

**EU Water Framework Directive Navigation Task Group
Meeting at PIANC Offices, Brussels
1300 hours, Thursday 13th September 2007**

Draft Minutes

Present: Jan Brooke, PIANC
Diane Chevreux, EFIP
Dorothe Herpertz, PIANC
Neal Hill, EBA
Roel Hoenders, ESPO
Erik Mink, EuDA
Axel Netzband, CEDA
Andrei Popescu, EURMIG
Jorg Rusche, EBU
Gert Verreet, DG Environment (part)
Albert Willemsen, EURMIG
Pim de Wit (for Marc Eisma ESPO)
Mathilde Pollet, ESPO

Apologies: Grahame Newman, CEDA
Anna Csiti, CEDA
Eric van den Eede, PIANC
Gernot Pauli, CCNR
Lindsay Murrery, CEDA
Karin de Schepper, INE

1. Welcome, introductions and apologies

Participants were welcomed to the meeting. Apologies were noted.

2. Minutes of last meeting and matters arising

There were no comments and the minutes were approved.

Estuaries Expert Group: RH reports that DG Environment launched a call for tenders in June for a consultant to undertake this work. Mr Kremer (DG Env) has advised that once a contractor is appointed there will be some more activity. **Action: JB/RH to report to next meeting if there is any progress**

3. Marine Strategy Directive and EU Maritime Policy

Gert Verreet (DG Env) is welcomed to the meeting. He reports that the Marine Strategy Framework Directive (note new name) is now starting its second reading. Its main aim is to put in place protection for the marine environment similar to that for water on land: it will be a framework within which Member States will develop marine 'strategies'. The Directive will set the scene for management action to be taken as required to achieve 'good environmental status'. The original proposal did not include a definition of this comprehensive term, but Council and Parliament wanted definitions so have developed headline qualifiers. Council prefers scientific objectives (ie. what we want to achieve) with flexibility depending on the 'gap' between current status and the objective. Parliament has opted for pressure-based descriptors (eg. shipping and exploitation of marine resources). Discussion identified that the former would be preferable to the sector.

Action will be required at many different levels (Community; Member State; EEA; regional and sub-regional). Member States will decide at which level to prepare the strategy but coordination will be required. Existing conventions (eg. OSPAR; HELCOM) will play an important role.

With regard to boundaries, Parliament wanted a large geographical overlap (into tidal waters); Council favoured some overlap but not interfering with GES/P and GCS. COM wants a more fluid, ecosystem based boundary which also takes into account marine mammals, etc. which are not covered by the WFD. However there should not be contradiction or duplication: the MSD would take precedence seaward of the baseline; the WFD to landward of baseline.

JB expressed concern that shipping, and indeed some navigation approach channels, cross the 'baseline' boundary. There is therefore scope for practical difficulties (two sets of objectives; two plans; two administrators; etc.). GV shares this concern and indicates that Member States do not seem to be taking a joined up view on such governance issues. JB requests that COM keep these practical concerns high on the agenda.

PdW questions the relationship between the MSD and the Habitats Directive. COM do not want the Directive to focus on marine protected areas, preferring to deal with water quality. Maritime Policy is discussing spatial planning, etc. COM see the main challenge as achieving the correct balance in addressing the needs of ecosystem.

PdW asks about the effects for shipping and hence ports given that most shipping is 'flagged' outside of the EU. GV confirms the importance of the regional seas approach in addressing such issues where they are affecting ability to meet good environmental status. GV also agrees with PdW that there needs to be more emphasis on stakeholder involvement at Member State level – however COM cannot *require* stakeholders to implement something.

JB thanks GV for attending the TG meeting and for the useful discussion.

The timeline for the Directive is tight and the next few months are critical. It is agreed that ESPO should progress its paper on the implications of the Directive and that, whilst not a Task Group position paper *per se*, ESPO could acknowledge that the broad principles set out in the paper are endorsed by other members of the WFD Navigation Task Group.

4. Article 4(3) workshop

JB outlines the main findings of the workshop held on June 22nd in Brussels (ie. that, whilst there are some areas of consistency in the approach Member States are taking to the application of Article 4(3), there are also some potentially significant differences). It is agreed that the workshop report should be presented both to the SCG and to the Hydromorphology Strategic Steering Group [*post-meeting note: the summary should also be sent to Water Directors*], with the following two recommendations:

- i) that Water Directors, Strategic Coordination Group members and members of the CIS Hydromorphology Strategic Steering Group pay attention to the areas where workshop participants identified potentially significant differences between Member States in their application of the WFD Article 4(3) tests. Whilst recognising that the workshop report reflects the (sometimes significant) progress made by Member States since 2005, the workshop report may nonetheless help to inform the Commission's forthcoming in-depth evaluation of hydromorphological issues in the Article 5 reports.
- ii) that the Hydromorphology Strategic Steering Group convenes one or more case-study-based workshop(s), specifically designed to give Member States and stakeholders the opportunity to exchange practical experiences on the issues indicated above. If appropriate, this process could also be used to identify areas where further research and/or the development of methodological tools are required.

In addition, EURMIG and EBA may take forward a similar workshop dealing with the application of Article 4(3) to recreational boating (and possibly also setting GEP targets) in parallel with an existing conference in March 2008. EBA noted that 'recreational boating' not only includes marinas, etc. but also yacht tourism - which in turn can make a significant contribution to the local economy; it can also be a low impact form of tourism.

5. Daughter Directive

RH reports that the Council have not yet reached a common position on the daughter Directive. *Post-meeting correction: there has been political agreement in Council: a solution between the positions of Council, Parliament and the Commission must now be sought.* Parliament had accepted an exemption for ports/dredging; however they also added number of substances; and wanted to add QS for sediments and biota. Council did not follow the exemption but did include provision for disproportionate cost assessment and an option for sediment and biota standards. Nothing is being done with the Directive at the moment. ESPO has prepared a briefing note and continues to raise issues with MEPs. It remains important for all TG members to continue to raise the concerns of the sector with MEPs and others at every opportunity.

6. CIS exemptions activity

JB provides an update on progress with the CIS Article 4(4) and 4(5) exemptions guidance. There was extensive discussion at the drafting group meeting on 10th September on two important issues:

- whether exemptions are only to be used exceptionally, or whether they are 'an integral part of the Directive'; and
- whether 'affordability' considerations can be used to justify time extensions and/or less stringent targets

COM agreed that the text would be changed to accommodate the concerns expressed in these areas.

The Task Group had earlier stressed the need for Article 4(6) to clearly apply to (for example) storm surges causing deterioration in status as well as floods and droughts. To this end, it was agreed that a useful sentence in the text on 'droughts' (ie. "Making a distinction between natural causes and the effects of management practices is key to proper river basin management planning and the application of WFD Article 4(6). Although not always easy in practice, Member States will have to differentiate between the effects of prolonged droughts **and other** purely natural phenomena, and the effects of human activities) will be supplemented as shown in bold and moved into the general text.

It was usefully clarified that navigation safety issues (ie. where measures are technically viable and not disproportionately costly measures but lead to safety concerns) can be accommodated in the exemptions tests by regarding the risk as a cost and hence providing the opportunity for a disproportionate cost exemption.

Action: JB to submit the TG views on these issues to COM by 24th September and then check that these changes are made in the next version of the guidance document.

COM also reported at the exemptions meeting that:

- the EC cost benefit study has now been finalised
- a study into the effects of environmental legislation on competitiveness has been launched **Action: ESPO and others to contact Maria Brattemark directly if they are interested in being involved**
- a handbook on the inclusion of water issues in EC impact assessments is to be prepared

7. Task Group representation on CIS activities

EURMIG will attend the CIS Chemical Monitoring Activity meetings alongside ESPO.

Several Associations volunteered to represent the Task Group on the CIS Climate Change activity (EURMIG; EFIP, EBU and possibly INE; maybe a PIANC representative). It was agreed that the inland navigation groups will coordinate their attendance. **Action: JB to ensure that all have necessary COM contact details. DH to enquire whether a representative from the PIANC climate change Working Group would be interested in attending to represent maritime navigation interests.**

8. ICPDR joint statement on sustainable navigation

JR reports that ICPDR are part way through the process of preparing a joint statement on sustainable inland navigation on the Danube. The second draft of the paper is now being worked on. The paper accepts that there will be an increase in navigation on the Danube but also seeks to identify a mechanism for delivering environmental protection. With respect to the current draft, an issue concerning EBU is the implication that a strategic environmental assessment (SEA) will be needed for an individual measure. This requires clarification as the EU legislation clearly requires SEA only for plans and programmes, not projects.

AN confirms that the 'Danube process' seems to be leading the way for the EU, with other river basins monitoring progress with the joint statement.

Action: JR and JB to represent TG interests on this initiative and report back to Group

9. Task Group membership

JB advised that EWA had asked to attend TG meetings. There was a feeling that EWA's interests were unlikely to coincide sufficiently closely with those of the Group to make their participation worthwhile. JB undertook to keep the Group informed.

10. Any other business

i. Waste Directive

RH advises that there is not yet a common position in Council so the Directive is 'on hold'. *Post-meeting correction: there has been political agreement in Council: a solution between the positions of Council, Parliament and the Commission must now be sought.* The proposed exemption for non-hazardous dredged materials was accepted by Council: Parliament only accepted this for those remaining in the water body. ESPO will continue to lobby to retain the broad exemption in Parliament. RH suggested that, once the Directive is back in Parliament, TG members could usefully lobby MEPs before a vote.

ii. Soils Directive

Task Group members do not currently see any particular issues with regard to this proposed Directive.

iii. Setting GEP

With regard to Grahame Newman's suggestion that information be gathered on how different Member States are using the 'alternative approach' to set GEP targets, it is agreed that workshops are more likely to produce useful results than a questionnaire. It is suggested that this data could either be collected as part of the Article 4(3) workshops or as a separate process, possibly in the latter part of 2008.

iv. Anti-sedimentation systems for marinas

PIANC accepted the proposals put forward by EURMIG and is looking for Working Group members to commence work in January 2008

v. CIS hydropower workshop

The report on this event was noted.

vi. 31st January conference

JB advises that the 31st January conference proceedings are on the PIANC website. Links can be made from other TG Associations' websites. The Article 4(3) report will also be posted on the website when it is agreed.

11. Date of next meeting

It is agreed that the next meeting will be held on Wednesday 30th January 2008 (but only if WFD activity justifies a meeting at that time).