

**EU Water Framework Directive Navigation Task Group
Meeting at PIANC Offices, Brussels
1300 hours, Wednesday 19th November 2008**

Draft Minutes

Present: Jan Brooke, PIANC
Marc Eisma, ESPO
Erik Mink, EuDA
Axel Netzband, CEDA
Herwig Ranner, ESPO

Apologies: Anna Csiti, CEDA
Dorothe Herpertz, PIANC
Neal Hill, EBA
Steve Hull, ESPO
Graham Newman, CEDA
Gernot Pauli, CCNR
Jorg Rusche, EBU
Karin de Schepper, INE
Dave Sheahan, CEDA
Albert Willemsen, EURMIG

1. Welcome, introductions and apologies

Participants were welcomed to the meeting. Apologies were noted.

2. Minutes of last meeting and matters arising

Actions/matters arising but not on the agenda:

- ESPO circulated information on Blue Horizons of Commitment
- There is currently no replacement for Diane Chevreux at EFIP

There were no further comments and the minutes were approved.

3. CIS Articles 4(4) to 4(6) Exemptions Activity

JB reported that this document had been finalised with a number of issues remaining 'open', notably in relation to the use of affordability arguments and/or limited public budgets in justifying time extensions. For the most part, Member States appeared to share the same concerns as the sector. Overall, the outcome was satisfactory.

ME asked whether the document was intended to apply also to groundwater, or whether there is a separate initiative for groundwater. Either way, some clarification would be useful. **Action: JB to check with COM and, if it is intended that the document applies equally to groundwater issues, to ask COM to insert something to this effect in the introduction.**

4. CIS Consolidated Article 4 guidance

Following finalisation of the Article 4(4) to 4(6) exemptions guidance, the Commission has prepared a summary document bringing together the environmental objectives guidance, the Article 4(7) guidance (on new physical modifications), and the work on Articles 4(4) to 4(6). As the timescale for its preparation and endorsement by Water Directors was extremely tight, this 'consolidated' guidance document was reviewed by JB on behalf of the Task Group. The review confirmed that it represents a good summary of the previously agreed documents although JB did ask COM to carry through into this consolidated document two important points of clarification

agreed in the Article 4(7) work (ie. that deterioration is defined as being between status classes rather than within a status class, and that temporary deterioration with no long term impact should not trigger the Article 4(7) process). This has now been rectified and it has also been clarified that the previously agreed guidance documents do remain valid. The consolidated guidance is expected to be endorsed by Water Directors in late November 2008 and will then be published on the public part of the CIRCA site. The consolidated guidance is likely to be a useful document for the sector insofar as it contains some important points of clarification.

5. Priority substances daughter Directive

The priority substances daughter Directive (the EQS Directive) was adopted in the Environment Council in October 2008. Publication in the Official Journal is expected by the end of 2008 with transposition foreseen within 18 months.

(a) Working Group E met in October 2008. Based on this meeting, COM advised that a review of the Annex III substances will be carried out alongside the EQS-setting process during 2008-2010. With respect to the existing database of monitoring results from Member States, it was noted that data on sediment and biota are lacking; that data are required for coastal and transitional waters, and that data are also missing altogether from certain Member States.

Working drafts are apparently already available from the sub-groups preparing the Technical Guidance Documents on EQS derivation (on generic issues, water column, metals, biota, sediment and non-testing methods). This work is due to be complete in February 2009. It was agreed that the Task Group should ask to have sight of these drafts (sediment to AN, EM; metals and non-testing methods to HR). **Action: JB to ask COM and advise TG members accordingly.** It was also agreed that AW/EURMIG should be asked to prepare brief reports on WG E meetings for circulation around the TG. **Action: AW**

The development of technical guidance for the establishment of an inventory will be dealt with next year. EM remarked that there is still no definition of 'losses' to inform such an inventory. It was agreed that COM should be asked to keep the TG apprised of progress with this initiative as the Group may wish to become involved. **Action: JB**

WG E have also prepared new mandates on mixing zones and on emissions which are likely to be endorsed by Water Directors in late November 2008.

- i) technical guidelines on mixing zones: a first draft of this guidance is intended to be completed in early 2009. JB has already advised COM that the NAVI Task Group may also wish to participate. ME advised that he knows the Dutch representative on this group. SH has previously advised that he knows the UK representative. ME indicated that industry has lobbied for this group; there is not expected to be much focus on the navigation sector. It was therefore agreed that the TG should keep in touch with progress of this initiative via ME and SH's contacts and get involved only if it becomes necessary to do so. **Action: JB to advise COM accordingly**
- ii) the mandate for emissions demonstrates the intention to identify those priority substances causing diffuse problems and to discuss (the effectiveness of) measures to address these. A kick-off meeting is due in early 2009 with the final report envisaged in first half of 2010. JB has advised that the NAVI Task Group may wish to participate. The meeting agreed that this activity may become important. AW has indicated that EURMIG would like to attend. AN will also attend for the NAVI TG (or for SedNet). **Action: JB to advise COM that the NAVI TG would like to send two representatives.**

(b) Chemical Monitoring Activity

- i) surface water monitoring guidance: SH advises that this document has been largely complete since the beginning of 2008 and is now ready to be endorsed by Water Directors.

- ii) a first draft of the sediment and biota guidance has also been produced; this is due to be completed in 2009. The next CMA sediment and biota drafting group meeting is in January 2009

SH has reported that, at the recent CMA meeting, he:

- asked that the future work programme should deal with the development of sampling strategies, notably in TraC waters, and
- suggested specific guidance be prepared for the ports and harbours sector

The meeting noted that there are various outstanding issues with regard to monitoring and assessment in TraC waters. EM had raised concerns about the use of whole water samples and the need to properly consider suspended particulate matter/hydrophobic substances (he noted that COM has not taken into account the advice of the scientific committee received five years ago). He also noted that the daughter Directive makes reference to measuring WQ based on sediment, but that this statement is not elaborated. SH has noted the need to consider how to overcome the difficulties of obtaining representative samples in TraC waters.

The Group agreed to take forward these concerns through the preparation of a brief summary note setting out the outstanding issues and to present this to the CMA meeting, possibly making the suggestion to set up a TraC waters or ports and harbours sub-group. **Action: EM to prepare first draft paper to circulate to ESPO (HR/SH) and CEDA for comment**

It was also agreed that the Task Group should ask to see the first draft of the sediment and biota guidance. **Action: JB to check whether SH already has this and, if not, to ask COM and circulate.**

6. CIS Climate change activity

KdS had prepared a report to the TG on the Climate Change Strategic Steering Group meeting. On the basis of this report, the Task Group confirmed that they are happy for INE to continue to monitor the *political* aspects of the work. Following discussion it was also agreed that the Group will also provide *technical* input, thus contributing to the thematic chapters in the guidance designed to inform the preparation of the second and third cycle river basin plans. ESPO confirmed that HR will coordinate this input, which could include responses to sea level rise, changes in sediment movement, increased storminess, and water temperature. **Action: JB/KdS to advise COM accordingly**

CCNR has made a proposal to PIANC to host/facilitate a new Inland Navigation Platform on Climate Change, GP (CCNR). **Action: JB to advise GP on PIANC's reaction**

7. Navigation as a water use or water service

The final position paper was presented by JB. It was agreed to circulate this to SCG and WATECO members with the draft covering letter already suggested by JB. **Action: JB**

8. Hydromorphology workshop

JB reported that it is now proposed to hold a CIS ECOSTAT workshop in Brussels in March 2009. This will cover both HMWB designation and the setting of GEP targets. JB and GN already expressed an interest in attending. **Actions: JB to circulate CIS proposal to Task Group; to advise COM that the navigation sector would like to register up to 10 participants.**

9. Estuaries Expert Group

JB briefly updated the TG on progress and highlighted the need for consistency between the outcomes of the CIS process and the estuaries guidance. JB further advised that the issue had

been raised at the SCG meeting and that COM appears to agree with the points raised by the TG. The Group agreed that JB should add the comments from Port of Rotterdam and submit the comments to M. Kremer/Ecosphere (copied to Helmut Bloech, DG Tren (ESPO to provide contact), and the WFD team/Gert Verreet) making clear that the response deals only with the relationship with the WFD and that other associations will respond separately on other matters.

Action: JB

EM remarked that EuDA is concerned that the draft guidance is being made too complex and new/unnecessary issues are being raised. He suggested there should be a focus on the key points where guidance is required! ESPO report that DG Tren also want the guidance to be more practical, as do ESPO.

10. Waste Directive

AN updated the Group on two main outstanding concerns. (i) in Article 2, there is some rather strange wording (at least in the German version). ESPO advised that the document is not finalised, but will check the wording and seek improvement if necessary to ensure clarity (including on the amendments). (ii) with regard to the requirements to prove that the 'sediments are non-hazardous', there is some uncertainty over the reference to the Annex III H14 criteria. Again, ESPO will seek clarification. **Action: ESPO**

11. Marine Strategy Framework Directive

JB advised the TG that consideration is currently being given to the working structure for this Directive which has to be transposed July 2010. The Task Group noted the vital importance of ensuring that existing conventions such as OSPAR are used as far as possible to avoid re-inventing the wheel. It was also agreed that JB should write to Gert Verreet highlighting the value of a participative process involving stakeholders, and expressing the hope that similar opportunities will be available as the MSFD is implemented. **Action: JB**

12. Any other business

- a. PIANC Working with Nature discussion paper

JB circulated a hard copy of the paper to TG members. **Action: JB to follow up with electronic version**

- b. PIANC WFD website

JB reported that this should be up-and-running by the end of the year (ie. in time for the publication of the draft River Basin Management Plans). PIANC will announce the existence of the site. JB to ask PIANC if it is OK to provide TG representatives with a link to the pre-launch website for comment. **Action: JB Post-meeting note, PIANC to provide a link to the new site for comment only. The details must not be circulated prior to the launch of the new site.**

- c. EEB conference 'Crunch time for Europe's Waters'.

JB presented a brief report on this conference, held November 18th. The environmental NGOs (EEB, WWF) have set out a series of criteria by which they intend to judge the success of the river basin management planning process. **Action: JB to include weblink to these criteria in the minutes**

- d. EU Water Conference

This will be held in April 2009 with a theme of Stakeholder Engagement. It was agreed that JB would offer a presentation on behalf of the Navigation Task Group. **Action: JB**

e. Science policy

At the SCG meeting, France had proposed an initiative to develop better links between science and policy. It was agreed that the Task Group should express an interest in participating in this activity, with JB as the point of contact in the first instance. **Action: JB to advise Thierry Davy**

f. SedNet

Sednet is planning two events. In October 2009, an event will focus on two themes (i) role of sediment in coastal management in the North Sea area; and (ii) sediment in RBMPs round table discussions. In 2010 there will be a Mediterranean conference (involving Greece, Italy, etc.)

NB Sediment is covered in Elbe RBMP, not in Rhine RBMP, is in UK plans.....

g. EC ICZM meeting

ESPO will attend this forthcoming meeting in Venice and HR will report back *inter alia* on consideration given to WFD RBMPs. **Action: HR**

13. Date of next meeting

The next meeting will be held on 1st April 2009 unless issues arising in the meantime (eg. as a result of the publication of the draft RBMPs) indicate that an earlier meeting would be useful.

Action: JB to ask PIANC to book a room