



# Recent developments of EU environmental law

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Water protection and the EU water legislation

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This contribution reflects the views of the author and not necessarily those of the European Commission.





## Disclaimer

*The timetable and actions included in this presentation reflect the current thinking of the Water Unit in DG Environment*

*Neither the actions nor the timetable have been formally validated by the Commission*

*Therefore, none of the information provided should be understood as a formal commitment from the European Commission*





## Recall of the obligations

*For MS: to adopt the 2<sup>nd</sup> RBMP and 1<sup>st</sup> FRMP by 22/12/2015 and report those to COM by 22/03/2016*

*For COM:*

- **to publish an implementation report by 2018 (WFD Art 18, FD Art 16)**
- **to review the Directive by 2019 (Article 19)**

*For COM: to follow the Commission's better regulation guidelines and inter-institutional agreements*

## Tentative timetable\*



	2016			2017				2018				2019	
	2Q	3Q	4Q	1Q	2Q	3Q	4Q	1Q	2Q	3Q	4Q	1Q	2Q
Assessment of Plans	■	■	■	■	■	■							
Supporting studies	■	■	■	■	■	■	■	■	■	■	■	■	
Commission implementation reports								■					
European Water Conference 2018									■				
Review process								■	■	■	■	■	■
Review report													■



## Main (tentative) milestones\*

- Roadmap to be published by the Commission end of 2016 – early 2017 (political validation of actions and timetable)
- Main assessment period in autumn 2016 – spring 2017
- Informal consultations on findings over spring-summer 2017
- Finalisation of the Commission's implementation reports last trimester 2017
- Implementation report to be published by January 2018
- Supporting studies and projects on-going 2017-2018 (economic study, JRC governance project, in-depth integrated assessment)
- Public consultation on the review first trimester 2018 (formal kick-off of the review process)
- European Water Conference in April 2018 in Estonia, back-to-back to informal Environment Council
- Review report to be published 2<sup>nd</sup> trimester 2019
- All process informed by regular discussions at SCG/Water Directors meetings

\* Not formally validated by the European Commission yet



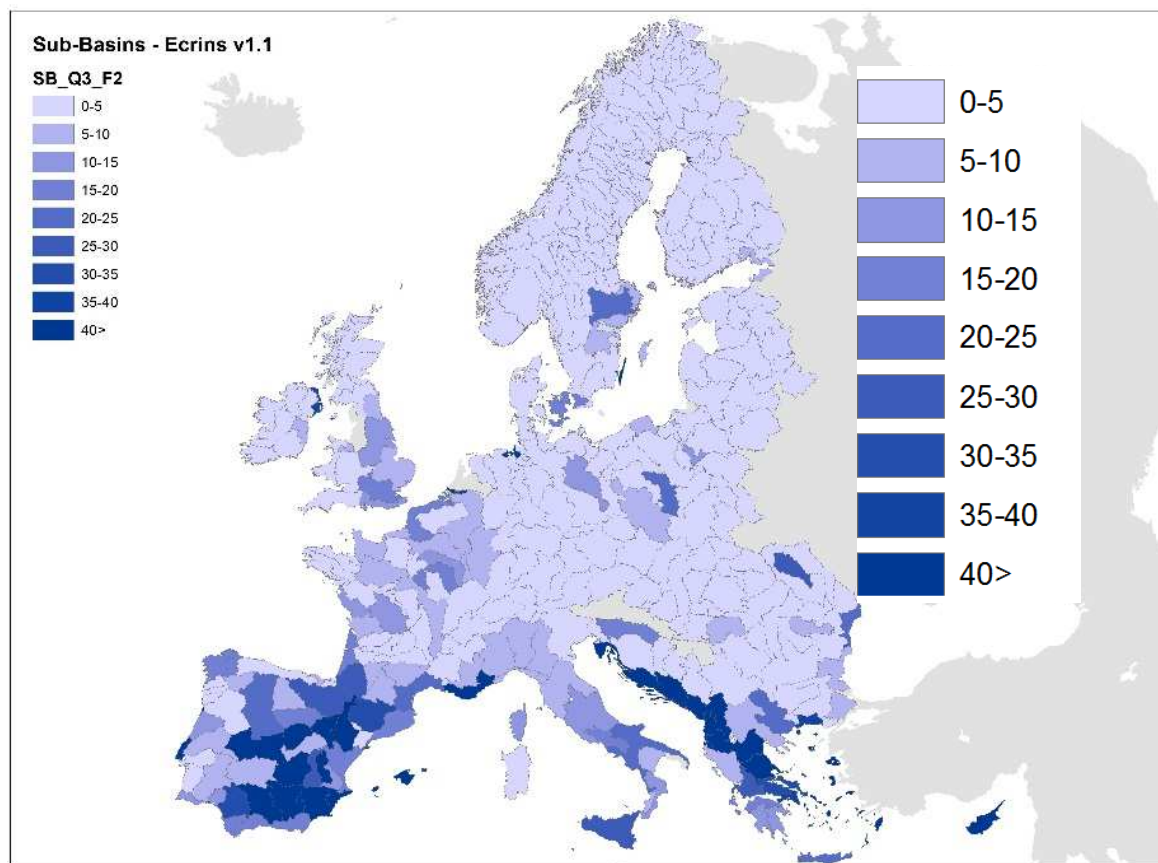


# **EU initiative on Water Reuse**

## **POLICY BACKGROUND**



## Water scarcity and droughts continue to affect:



Source: Preliminary work Water Exploitation Index plus – Water stress prone areas across Europe (2002-2012), EEA.

- 14% total population of Europe under water stress conditions during summer.
- Many river basin districts face structural water stress issues, mainly in the Mediterranean.
- Agriculture in the Mediterranean region alone accounts for almost 75% of total water used for agriculture in Europe.



# Water reuse in Circular Economy

- **EC Communication: "Closing the loop – An EU action plan for the Circular Economy"** (December 2015):
  - **Section 4. From waste to resources:** boosting the market for secondary raw materials and **water reuse**.
  - List of follow-up initiatives (Annex):
    - 1. Reuse in integrated water planning and management** → CIS Guidelines.
    - 2. Minimum quality requirements for water reuse for irrigation & GW recharge** → legislative proposal.
    - 3. Water reuse in industrial activities** → BREFs (Best Available Techniques Reference Document).
    - 4. Support to research and innovation**
    - 5. EU funds for investments in water reuse**







# Drinking Water Directive

## **- Implementation Report**

*The Commission published in October 2016 the Synthesis Report on the Quality of Drinking Water in the Union examining the Member States' reports for the 2011-13 period. The report COM(2016) 666 final summarizes the information provided by 27 Member States. The EU Report and country reports per Member State are available on:*

[http://ec.europa.eu/environment/water/water-drink/reporting\\_en.html](http://ec.europa.eu/environment/water/water-drink/reporting_en.html)





## *- Revision of the Drinking Water Directive*

*Drinking water attracted high attention through the European Citizens' Initiative Right2Water. Following its reply to the initiative, the Commission performed a public consultation and a REFIT evaluation of the Drinking Water Directive. A study supporting the evaluation and analysing the results of the public consultation is available at:*

*<https://circabc.europa.eu/w/browse/15386e9d-964e-4274-88ad-5be171c12bd2>*





*The Commission' Evaluation Report is to be adopted by the end of 2016.*

*The Revision of the Directive has been included in October 2016 in the Commission's Work Programme 2017.*

*Preparatory Studies have been launched. An Impact Assessment Study and a Study on Article 10 on products and materials in contact with drinking water will be finalised by the end of 2016, and a cooperation project with WHO to review the drinking parameters is due by summer 2017.*

*Study documents will be available once they are completed on CIRCABC:*

*<https://circabc.europa.eu/w/browse/94aa2cb9-0daf-450f-a601-e6c76fbc8c17>*





# Urban Waste Water Treatment Directive

*Development of the 9th reporting exercise on the implementation of the Urban Waste Water Treatment Directive, and on Article 17 implementation Programmes*

*This Report will reflect, inter alia, the status of the implementation of the Directive in the EU Member States in the year 2014, based on the data reported to the Commission in 2016. Preliminary results will be available by the end of 2016, and the Technical Report will be ready by the first trimester of 2017. 28 Member States Internet platforms will be available*





# Bathing Water Directive

## *2015 Bathing water Report*

*The 2015 report on the results of the implementation of the BWD on the quality of the EU bathing waters has been published on 20 May 2015. Overall, the quality of the EU bathing waters was reported to be very good.*

## *2016 Bathing water report*

*The next reporting exercise has recently (October 2015) been launched. The report will be published before summer 2016 and will also present an opportunity to mark the 40th anniversary of the Directive.*







## WFD - Follow up 2015 / 2016

*4th implementation report (9 March 2015) which also concerns the Floods Directive: a lot has been achieved, but a lot still needs to be done on:*

**better water pricing, controls on water abstraction, industrial plants, pollution from agriculture, use of EU funds**

*See the link:*

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

*Launching first discussions on deficiencies of the first RBMP for improving second RBMP*

## Enforcement

*Water services C-525/11: cost recovery not limited to the supply of water and waste-water treatment. Abstraction, impoundment, storage, etc. may undermine achieving the objectives WFD and may thus be subject to cost recovery depending on the pressures and the other measures foreseen in the RBMP.*

*Ruling of 4 may 2016 in C-346/14 on Schwarze Sulm: Art 4(7) overriding public interest – scale of assessment (local, regional or national?).*



## Enforcement - concept of deterioration

*Preliminary ruling of 1/7/2015 in case C-461/13:  
dredging of the Weser river - how to apply the concept of  
deterioration of Art 4(1) WFD?*



## Ruling C-461/13

*Ruling of 1/7/2015 deals with two issues:*

*Does Art 4(1)(a)(i) to (iii) WFD apply to projects or only to the plans?*

*How to determine possible deterioration of the status of a water body?*

*The case (preliminary ruling) concerned the permit needed for dredging of the Weser river, which was at bad status already.*



## ***Question 1***

*Court: two obligations under Art 4 WFD:*

*prevent deterioration of the status of all bodies of surface water (obligation to prevent deterioration)*

*protect, enhance and restore all those bodies of water with the aim of achieving good status by the end of 2015 at the latest (obligation to enhance).*







## C-461/13 – Art 4(1)(a) applicable to projects?

*Question 1 :*

*Obligations of Art 4 WFD do not amount solely to basic obligations, but also apply to individual projects.*

*MS must refuse authorisation for an individual project where it may cause a deterioration or where it jeopardises the attainment of good surface water status / potential*





## C-461/13 – what is deterioration?

*Question 2:*

*Deterioration: where a quality element of Annex V falls by one class.*

*So, also deterioration where the overall status (defined in annex V) does not fall.*





# Environmental Implementation Review

COMMUNICATION FROM THE COMMISSION TO  
THE EUROPEAN PARLIAMENT, THE COUNCIL, THE  
EUROPEAN ECONOMIC AND SOCIAL COMMITTEE  
AND THE COMMITTEE OF THE REGIONS  
Delivering the benefits of EU environmental  
policies through a regular Environmental  
Implementation Review

Bruselas, 27.5.2016 COM(2016) 316 final



The Environmental Implementation Review (EIR) will give the first comprehensive overview on the state of play of how key environmental policies and laws have been implemented on the ground, mapping areas of excellence and implementation problems in 28 country specific reports.



European  
Commission

# Thank you for your attention !

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More information

<http://ec.europa.eu/environment/water>

