

EU Water Framework Directive Common Implementation Strategy Hydromorphology Activity

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1. Introduction

The following organisations cooperate as a Navigation Task Group on issues arising from the implementation of the EU Water Framework Directive:

- International Navigation Association (PIANC)
- Central Dredging Association (CEDA)
- European Sea Ports Organisation (ESPO)
- European Federation of Inland Ports (EFIP)
- Inland Navigation Europe (INE)
- European Dredging Association (EuDA)
- International Association of Dredging Companies (IADC)
- European Union Recreational Marine Industry Group (EURMIG), and
- European Barge Union (EBU).

Our Task Group Associations are all committed to working with nature to ensure the environmentally responsible development and operation of navigation and its supporting infrastructure.

2. Hydromorphology as a new activity in the WFD CIS process

The Task Group Associations very much welcome and strongly support the new CIS activity on hydromorphology. We consider that it is an essential step in ensuring the integration of important practical and economic considerations into WFD implementation, and we are hopeful that it will provide a mechanism to help resolve many of the issues of importance to those in the wider navigation sector.

Together, our Associations represent all the key players with interests in European ports, commercial navigation, recreational boating and dredging. We therefore have a great deal of experience of particular relevance to this initiative, and we can provide many useful examples of best practice. We look forward to participating in this important initiative.

The Task Group would like to take this opportunity to highlight some of the issues which we believe the CIS hydromorphology activity should address. We recognise that the activity, as currently envisaged, will not cover all issues of concern to our sector. Notwithstanding this, we are confident that it will help to deliver answers to some fundamentally important outstanding questions and will thus begin the process of ensuring that decisions affecting navigation are both well-informed, and consistent between Member States.

3. Policy integration

EU transport policy

The world's water transportation system provides a vital link between countries. The system needs to be capable of handling the growing volumes of cargo and passengers, whilst sustaining our natural resources for generations to come. Global economic activity generates employment, tax revenues and opportunities for social stability.

The importance of ports and navigable waterways is recognised in EU transport policy through initiatives such as TEN-T and 'Motorways of the Sea', the EU transport white paper (and the forthcoming revision of this document), and the anticipated EU communication on the promotion of inland waterway transport. These policies and initiatives are aimed at the development of sustainable transport systems.

Inland waterways represent important connections between sea ports and the hinterland, helping to reduce tonnage on roads. However, there are serious and well publicised concerns about an emerging crisis in terms of port capacity in Europe. Modal shift from waterborne transport to land, notably road, transport could not only be counter to EU transport policy, it would also lead to environmental degradation.

Recreational boating policy context

In addition to commercial navigation, Europe's waterways provide an important recreational resource, in turn making a significant contribution to the economies of many countries. For example, in the UK, the total industry revenue for 2004 was around €2.8 billion, an 8.5% increase on the previous year's results. The growing importance of recreational navigation in Europe was recently recognised by the United Nation's Economic Commission for Europe in a resolution from its Inland Transport Committee (Geneva, 2004).

EU marine policy

It is essential to recognise that international navigation, by its very nature, transits the full range of water bodies, from rivers and estuaries out into marine areas. The presence of an offshore WFD boundary does not change either the nature of commercial and recreational navigation or its potential impacts on the water environment. In considering WFD implementation in estuarine and coastal waters, the wider European policy context must therefore be acknowledged. In particular, close attention will need to be paid to developing close relationships - and ensuring integration - with the forthcoming EU Marine Strategy and the Maritime Green Paper.

International conventions

Navigation is a global activity. For many decades, organisations such as the International Maritime Organisation have been amassing a wealth of navigation-related experience in environmental protection and management. Some international conventions deal primarily with aquatic pollution and water status, anti-fouling systems, or non-indigenous species. These issues are of great relevance both to navigation interests and to the WFD, but it seems unlikely that they will be covered by the hydromorphology activity. Other conventions, however, are potentially of great importance. For example, the OSPAR and HELCOM conventions deal specifically with sediment management in the context of dredged material relocation. Placement of dredged material may have both hydromorphological and ecological consequences which in turn require consideration under these conventions.

Inland navigation in the major European river basins is subject to the Convention of Mannheim and to the Belgrade Convention. Between them, these conventions cover more than three quarters of all inland navigation in the EU and they are therefore clearly of great relevance to the hydromorphology activity.

4. Role of CIS hydromorphology activity in ensuring effective policy integration

The Task Group Associations appreciate the challenges involved in delivering sustainable water use and development, with all impacts on the environment properly taken into account. The new CIS hydromorphology activity offers an important opportunity to contribute to achieving an appropriate balance between delivering the objectives of the WFD and those of other EU policies and international conventions.

The Task Group Associations therefore strongly advocate that the CIS hydromorphology activity:

- recognises and takes full account of relevant existing and forthcoming EU policies, not only those on transport and recreational boating, but also those affecting the marine environment
- seeks to secure active participation from representatives of the EU Directorate General for Energy and Transport (ports and inland transport), DG Fisheries and Maritime Affairs, and DG Environment (Marine)
- ensures the meaningful involvement of representatives from the Central Commission for Navigation on the Rhine and the Danube Commission
- recognises that effective management of activities (such as navigation) which are global in nature depends on international control, and therefore
- identifies, draws on and seeks to compliment the extensive experience acquired through relevant international maritime conventions.

5. Hydromorphological change and sediment management

Hydromorphological modifications

The WFD acknowledges that physical changes to the hydromorphology of water bodies are necessary to support certain human activities. In the case of navigation, (capital) dredging, dredged material management, channel straightening, bank protection, flow manipulation, construction (eg. weirs, wharves), land claim and other port and harbour developments have all contributed to hydromorphological modification in the past. However, it is also important to recognise that, particularly in coastal areas, significant natural changes in hydromorphology also occur, often over short time periods. As natural processes lead to the build up of sediment, maintenance dredging is required to maintain adequate water depth and hence ensure safe navigational access. A recent survey by CEDA indicates that in excess of 200 million cubic metres of material is dredged annually from Europe's navigable water bodies, the majority from estuarine and coastal locations.

The WFD recognises and makes explicit provision for necessary hydrological modifications via heavily modified and artificial water bodies, good ecological potential, exemptions and criteria for new developments. Experience with the EU Birds and Habitats Directives suggests that the clear interpretation of such provisions - as well as consistency and transparency in their application - will be vital if a level playing field is to be achieved within and between EU Member States. The CIS hydromorphology activity will provide a real opportunity to make a significant contribution to the effective implementation of the WFD in this respect.

Importance of sediment management

Due account must be taken of natural variations in suspended sediment levels and sediment transport, particularly in coastal and estuarine areas where tidal influences can lead to massive natural changes in hydromorphology and suspended sediment concentrations. Sediment management needs to be tackled at river basin scale if effective source control is to be effected. There are also many estuaries where the majority of sediment that has to be dredged comes from the sea and not the rivers: in such situations the amount of

sediment actually dredged from a turbid estuary may represent only a very small fraction of the quantities mobilised by the tides every day. The Task Group Associations remain concerned that such issues are under-represented in the existing CIS guidance and that more attention is required. The CIS hydromorphology activity provides an ideal opportunity to start to address these important issues.

Heavily modified or artificial water bodies and good ecological potential

The recent Article 5 reports indicate that, in most Member States, a significant proportion of water bodies could potentially be designated as heavily modified.

Good ecological status (GES) is intended to be comparable across Member States. GES for particular water body types is being determined via an EU wide intercalibration exercise. In heavily modified water bodies (HMWB) where GES cannot be attained due to physical modification of the water body, Member States must set good ecological potential (GEP) targets, taking into account the particular, site-specific characteristics of the water body. GEP targets will also be set for artificial water bodies (AWB). In both cases, local flexibility is inherent in the process.

Ensuring a level playing field across Member States in terms of ecological targets is very important to the Task Group Associations. However, intercalibration of GEP targets is not felt to be appropriate as this would inevitably lead to the loss of some of the essential site-specific flexibility. The Task Group Associations therefore recommend that, as an alternative to intercalibration, consideration be given to the development of decision rules for setting GEP targets. These should be designed to ensure consistency in the way GEP is determined but without producing potentially over-prescriptive or inappropriate outcomes.

Vessel movement

In narrow/shallow waterways such as some canals, and in other areas of low under keel clearance, vessel movement can impact on ecological status as a result of ongoing sediment resuspension, bank erosion and effects on submerged habitats (ie. hydromorphological modification is ongoing). In such cases, GEP targets will need to take such effects into account rather than relying on exemptions for every affected water body. Future anticipated increases in recreational or freight vessel movement will similarly need to be considered.

6. Key navigation issues to be addressed by CIS hydromorphology activity

The Task Group Associations are concerned to ensure that the mandate for the WFD hydromorphology initiative:

- acknowledges and makes maximum use of the wealth of relevant existing experience available *inter alia* via the Task Group Associations, and
- recognises and seeks to accommodate the important role of sediments in natural aquatic (especially estuarine and coastal) systems

More specifically, the Task Group Associations urge those responsible for developing the mandate for the hydromorphology initiative to:

- acknowledge the need for to develop river basin scale approaches to sediment management
- consider developing and applying reference conditions for background levels of suspended sediments, recognising the natural variation, particularly in coastal and estuarine water bodies
- ensure that climate change is accommodated in WFD implementation
- seek alternatives to intercalibration for HMWBs and AWBs, for example the development of decision rules to ensure some level of consistency between Member States in setting GEP targets
- recognise and seek to accommodate the effects of activities such as maintenance works, maintenance dredging, dredged material relocation/ management, vessel movement, etc. in setting GEP targets
- recognise that hydromorphological issues such as water level management, channel maintenance, and the physical effects of boat movements are of relevance to the recreational boating sector as well as the commercial sector
- ensure that any potential conflicts with sediment management regimes in sites protected under EU Birds and Habitats Directives are avoided
- promote active consideration of the likely practical issues associated with the implementation of Article 4(7) to proposed future physical modifications
- ensure that the disproportionate cost economic methodologies developed for the programmes of measures are also properly tested for their applicability to the HMWB designation process and to Article 4(7) exemptions.

The Task Group Associations further highlight the critical need to ensure that adequate provision is made within the WFD timetable to properly effect the provisions of Article 4(3). Decisions made during both the HMWB designation process, and the setting of GEP targets for HMWBs and AWBs, need to be well-informed and scientifically and technically robust.

Finally, the CIS hydromorphology activity outputs will be of only limited value if they are viewed in isolation. Navigation must co-exist with other water uses and needs to be managed within a process of integrated river

basin management. Clear links between this activity and other relevant CIS Working Groups (eg. pilot river basins) will therefore be essential.

7. WFD and navigation: other issues

The Task Group Associations understand that the focus of this activity is hydromorphology. However, the WFD raises a number of other important issues for navigation interests:

- the implications of Article 16 and the forthcoming daughter Directive for sediment management (eg. disturbance of contaminated sediments due to dredging, disposal, vessel movement, etc.)
- the potential difficulties in applying the polluter pays principle when dealing with historically contaminated sediments and/or with sediments contaminated by pollution elsewhere in the river basin
- the importance of acknowledging the global nature of shipping industry
- the need for integration with relevant international conventions, including those dealing with anti-fouling and ballast water/alien species issues
- issues of affordability, particularly when WFD measures fall to individual vessel owners

8. Preparing a mandate for the CIS hydromorphology activity

In taking forward the CIS hydromorphology activity, the Task Group Associations strongly support the following recommendations:

- a. Navigation is vital for the development of the European Union. Effective policy integration will clearly be central to achieving effective and sustainable WFD implementation. We therefore suggest that DG Energy and Transport, DG Fisheries and Maritime Affairs, and DG Environment (marine) should be actively encouraged to participate in this activity, along with representatives from the Central Commission for Navigation on the Rhine and the Danube Commission.
- b. The proposed CIS activity should recognise and build on the work of the various international conventions and agreements relevant to hydromorphology (eg. OSPAR, HELCOM).
- c. Hydromorphology is clearly a vital issue for navigation. Consistency of interpretation, together with transparency of application, will make an essential contribution to effective WFD implementation. They are also necessary for a European level playing field. Our statement identifies various specific hydromorphological issues that the mandate should address in this respect.
- d. The activity should recognise that sediment management is of critical importance, both to those operating throughout the navigation sector and in achieving the objective of environmentally healthy water bodies. Sediment management approaches need to be developed at river basin scale, including coastal and estuarine waters.
- e. The navigation sector (including the professional associations, trade bodies and the members of both) has a great deal of potentially useful experience to offer to the proposed CIS activity. Existing guidance and best practice, whether prepared at Member State, EU or international level, will make a significant contribution to delivering sustainable WFD implementation.
- f. The Task Group Associations will be pleased to be involved in the CIS hydromorphology activity.

9. What type of activity is required?

In the first instance, an activity focused on information exchange and ensuring clarity and consistency of interpretation in certain key areas would be most useful. It is therefore suggested that workshops - possibly convened by a hydromorphology Working Group - would be a preferred first step. Thereafter, further consideration will need to be given to the precise form of the output from the CIS hydromorphology activity.

The Task Group Associations stress the importance of producing clear and unambiguous outputs which contribute to the achievement of a level playing field: careful consideration will need to be given to the status of such outputs if they are to be effective in delivering consistency based on proper integration of navigation considerations into other aspects of WFD implementation.