



An Introduction to the EU legislation on water

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Water protection and the EU water legislation



Role of DG Environment – European Commission

Protect and improve the status of EU water resources by regularly reviewing, further developing, helping implement and enforce EU water policy

Objective of EU water policy: ensure access to good quality water for all Europeans, and good status of all water bodies across EU





Legal context

Water Framework Directive (2000/60/EC)

Completing the framework:

Groundwater (2006/118/EC)

Priority Substances (2013/39/EU)

Intercalibration :

2005/646/EC - register of sites

2013/480/EC - results

Extending the scope:

Floods Directive (2007/60/EC)

Marine Strategy Directive (2008/56/EC)





“Old Directives...”

- Repealed by the WFD, such as quality of fish and shell fish waters, quality of waters used for drinking water abstraction, discharges of dangerous substances**





Other Directives

Urban waste water treatment Directive (91/271/EC)

Drinking water Directive (98/83/EC)

Bathing water Directive

- **New (2006/7/EC)**
- **Old (76/160/EEC)**

Nitrates Directive, IPPC, Plant Protection Products – Sustainable use of and Placing on the market etc





Guiding principles of EU law on water

- Ambitious environmental objectives, but allows for flexibility on how to achieve them
- Protection of all bodies of water (rivers, lakes, groundwater, coastal and marine waters) across Europe, based on comparable principles and objectives, and ensuring safe drinking water and sanitation
- One coherent management framework for all aspects of water management, from drinking water quality and waste water treatment to flood protection or water scarcity
- Long-term planning basis for technical, financial and political decisions, from regional and national level to EU level
- European water legislation is neutral on organization and property ownership.





Legal obligation to protect and restore the quality of waters across the EU

Protecting all surface and ground water bodies, including transitional waters and coastal waters

Covering all pressures and impacts on waters

Water management at river basin level





The Water Framework Directive

- ✓ River basin approach
- ✓ International coordination
- ✓ Sets environmental objectives to protect the aquatic ecosystems and legitimate uses (good status by 2015, no deterioration)
- ✓ Instruments: River Basin Management Plans (RBMP) & Programmes of Measures (PoM)
- ✓ Cost recovery
- ✓ Planning cycle every 6 years
- ✓ Public participation

The River Basin Concept

Natural geographical and hydrological unit

A river basin covers the entire river system

110 river basin districts

40 cross-borders districts



Exemptions

- **Article 4.4:** the 2015 deadline - Possible extension until 2021 or 2027
- **Article 4.5:** the obligation to achieve good status - less stringent objectives allowed under certain conditions
- **Article 4.6:** the non-deterioration requirement - temporary deterioration in case of natural causes or "force majeure" can be accepted
- **Article 4.7:** the non-deterioration requirement: permanent deterioration following new modifications to the physical characteristics of a surface water body or alterations to the level of bodies of groundwater, or failure to prevent status deterioration of a body of surface water



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 - 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?





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The Groundwater Directive





Largest freshwater reservoir

Groundwater accounts for over 97% of all freshwaters available on earth (excluding ice caps)





Objective

Achieving good quantitative and chemical status of groundwater by 2015.

The GWD complements the WFD





Obligations for MS under WFD

Define groundwater bodies within river basin districts

Establish registers of protected areas within each river basin districts

Establish groundwater monitoring networks

Set up a RBMP for each river basin district & PoM





sets groundwater quality standards and introduces measures to prevent or limit inputs of pollutants into groundwater.

establishes quality criteria

it relates to assessments on chemical status of groundwater and the identification and reversal of significant and sustained upward trends in pollutant concentrations. Member States should establish standards at the most appropriate level and take into account local or regional conditions.





Inherent links with the WFD

Article 16 WFD:

Sets out "Strategies against pollution of water". List of priority substances (selected from amongst those presenting a significant risk to the aquatic environment)

Article 17 WFD:

Specific measures to prevent and control groundwater pollution aimed at achieving the objective of good groundwater chemical status in accordance with Article 4(1)(b)





WFD and GWD should read together:

- **Definitions: Art. 2 WFD**
- **Objectives: Art. 4 WFD**
- **Characterization: Art. 5 and Annex II WFD**
- **Drinking water abstraction: Art. 7 WFD**
- **Monitoring: Art. 8 and Annex V WFD**
- **Measures: Art 11 WFD**
- **GWD focus on chemical status and trend assessment**





Obligations for MS

Stablish groundwater quality standards

Carry out pollution trend studies

Reverse pollution trends to achieve environmental objectives by 2015

Prevent or limit inputs of pollutants into groundwater

Comply with good chemical status

Review the Directive every 6 years





Art. 4 and Annex III GWD: good chemical status can afford exceedances of TVs if appropriate investigation justifies that

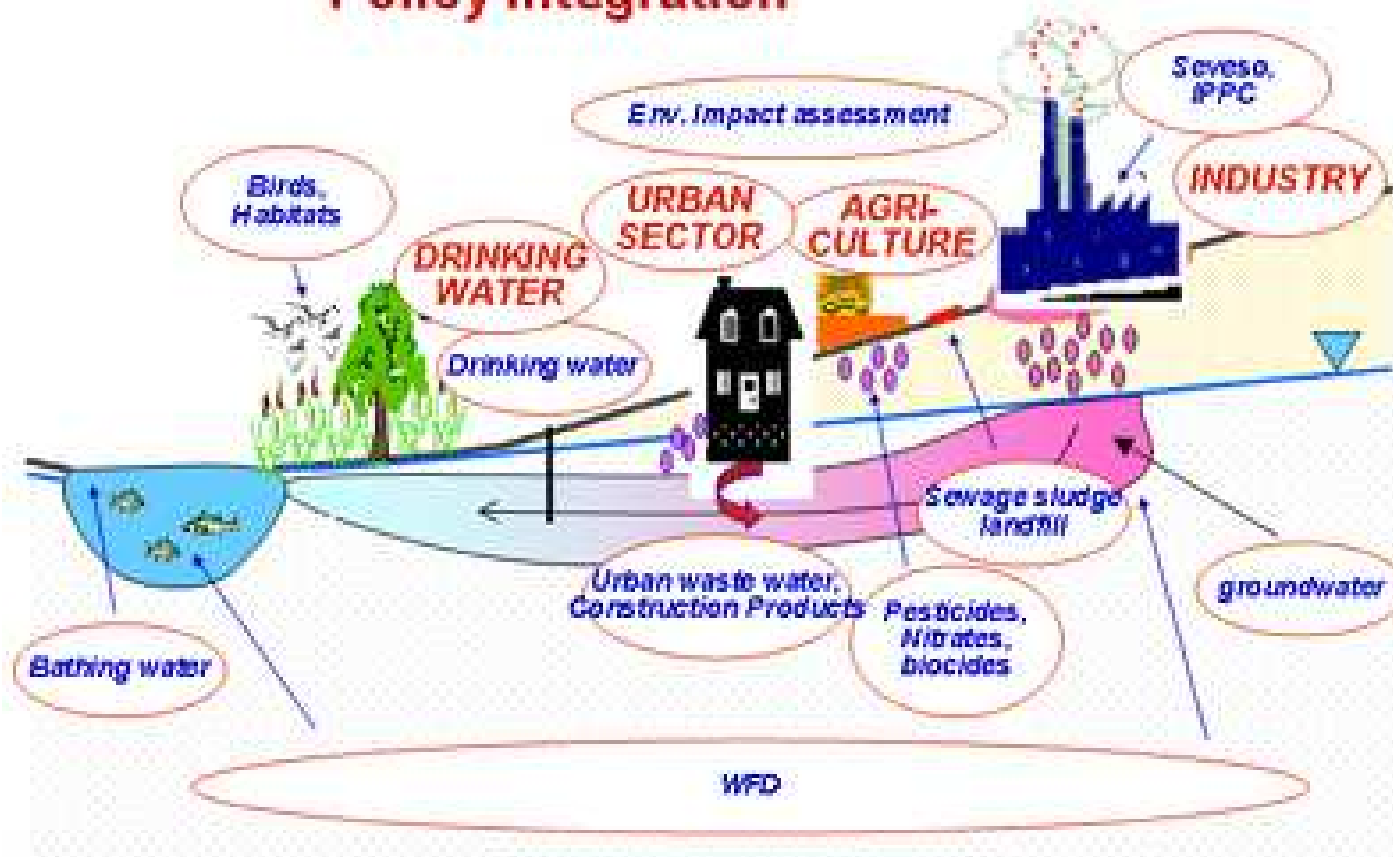
- **There is no significant environmental risk**
- **Associated surface waters and directly dependent terrestrial ecosystems are not endangered and there are no saline intrusions**
- **Drinking waters are protected**
- **Human uses are not impaired**

Measures should still be applied where TVs are exceeded even though the whole groundwater body is considered to be in good status.



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Policy integration





Review of GWD Annexes I and II: proposal

GWD implementation group with MS and stakeholders:

<https://circabc.europa.eu/w/browse/b1a3fb16-0308-479a-8b6d-0c056b6890e4>

Brochure on GWD:

<http://ec.europa.eu/environment/water/water-framework/groundwater/resource.htm>



The Environmental Quality Standards Directive





Objective

establish environmental quality standards to limit the concentrations of certain chemical substances that pose a significant risk to the environment or to human health in surface waters in the EU. These standards are complemented by a requirement to establish inventories of the discharges, emissions and losses of these substances in order to ascertain whether the goals of reducing or eliminating such pollution have been achieved.





Obligations for MS

take measures to ensure that the concentrations of substances that tend to accumulate in sediment and/or biota do not increase significantly





Legal background

- ✓ **Water Framework Directive (WFD) Article 16 requires**
 - **the adoption of specific measures against the pollution of water by individual pollutants or groups of pollutants presenting a significant risk to or via the aquatic environment at EU level (the priority substances);**
 - **the Commission to propose the list of priority substances and identify priority hazardous substances, and to review the list at least every four years;**
 - **the Commission to submit proposals for environmental quality standards (EQS) to be adopted at EU level, and proposals for emission controls.**

- ✓ **WFD Annex X: list of priority substances**

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Environmental Quality Standards

- **WFD general objective: achieve good status (for surface waters: good chemical status + good ecological status) for all waters in 2015**

Good chemical status for surface waters means meeting all environmental quality standards for chemicals set at EU level: 45 priority substances + 8 other substances

- **annual average (AA) concentrations in water**
- **maximum allowable concentrations (MAC)**
- **unit = normally $\mu\text{g/l}$**
- **monitoring requirement for sediment and biota (long-term assessment) (guidance finalised 2010)**





Main principles of the EQS Directive

- Commission proposal 2006 → EQS Directive 2008/105/EC (amended by 2013/39/EU) which:
 - sets standards **in surface waters** for all 45 substances + 8 "certain other pollutants" (from Directive 76/464/EEC)
 - introduces the concept of mixing zones (guidance adopted in 2010)
 - foresees an inventory of emissions, discharges and losses to be the baseline for the assessment of the cessation and phasing-out targets (guidance finalised in 2011)
 - provides the legal basis for a Commission proposal on reviewing the list of priority substances by January 2011, including the EQS setting (revised guidance on EQS finalised in 2011).
- First prioritisation exercise done in late 1990s → 33 priority substances including 13 **priority hazardous substances** (Decision 2455/2001/EC), expanded in 2013 to 45.



Combined approach

- Art. 10 of the WFD: discharges into surface waters are controlled for point and diffuse sources based on a combination of **emission controls** and **environmental quality standards**
 - Emission controls including emission limit values, and best environmental practices set out in: IPPC, Urban Waste Water Treatment Directive, Nitrates Directive, other relevant Union legislation
 - EQS set out in the EQS Directive
- *“Where a quality objective or quality standard (...) requires stricter conditions than those which would result from the application of [the emission controls set by existing legislation], more stringent emission controls shall be set accordingly.” (WFD Art 10.3)*





The Floods Directive





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What is the Floods Directive ?

- Legal framework for integrated water management including flood risk management.
- Coordination other acts, mainly Directive 2000/60/EC (Water Framework Directive), including cyclical implementation.
- Integration, covers many sectors. Land use, civil protection, dam management, strategic and environmental impact assessments, nature legislation, public consultation.
- Coordination across the river basin, including requirements for trans-boundary coordination !





Three stage approach

26.11.2009 (Transposition)
26.05.2010 (CA/Unit of management)

Preliminary flood risk assessment

(maps, experience from past floods, predictions of future floods, identification areas of potential significant flood risk)

22.12.2011 2018

Flood mapping (= knowing areas at risk of flooding, different scenarios, flood hazard maps & flood risk maps),

22.12.2013 * 2019

Flood Risk Management Plans (= plans to reduce flood risks, covering all elements of the flood risk management cycle)

22.12.2015 ** 2021

Review /update every 6 years thereafter

Reporting to the Commission : 3 months after

* = date of 1st review of pressure and impact analysis under the WFD

** = date of 1st review of WFD river basin management plans



**Flood Risk Management
Plans shall address all
aspects of flood risk
management plans...**



**... with focus on Prevention,
Protection and Preparedness,
including early warning systems
and flood forecasts.**



Key concepts (summary 1/2)

Assessment and management of flood risks

Shall address all aspect of flood risk management

Shall focus on prevention, protection and preparedness

Plans shall be a tool for coordinated planning of

- *All the aspects related to flood risk management*
- *The whole catchment, and coastal floods – solidarity*
- *All types of floods (minor exclusion on flood for sewerage systems)*

Not prescriptive – but emphasises coordinated planning

Cyclical implementation – climate change





Key concepts (summary – 2/2)

Aiming at the reduction of the adverse consequences to:

- human health,
- economic activity,
- cultural heritage and
- the environment (such as protected areas for bathing, drinking water abstraction)

Flood “water covering areas of land not normally covered by water. All types of floods – rivers, lakes, urban areas, coastal flooding, sewerage floods, ground water floods...however floods from sewerage systems can be excluded.”

Member States to set flood risk management objectives, view to reduce flood risk – and adopt measures

Public participation

Transparency of outputs

Costs and benefits to be taken into account





Urban Waste Water Treatment





Urban Waste Water Treatment

Council Directive concerning Urban Waste Water Treatment (91/271/EEC)

- The Collection and treatment of waste water in all agglomerations of >2000 population equivalents (p.e.);
- Secondary treatment of all discharges from agglomerations of > 2000 p.e., and more advanced treatment for agglomerations >10 000 population equivalents in designated sensitive areas and their catchments;
- A requirement for pre-authorisation of all discharges of urban wastewater, of discharges from the food-processing industry and of industrial discharges into urban wastewater collection systems;
- Monitoring of the performance of treatment plants and receiving waters; and
- Controls of sewage sludge disposal and re-use, and treated waste water re-use whenever it is appropriate.



The Bathing Water Directive





Obligations for MS

Monitor and assess the bathing water for at least two parameters of faecal bacteria.

Inform the public about bathing water quality through the bathing water profiles





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The Drinking Water Directive





Obligations for MS

Control drinking water quality through standards based on the latest scientific evidence

Efficient and effective monitoring, assessment and enforcement of drinking water quality

Provide consumers with adequate, timely information





Thank you for your attention !

More information

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

