

**EU Water Framework Directive Navigation Task Group  
Meeting at PIANC Offices, Brussels  
1300 hours, Thursday 9<sup>th</sup> September 2010**

Minutes

Present: Jan Brooke, PIANC  
Mirna Cieniewicz, European Boating Industry  
Samantha Dawson, for CEDA  
Marc Eisma, ESPO  
Katherine Harris (for Nicola Clay), CEDA and MSFD Navigation Group  
Erik Mink, EuDA  
Caroline Price, EBA  
Albert Willemsen, ICOMIA

Apologies: Steve Hull, ESPO  
Axel Netzband, CEDA  
Graham Newman, CEDA  
Dieter Michael Saha, CCNR

1. Welcome, introductions and apologies

Participants, including new members KH, SD and CP were welcomed to the meeting. Apologies were noted.

2. Minutes of last meeting and matters arising

Actions or matters arising but not on the agenda:

- Item 4.3: ME noted that the CIS guidance document on mixing zones does not deal adequately with tidal waters
- Item 7: EM reported that the output of the EC Estuary Expert Group is awaited. EuDA provided some additional comments to the final draft. **Action: EM to circulate EuDA's comments to TG.** The document is now in inter-service consultation.
- Item 4.1 post-meeting note: ME/EM suggest it should be made clearer that AN is not proposing European-level standards – rather guidance at EU level and possibly standards at river basin level where this is locally appropriate.

3. Environmental Quality Standards Directive

a. Sediment and Biota Monitoring Guidance

EM advised that the sediment and biota guidance focuses on annual data collection (rather than e.g. monthly): such monitoring cannot therefore give the same level of assurance on quality of water body as water quality monitoring. Biota monitoring is also less reliable because the effects of different contaminants will vary between species. Overall EM's view is that such monitoring is not very helpful other than trend monitoring. ME reported that some Member States (e.g. Denmark) are nonetheless beginning to develop such standards; however the Netherlands will not do so.

b. List of priority substances

The proposed additions to the list of priority substances were discussed. Some are identified as possible/likely new priority hazardous substances, the discharges, emissions and losses of which will need to be phased out. On behalf of the Task Group, EM has submitted (to COM) some

ideas to help reduce the list of additional substances to the numbers originally envisaged.

**Action:** JB to circulate EM e-mail of August 19<sup>th</sup> around TG.

c. Priority substances inventory

AW provided an update, reminding the TG that NGOs and many Member States see diffuse sources as the biggest problem. This was not originally foreseen by the Directive. Historic contamination is also an issue.

In discussion, the TG agreed that it is important to differentiate between:

- historic (diffuse) pollution with no current source (e.g. TBT, a historic but reducing contaminant in sediment; no current navigation source; *Post-meeting note from AN*: it is recognised that TBT may nonetheless cause problems if contaminated sediments are re-suspended)
- historic (diffuse) pollution with a current/ongoing source. *Post-meeting changes in the following suggested by AN*: in cases where this is significant at water body level and where it is evident that a certain source / contributor has a great impact / share, (no regrets) measures need to be taken; however, in cases where the source(s) of the contamination are less obvious, the relative proportions attributable to each potential contributor should ideally be established before any one contributor is required to take measures
- emissions causing diffuse pollution directly to water (as above)
- diffuse emissions to water via air (notably PAHs). However, it was agreed that the Group's position is that the WFD is not intended to control emissions to air.

AW reported that, at a recent meeting, Emissions Drafting Group Chair 'made it clear that all Priority Hazardous Substances have to be phased out' (e.g. PAHs). However (as confirmed by the RIVM report) AW noted the contradictions between the IPPC emission 'limits' and the 'elimination' required by the WFD for PHS. This leads to practical problems for those (shipyards, etc.) seeking a non-IPPC permit if the regulator takes the position that all emissions of a PHS need to be stopped. It appears that this stance is being taken irrespective of whether the source represents a significant proportion of an input or whether such emissions are significant at water body level.

It was agreed that – in practice - phasing out of PAHs is totally impractical (for example, the burning of biofuels will lead to an increase in PAHs) but concern was expressed that engaging in the discussion may give the impression that navigation is a major contributor when, in the overall context, it usually contributes very small proportion. Other sectors ((road) transport, residential, agriculture) are typically much more significant contributors. Whilst recognising that there may be specific problems at a site specific level (due to such flaws in the process), the Task Group agreed that the Navigation Sector should not play a leading role in such discussions.

AW is further concerned that some of the measures described in the RIVM report (potential measures to reduce emissions) are disproportionate and/or may be required without adequate justification. The need for measures to be both justified and proportionate should therefore be highlighted in the TG response (due Monday 13<sup>th</sup> September). Whilst this is a 150 page report, EM suggested that a key area of relevance is the definition of the source and how it is regulated (i.e. 2-3 pages).

It was agreed that the guidance on the development of the Priority Substances Inventory similarly needs to be clear about the status of the water body and the likely contributors (i.e. confirm whether it is failing; then assess the range of potential contributors, etc. such that it does not lead to inappropriate or disproportionate measures being required).

The Task Group further agreed to propose the following for a definition of the term 'losses':

*“Losses are the result of short-term, inadvertent incidents or events, which could not reasonably have been foreseen, and which have longer term consequences at the level of the water body”*

Post meeting note: EM advises that a Commission Communication (Report) on "Source Identification and Emission Controls" (COM (2006)397) contains certain definitions. However, the report has many inconsistencies in the proposed classification scheme. The TG therefore needs to decide whether and how to raise these with the Commission (although it would be preferable for Member States to do this).

**Actions:**

- all to send comments on report to Albert by Monday 13<sup>th</sup> September
- AW/JB to ensure that the key messages captured in these minutes are taken forward as appropriate into the guidance on the inventory
- AW to submit the Task Group suggestion for the definition of losses to the drafting group

4. CIS and Commission activities

a. Report on February 2010 and May 2010 SCG meetings

JB reported the key matters arising and not covered elsewhere on this agenda:

- the issue of water services remains a key priority for COM and, as such, the Sector needs to remain vigilant. EM noted that the MSFD document 'core content and assumptions' (page 3, total economic value), in discussing ecosystem- (as opposed to water-) services refers to water as a transport medium being a service rather than a use: this is not helpful as it does not correspond to the WFD distinction between services and uses
- the Commission is concerned about the apparent lack of application by Member States of WFD Article 4(7) and retrospective reviews are now being carried out on certain projects.

b. WFD and Biodiversity Workshop (17<sup>th</sup> – 18<sup>th</sup> June 2010)

JB reported on the main conclusions of this workshop:

- the importance of recognising both the synergies and the differences between the WFD and the Birds and Habitats (BHD) Directives
- the need to strengthen cooperation between the water and nature authorities, and to enhance integration between these three Directives and policies for agriculture, fisheries, energy, transport, etc.
- that both Directives support sustainable development
- the need for proper application of WFD Article 4(7) (including links to BHD Articles 6(3) and 6(4))

Possible outcomes from the workshop include:

- developing and supplementing the FAQ paper, possibly including case studies
- future workshops on key topics (including migratory species, invasive species, etc.)
- possibility of a joint web-based communication platform

c. Water science meets policy workshop (30<sup>th</sup> September 2010)

EM confirmed that he will represent the Task Group at this forthcoming workshop. There were no other volunteers. JB passed on a request to EM to take the opportunity to mention WFD-related port and navigation projects such as Harbasins as well as further exploring sediment/water quality research needs. **Action: JB to advise the organisers that EM will attend**

d. CIS climate change workshop (4<sup>th</sup> – 5<sup>th</sup> October 2010)

AW confirmed that he intends to attend this workshop, which will explore adaptation, modelling water scenarios, and sectoral impacts. JB will also attend. Full details about the workshop are not yet available, but JB will circulate them when they arrive. **Action: JB to circulate details; check whether other TG members intend to attend; and register AW/JB with COM**

e. CIS economics workshop

If it seems likely that this workshop will cover disproportionate cost and/or water use vs. water service issues, JB will attend. CCNR have also previously expressed an interest in this topic. **Action: JB to confirm with CCNR whether they will attend and to register those attending with COM**

5. Revised Waste Framework Directive

The meeting discussed the paper submitted by SH setting out some questions about how different Member States are transposing and implementing the revised Waste Framework Directive. EM advised that EuDA is taking forward this issue along with CEDA. EuDA have some difficulties with the position adopted by the UK's Department for the Environment (DEFRA) (particularly with reference to dredged material being 'exempt from the scope'. EM offered to contact SH to discuss this further and to determine whether and how the matter should be taken forward. **Actions: JB to forward SH e-mail to EM and EM to contact SH**

6. SedNet

The SedNet round table report on integrating sediment management into WFD river basin management is now finalised and will be available soon on the SedNet website. ME can provide hard copies on request. In April 2011 SedNet will meet in Venice. **Action: ME to distribute the programme when it is finalised**

7. Any other business

AW requested that TG members forward to him any comments on his previously circulated paper dealing with bio-fouling. **Action: all**

JB confirmed that she will shortly be revising the WFD pages on the PIANC website. TG members are requested to forward any comments or suggestions to JB by end September 2010. **Action: all to provide comments; JB to update site.** KH confirmed that the equivalent pages for the MSFD can be found at [www.dredging.org](http://www.dredging.org)

JB confirmed that her activities undertaken in 2010 on behalf of the WFD Task Group had exceeded the budget provided by ESPO (i.e. the Task Group is 'running on empty'). Any Task Group Associations who may be able to help make up this funding deficit or who may be able to contribute in 2011 are asked to contact JB.

8. Date of next meeting

Subject to confirmation of MSFD and WFD meeting dates, it was agreed that the next meetings of the WFD TG and the Marine Strategy Navigation Group will be held mid-end January 2011. **Action: JB and KH to agree a date and advise TG members**