

WFD Navigation Task Group

Position Paper on the relationship between the EU Water Framework Directive and EU Maritime Policy

June 2007

Introduction

This position paper has been prepared by the Water Framework Directive (WFD) Navigation Task Group¹, a 'thematic cluster' of European navigation-related organisations which provides the navigation sector's contribution to the WFD Common Implementation Strategy (CIS). The Task Group has prepared a number of position papers and discussion documents on key aspects of WFD implementation. The Group has also hosted two international seminars on the subject. The presentation and papers from the most recent conference, held in Brussels on 31st January 2007, are now available at <http://www.pianc-aipcn.org/pianc/seminars-wfd2007.php>.

An important part of the 31st January conference was a workshop which explored the interrelationships between the WFD and EU maritime policy. The workshop outputs have, in turn, informed this response to the consultation on the Green Paper. Our paper deals specifically with the inter-relationship between the WFD and maritime policy. Many of the Task Group's member Associations will prepare and submit their own responses to the full consultation.

Key points

1. As can be seen from the map below, the EU Water Framework Directive (WFD) extends a significant distance offshore in many places, into areas which are necessarily 'marine' in nature. This is due to the position of the baseline: the WFD extends a minimum of 1 nautical mile from the baseline from which territorial waters are drawn and 12 nm from baseline insofar as chemical status is concerned. In such areas, it seems likely that the WFD rather than the forthcoming EU Marine Strategy Directive (MSD) will become the 'environmental pillar' of EU Maritime Policy.
2. In addition to the WFD and the MSD, there exists a wealth of international maritime law governing many navigation activities. International law takes precedence over EU law and it is not clear how the EU Maritime Policy will deal with overriding conventions such as MARPOL, UNCLOS, OSPAR, etc., *inter alia* because of questions of jurisdiction and division of competence between Member States and the EU.
3. Notwithstanding whether environmental objectives are derived from EU or other international legislative provisions, the harmonisation of such objectives will become increasingly important in view of the various forthcoming plans and strategies which will affect the marine areas shown on the map below.
4. Navigation is one of many sectors that operate on both sides of the baseline (ie. both within and beyond the WFD-MSD boundary). Clarity and consistency in the implementation of these Directives will be essential to such sectors. However, without adequate harmonisation, it is possible that different measures to achieve different targets², contained in different plans³, will apply to the same area of water. Further, the plans could potentially be administered by different organisations (eg. in England, the Environment Agency vs. a Marine Management Organisation). Were this situation to develop, it would inevitably cause enormous practical and administrative difficulties.

5. The WFD Navigation Task Group recognises the efforts made by DG Environment to ensure synergy between the WFD and the MSD. The Group also acknowledges that the final form of the Marine Strategy Directive is not yet agreed. Nevertheless, if different Member States deal with the interface between the WFD and the MSD in different ways, the potential for duplication and complexity remains - with potential consequences for the ability of affected sectors to operate on a level playing field.
6. **Ideally, if unintended and potentially contradictory impacts are to be avoided, the Task Group would like to see marine waters moved out of the WFD and into the MSD.** We believe that the boundary between the WFD and the MSD should be the coast, if necessary with a 1nm overlap. We further believe that **integrated coastal zone management (ICZM) should be used to actively manage the interface between the two Directives.**
7. If it is not possible to remove marine areas from the WFD, the Task Group would like to see **EU Maritime Policy used to:**
 - **clarify the role of the WFD as a second environmental pillar of EU maritime policy, and**
 - **guide (or, if appropriate, direct) Member States in the need for a practical and consistent approach to the management of the affected marine areas (i.e. by moving towards a single set of harmonised objectives which would, as far as possible, be dealt with in a common plan to be administered by a single body in each Member State).**

¹ The WFD Navigation Task Group comprises the following professional bodies, trade associations and other stakeholders concerned with ports, commercial and leisure navigation and dredging: Central Dredging Association; European Barge Union; European Boating Association; European Community Shipowners' Associations; European Dredging Association; European Federation of Inland Ports; European Sea Ports Organisation; EU Recreational Marine Industries Group; PIANC; and Inland Navigation Europe. Central Commission for Navigation on the Rhine, the Danube Commission and the International Sava River Basin Commission are also invited to attend our meetings as observers.

² good ecological status or good ecological potential and good chemical status under the WFD vs. good environmental status under the MSD

³ WFD river basin management plans vs. MSD marine strategies

