

**EU Water Framework Directive Navigation Task Group
Meeting at PIANC Offices, Brussels
1300 hours, Wednesday 30th January 2008**

Draft Minutes

Present: Hilde Bollen, INE
Jan Brooke, PIANC
Diane Chevreux, EFIP
Dorothe Herpertz, PIANC
Neal Hill, EBA
Roel Hoenders, ESPO
Erik Mink, EuDA
Axel Netzband, CEDA
Gernot Pauli, CCNR (observer)
Andrei Popescu, EURMIG
Albert Willemsen, EURMIG

Apologies: Anna Csiti, CEDA
Steve Hull, ESPO
Dave Sheahan, CEDA

1. Welcome, introductions and apologies

Participants, including Hilde Bollen representing Karin de Schepper (INE), 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 reported that there will be a meeting of this group in March 2008. *Post-meeting note: the Estuaries Expert Group will meet on March 14th.*

3. Priority substances daughter Directive

It was confirmed that, as the European Parliament second reading discussions on the daughter Directive will resume shortly, it is timely to prepare for briefing MEPs. Furthermore, it was agreed that it would be useful for the Task Group member associations to agree a common message.

Following a brief update from PIANC/ESPO, a letter from Antwerp Port suggesting an amendment with regard to representative monitoring was discussed. Whereas the intent of the proposed amendment was supported, several concerns were also expressed, *inter alia* about the difficulties in introducing a new amendment at this late stage (ie. an amendment which was not discussed in the first reading) and about the potentially ambiguous term 'secondary pollution'.

The amendment originally accepted by the EP was therefore revisited and it was agreed that any new amendment should follow this wording whilst also seeking to clarify the underlying issue (ie. that contamination which is already present in the aquatic system should be recognised as such and treated differently to new sources of contamination). The group therefore agreed that **MEPs should be briefed to seek the following amendment "Priority substances and pollutants released as result of resuspension or relocation incidental to waterborne activities shall not be regarded as losses"**. *Post meeting note from PIANC EnviCom: it is important to ensure that MEPs and others understand that neither of these amendments are designed to undermine existing legislative requirements controlling the disposal of significantly contaminated sediments. Rather they would be expected to apply to*

sediments which have been considered as 'clean' under the existing regulatory regime, but may in future be considered 'contaminated' as a result of the tightening of thresholds under the daughter Directive itself.

In addition to dealing with losses, it was noted that the amendment which cross references to Article 4 of the WFD (ie. introducing the disproportionate cost exemption) appears to have been accepted by all parties. Notwithstanding this apparent acceptance, it was agreed that **MEPs should be advised** of the fundamental importance of this provision to the sector, and **that care should be taken to ensure that the disproportionate cost provisions in the Common Position text (Articles 1, 3(1), 3(3) and 5(5) are retained.**

It was agreed that pragmatism is needed in defining mixing zones and monitoring (this could possibly be taken forward as a recital in the introduction), and that a statistically robust approach is required for annual averages in transitional waters. Such issues will be taken forward by ESPO and EuDA. In addition, more Member State support is needed to ensure a greater emphasis on related issues in the CIS Chemical Monitoring Activity.

Action: ESPO and EuDA to prepare a briefing note covering all the above; other associations to take steps to brief MEPs on the two key messages.

4. CIS Climate change activity

It was reported that the key messages from the recent Bonn workshop on climate change were:

- the need to deal with gaps in data/understanding including more instruments to measure change; monitoring to be more focussed on detecting impacts
- the proposed preparation, in each river basin management plan (RBMP), of a dedicated chapter on climate change to facilitate public awareness and consultation, also to prepare for the second and third cycle of RBMPs
- it is unlikely that many specific actions on climate change will be included in the first round

The importance of bringing together examples of what has already been done and what is being done to accommodate climate change was stressed. Further, the limited capacity of experts in the climate change field should not be over-stretched. The role of the PIANC Working Group in collating relevant information was also highlighted.

Actions: INE to provide copies of Bonn workshop documentation for circulation; EFIP to provide agenda for forthcoming meeting of European Transport Ministers and stakeholders; PIANC to ask Maja Fickert to continue to represent PIANC on the SSG

EURMIG highlighted the importance of climate change for emissions, etc. as well as the water-related issues such as flow. RH mentioned that the Task Group should, in principle, only focus on climate change issues related to the WFD. Ship emissions and similar should not necessarily be discussed within the Task Group. CCNR suggested that a valuable recommendation from the PIANC Working Group could be for a longer-term Task Group or standing forum on climate change.

Action: JB to take recommendation to EnviCom

5. Hydromorphology

For the recreational boating sector, a seminar is planned for May 2008 at which HMWB designation and GEP setting will be discussed by recreational boating representatives involved in plan preparation.

Whilst it was agreed that a follow-up to the June 2008 Article 4(3) workshop would also be desirable for other navigation interests, it was highlighted that progress with the designation of HMWBs and the setting of GEP objectives is now so frenetic that it is unrealistic to expect anything to be changed before draft RBMPs are published at end 2008, even if a workshop

were to identify significant differences between Member States, etc. It was thus agreed that this initiative will be delayed until (draft) RBMPs are published, enabling any necessary work to be undertaken to help improve consistency in the second round RBMPs.

The need to begin to bring together all the environmental Directives with implications for estuaries - including their relationships to GEP - was also highlighted. This might be better achieved via the EC estuaries group.

The possibility of preparing a proposal under the IWRM-NET call was discussed. **Action: JB to find out more about the call and to circulate information.**

6. CIS exemptions activity

JB reported on the current position with the drafting group ie. that water directors have confirmed the use of exemptions as 'intended to be used exceptionally' that further discussions in the drafting group are required on use of time extensions; role of affordability in determining disproportionate cost; etc. JB confirmed that she intends to attend both the forthcoming 29th February drafting group meeting and the proposed April workshop.

7. Maritime Strategy/Marine Strategy Directive

On the EU Maritime Policy, RH reported that the 'blue' paper was published in October (ie. the result of the green paper consultation) and sets out various issues that the Commission will address in the next two years, leading to new proposals on specific topics. For the time being only the Common European Maritime Space initiative (ie. promoting short sea shipping) is directly relevant to the sector. Marine spatial planning is likely to be similar (in due course) to the ICZM 'recommendation' on best practice/information exchange.

RH reported that the Marine Strategy Directive has been adopted based on the text put forward by Council. Member States will have to assess current quality and determine threats and/or pressures and then develop an appropriate programme of measures to achieve good environmental status. Insofar as navigation sector is concerned, key issues are dredging, disposal, etc. but no concrete measures have yet been proposed. There is an emphasis in the Directive on marine protected areas but this is now focused on designating SPA/SACs in the marine environment. The geographical scope of the Directive is limited to waters on the 'other side of the baseline' unless additional measures are needed in WFD waters to prevent deterioration in marine waters and/or to protect sea mammals, etc. However, the 1 nautical mile overlap between the WFD and the MSD in coastal waters (some distance offshore in estuaries) remains.

CEDA remark that there is still some clarification required especially about sediments. JB highlighted a possible role for the proposed PIANC sustainable maritime navigation WG in providing good practice information to inform discussions with the Commission

Action: EM to circulate a note previously prepared for EuDA

8. PIANC WFD webpage

It was agreed that the following items would be made available through an open, WFD-specific part of the PIANC website. Other Task Group organisations are encouraged provide appropriate materials/links for inclusion and to create links from their own web-pages:

- position paper
- discussion paper
- 31st January 2007 conference presentations
- 22nd June 2007 Article 4(3) workshop report

Action: JB to work with Jurgen Silence to create appropriate headings, links, etc. including link to ICPDR statement and links to and from other sites eg. CEDA or EuDA

9. ICPDR Joint Statement

JB reported that the Joint Statement had now been agreed and individual organisations were being encouraged to formally endorse the output. There may also be a further role for Task Group organisations in participating in follow up workshops or working groups (eg. on environmentally friendly engineering or non-structural measures). The importance of continuing the process of collaboration started through the preparation of the statement was stressed.

10. Any other business

- a. Environmental guidelines for ports: RH reports that the Commission will prepare environmental guidelines as part of their Ports Policy - however, only the nature and biodiversity unit of DG Env will participate (likely through the Estuaries Group). ESPO would prefer that the initiative had a wider remit, including the WFD, etc.
- b. Waste and Soils Directives: the Soils Directive has been dropped because agreement between Member States could not be reached. On waste, EuDA reports that there is now a much improved common position from Council, indicating that sediment management will be accepted as long as it can be proved that the sediment is not hazardous. However, EuDA has some outstanding concerns about this need for justification; also, specifically, the implications for capital dredge arisings being interpreted as waste. **Action: EM to provide a note to circulate**
- c. CCNR workshop: GP reports that the joint CCNR and Commission for Protection of the Rhine workshop will focus on practical measures which contribute to maintaining or improving navigation and water ecology. The workshop (scheduled for 24th-25th April in Strasbourg) will not dwell on the theory (eg. of GEP etc.) and political issues will be avoided. Task Group members are invited to participate. **Action: GP to provide information to circulate.**
- d. Internalisation of external costs: DC explains that the Commission wants a methodology for the internalisation of external costs (not just environmental costs) agreed by 2008. All transport modes including navigation will be covered. TG should continue to monitor this initiative. EuDA comments that the theory here is good but the practice is difficult. ESPO does not expect this to have huge impact on ports or maritime navigation, but EFIP are concerned that climate change and energy discussions may provide more of an impetus than has previously been the case. **Action: RH to circulate ESPO position paper.**

11. Date of next meeting

Wednesday 18th June identified as next meeting date if a meeting is required.