures, these decisions span into the long term (50 years and beyond). This is why a stable legal environment is needed to allow for the effective planning of investments on these assets. This is the precondition to deliver efficient and sustainable water services.

The requirements regarding the achievement of good status for water bodies have to take into account the necessary time for the implementation of technical solutions. These solutions need also time to deliver their effects on the ecosystems and the time horizon to reach good status is often unknown.

Whilst regulators decide on environmental requirements, there may be more than one option to reach the objectives. Concerning the technical limits, water services are best positioned to determine which approaches are implementable at which scale, and estimate the costs associated with the efficiency of the environmental investments. It is therefore vital that the authorities developing River Basin Management Plans (RBMPs) work closely also with water services to produce optimal deliverables according to the available finances.

2. The current definition and assessment of the water bodies' status: the one-out-all-out principle and the reference conditions

The one-out-all-out principle

The assessment of the status of water bodies, as described in Annex V of the WFD, is based on the one-out-all-out principle. This system monitors the status of all water bodies across Europe in their path to reach the 'good status' and it should not be fundamentally changed.

The classification system according to the one-out-all-out principle describes the elements to be considered when assessing status for surface waters and groundwater.

'Good status' is reached when all the elements (quality, quantity morphology…) are met, as described in Annex V: if one fails, the 'good status' is automatically not achieved.

The approach based on the one-out-all-out principle, masks and distorts the reality of the water body quality since it provides only a snapshot of its 'status' and focus the attention only the lowest quality elements.

The result is that trends and changes over time are not shown, and individual quality elements characterising 'good status', are not highlighted. The snapshot does not reflect if any part of the status of a water body is 'Good'.

Since the improvement of the quality of water bodies is difficult to show, it is challenging for relevant authorities to justify the investments made and those needed in the future to continue on their path towards 'good status'. The same difficulties may also be found for good ecological potential for heavily modified or artificial waters.

In light of the above, when communicating progress in the quality of water bodies, there should be a commonly agreed additional tool for Member States to show the improvements, such as a set of biological or chemical parameters assessed over time (e.g. some microbiological parameters are already included in the Bathing Water Directive). In parallel, hydromorphological or quantitative status could be looked at on their own.

In doing so it will be clear which sectors are successfully contributing to the improvement of the water bodies and to what extent investments are producing positive outcomes.

The separate assessment would depict the partial success, without hiding the deficits of other elements characterising the status. All the above-mentioned element could be used to define and introduce an indicator showing 'distance to compliance'.

As operators and asset managers, EurEau members carry out actions to improve water bodies' quality. These actions are mainly financed through customers' water bills (tariffs), national budget (taxes) and EU funds (transfers).

However, on the basis of the one-out-all-out rule, the lack of a system identifying the

origin of the pollution, creates a reverse incentive in the cases where measures have to be taken by many sectors (agriculture, industry, energy sector) to improve the quality of the water bodies. Under the current system, it is impossible to understand which sectors are both contributing and delivering and those that are lagging behind.

Furthermore there are cases where this principle can hinder environmental projects such as the construction of a waste water treatment plant to respond to the obligations stemming from the Urban Waste Water Treatment Directive because the receiving water body quality would deteriorate.

From the point of view of water services, the one-out-all-out principle creates a dilemma. On the one hand, it can be seen as the cornerstone for the protection of water resources by putting pressure on Member States. On the other hand, it makes it difficult to justify the huge investments already made (mainly by the water sector), and those still needed. We see the potential risk of wide scale disengagement by Member States in protecting water resources.

Reference conditions

Reference conditions set the ambition level against which 'good status' is assessed and the direction for status improvements is given. The data used to establish these reference conditions are just as important as the data used to monitor the existing status of a water body when the classification takes place.

In fact multiple factors, apart from the anthropogenic actions, influence the elements characterising the status. These factors include natural inflow of elevated levels of certain chemicals, natural background concentrations of certain elements and the impact of climate change. The latter will change the ecosystems, but on a much larger scale than what can be controlled at the river basin scale. Climate change will have an impact on the possibility of reaching the reference conditions and by that of reaching good ecological and chemical status.

Among other factors the post-glacial rebound (the rising of land) in Finland, Norway and Sweden or natural sediment transport, may also lead to a change of conditions for rivers and lakes. These phenomena impact both the ecological reference conditions and the chemical status.

RBMPs should integrate the impact of other factors or pressures on water bodies apart from the human activity.

3.Cases for exemptions

As outlined in Article 4 of the WFD, Member States can apply exemptions under certain conditions (see CIS Guidance Document No 20 on exemptions to the environmental objectives).

A WFD revision should consider the currently uneven regime of exemptions as applied by Member States and provide guidance for deciding on them. Frequent and non-transparent use of exemptions should be avoided and exemptions should be granted

under rigorous planning and control.

From the water services point of view exemptions that lower the ambitions towards achieving 'good status' should be avoided as much as possible and at the same time enable the society to develop in line with the overall ambition of sustainability stated in the Article 3 of the Treaty on European Union. Taking into account local circumstances, exemptions should not be allowed in areas designated for drinking water abstraction under art.7.3 of the WFD (on non-deterioration of the quality of the water body used for drinking water abstraction and the reduction of the level of purification treatment required in the production of drinking water).

Exemptions should avoid that water utilities alone are the ones bearing the burden of possible follow-up measures, but all sectors responsible for the situation justifying the exemptions, should be held accountable.

WFD post 2027

EurEau supports the view that timescale extensions should not be used as an excuse to avoid required investment in measures necessary to achieve 'good status'. These measures are supposed to be taken by 2027, although it must be acknowledged that natural recovery processes, to be visible, might need longer timeframes. When the WFD was adopted there was no clear view, at either Member State or River Basin level, of the type of actions required in the Programme of Measures, of the extent to which good ecological status could be achieved and the necessary lead-time.

It is therefore suggested that the European Commission and Member States carry out a critical analysis of the reasons why objectives have not been reached. Improving water quality should be considered as a continuous process; it is important to maintain the current level of ambition without changing the general WFD objectives. Nevertheless an extension of the deadline beyond 2027 should be considered.

The WFD could further develop a rolling system under which Member States produce multi-cycle plans as a systematic approach, to properly contextualise improvements anticipated in individual cycles, and provide the relevant "within-Plan" milestones. This approach would also help to ensure that appropriate monitoring for improvements in Status is identified and introduced at the appropriate time.

Whenever timescales are extended, it must be remembered that the principle of 'no deterioration' continues to apply. This concept itself needs to be analysed according to those changes that are population driven, and those that relate to changing natural conditions, including climate.

4.Changing the approach

EurEau members are convinced that the environmental objectives of the WFD are good and should be maintained.

EurEau feels the necessity to change the approach in communicating progress towards the achievement of 'good status' to reflect the improvement taken place through the

investments made so far and to clearly identify where the responsibilities fall for not achieving 'good status'.

The lack of a holistic approach to water pollution has increasingly led to end-of-pipe solutions rather than 'source control' measures, making the burden of investment fall on the shoulders of consumers financing these measures via their water bills. This situation should result of a sound and transparent public debate, also ensuring that the different stakeholders support the decisions and their implementation politically and financially.

Policy coordination between the WFD and other relevant European legislation is fundamental to deliver the WFD goals[1].

Improving water quality should be considered as a continuous process; it is important to maintain the current level of ambition for the protection of water resources. For these reasons an extension of the deadline beyond 2027 should be considered.

About EurEau

EurEau is the voice of Europe's water sector. We represent drinking and waste water service providers from 29 countries in Europe, from both the private and the public sectors.

Our members are the national associations of water services in Europe. At EurEau, we bring national water professionals together to agree European water industry positions regarding the management of water quality, resource efficiency and access to water for Europe's citizens and businesses. The EurEau secretariat is based in Brussels, from where we coordinate the work of around 200 experts from member organisations and utilities and advocate common positions with EU decision makers.

Our members are fully committed to the continuous supply of clean water and its safe return into the water cycle. We have a role in raising awareness of threats to the water environment. With a direct employment of around 500,000 people, the European water sector makes a significant contribution to the European economy.

[1] For more details, refer to the EurEau position paper 'The need for greater EU policy coordination: realising the Water Framework Directive'.