

**EU Water Framework Directive Navigation Task Group  
Meeting at PIANC Offices, Brussels  
1330 hours, Thursday 11<sup>th</sup> February 2010**

Final Minutes

Present: Jan Brooke, PIANC  
Mirna Cieniewicz, European Boating Industry  
Nicola Clay, CEDA and MSFD Navigation Group  
Marc Eisma, ESPO  
Erik Mink, EuDA  
Michael Saha, CCNR (replacing Gernot Pauli)  
Albert Willemsen, ICOMIA

Apologies: Dorothe Herpertz, PIANC  
Steve Hull, ESPO  
Benoit Loicq, ECSA  
Antonis Michail, ESPO  
Axel Netzband, CEDA  
Graham Newman, CEDA  
Kate Moore, EBA

1. Welcome, introductions and apologies

Participants, including new members MC and MS 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:

- JB and AW have both been in contact with BL; however input from ECSA particularly on the emissions activity would still be welcomed by the Group
- JB had not sent the proposed letter to Water Directors as reasonable progress has been made in addressing some of the issues of concern via participation in Working Group E; however, as a result, the Group's concerns about the inability of the process to deal with detailed scientific matters has not yet been communicated.

3. SCG activities

3.1 Follow up November 2009 SCG meeting

JB summarised the main points arising from the meeting. Those not covered elsewhere on this agenda are:

- whilst not all Member States met the 22<sup>nd</sup> December 2009 deadline for publishing the final RBMPs (indeed, some are still not published), COM are commencing a 'compliance checking' exercise. This will include use of exemptions, heavily modified water bodies and the setting of good ecological potential, protected areas, water pricing, etc.

- the CIS climate change document is now published: most of the Task Group's remarks were included in the final version
- new mandates were discussed for 2010-2012 including activities dealing with good ecological status and potential; climate change; and chemical status. Workshop-based activities will include those on economics (below) and the relationship between the WFD and the Birds/Habitats Directives. **Action: JB to advise TG when these workshop dates are announced.**

### 3.2 Economics workshop

A workshop on economics is proposed for later in 2010. In the meantime, the TG has been offered the opportunity to contribute to the development of a questionnaire to inform the workshop. CCNR (MS), ESPO (ME) and EBI (MC) indicated that they would be prepared to comment on the draft questionnaire from stakeholder perspective. **Action: JB to circulate e-mail to ME and MC. MS, ME and MC to respond to JB before 21<sup>st</sup> February 2010 (COM deadline for responses 22<sup>nd</sup> February)**

Irrespective of whether the questionnaire proves to be relevant to stakeholders, it was agreed that the TG needs to remain involved in this initiative, not least in case the question of water use vs. water service is raised. **Action: JB to keep TG informed.**

### 3.3 Preparation for February 2010 SCG meeting

The morning meeting of the Marine Strategy Group had identified that the Task Groups working on the 11 descriptors had not made clear reference to the area of overlap in coastal waters. This is particularly important in respect of descriptors such as contaminants (where any required measures will be taken under the WFD). It was agreed that a short paper should be prepared setting out the WFD Task Group's concerns about the overlap between the WFD and the Marine Strategy Framework Directive in WFD coastal water bodies. This paper would be intended to be endorsed by the Marine group and then submitted to both SCGs and possibly to Water and Marine Directors.

EM advised that he has prepared a PowerPoint slide showing this geographical overlap which may be useful. **Actions: EM to send PowerPoint slide to JB; JB to prepare a first draft paper for comment by TG members. Note that the intention will be to have this paper complete before the 23<sup>rd</sup> February SCG meeting**

## 4. Chemical status

### 4.1 Sediment and suspended matter summary paper

EM introduced his paper 'comments on the treatment of sediment and suspended matter under the WFD'. EM explained that welcome action has now been taken on some of the issues raised previously by the TG. However, his attendance at various CIS meetings had identified some wider concerns about the lack of integration of issues between the different groups. The paper is therefore intended to put some of the outstanding issues which are of concern to the TG into the wider context of the 'pyramid' of CIS activities.

The Group agreed that this was a useful paper and should be submitted to the SCG (for information) and to Working Group E (for action, specifically in respect of developing an approach for normalisation). Comments had been received from GN (already circulated to the Group) and from SH. ME reported that AN may have comments that have not yet been submitted.

**Actions: JB to circulate SH's comments for EM to take into account; AN to circulate any comments; others to submit any comments to JB/EM.**

JB suggested that it would be useful to start the paper (rather than conclude it) with a summary of the key points.

The Group further agreed that the paper should also:

- include practical recommendations, particularly on normalisation (whilst acknowledging that the existing document does allude to normalisation);
- recognise role of subsidiarity in the implementation process;
- suggest that the current EQS should be reviewed in the light of the new guidance document;
- include reference to the difficulties experienced in trying to deal with complex scientific issues through the formal WFD processes (the Group's earlier draft letter to Water Directors refers).

MS reported that standards relevant to the Rhine have been prepared although these are not used by all parties. This work included attempts to link sediment and water quality. **Action: MS to circulate (links to) relevant background information to TG members.**

The Group re-confirmed their position that it is not appropriate to explore or promote general sediment standards.

AW highlighted the links in EM's paper to the work of the emissions WG but noted that the two groups appear to be largely unaware of each others' actions.

#### 4.2 CIS Emissions Activity

AW provided an update on the CIS Emissions activity (see attached PowerPoint). A key objective of this activity is to provide guidance on reducing diffuse emissions of TBT, PAHs, mercury and cadmium. The Drafting Group recognises that point sources also contribute to the overall load and that atmospheric inputs are also significant in some cases. PAHs and TBT are of particular interest to the TG.

AW also reported that:

- a main source of diffuse TBT is apparently from plastic pipes which are used across many sectors;
- the drafting group is not concerned with re-suspension of TBT contaminated sediments
- new substances will be added to the work of the Emissions activity.

Specifically on PAHs, AW reports that the Group needs more information from the inland navigation sector on PAH emissions. **Action: AW to draft a note specifying what information is requested; JB to circulate to INE, EBU, CCNR and EFIP**

#### 4.3 CIS Mixing Zones Activity

ME advised that a draft report on Mixing Zones was prepared in late 2009. The next meeting of this Activity (in March 2010) will discuss a revised version. ME will review this latest version on behalf of the TG and circulate a summary. **Action: ME**

#### 4.4 Other chemical status matters

The mandate for the new 'chemical status' Working Group was discussed. This brings together the previous CMA and WGE activities. This intended integration was welcomed.

EM reports that there are now likely to be 8-10 new substances added to priority substances list.

## 5. Climate change

JB confirmed that most of the Group's suggestions had been incorporated into the final report (now available on Circa, at: [http://circa.europa.eu/Members/irc/env/wfd/library?l=/framework\\_directive/climate\\_adaptation/management\\_climatepdf/ EN\\_1.0 &a=d](http://circa.europa.eu/Members/irc/env/wfd/library?l=/framework_directive/climate_adaptation/management_climatepdf/ EN_1.0 &a=d))

JB also reported that PIANC has set up new Permanent Task Group (PTG) on climate change. This will focus on coordinating both mitigation and adaptation for inland waterways, and on adaptation for maritime navigation. As work is already ongoing on maritime navigation mitigation, the PTG will simply monitor progress in this regard.

ME reported that there is a new adaptation initiative in the Netherlands. **Action: ME to circulate details to JB.** CCNR reported that they are also working on both mitigation and adaptation possibilities.

## 6. Fish and Eel Passes

GN has reported that the need for fish passes and similar has become a big issue in UK as a result of the WFD, and asked about other countries' experiences. MS reported that there is a similar situation on the Rhine: however, much information is already available and there will be a workshop later this month. **Actions: MS to forward relevant information to GN via JB; JB to ask whether INE or EFIP have any relevant experience.**

## 7. Update on EU Estuaries and Rivers Expert Groups

JB reported on COM's update on the Estuaries Group (i.e. the revised draft is being checked by COM's lawyers; they hope to have a final draft ready for inter-service consultation; then the document would be published as a Commission Communication, i.e. a non-legally binding guidance document). EM confirmed that sector representatives had had a final meeting with COM in November 2009.

ME reported that there is now some relevant experience in this regard from Port of Rotterdam. **Action: ME to circulate information to Task Group members NB Marc I am not sure I have fully recorded/captured this point correctly – please advise!**

EM also reported that there was a second meeting of the Rivers Expert Group in the latter part of 2009. MS confirmed that this group's objective is to provide a better link between the Birds and Habitats Directives and navigation interests. A wide range of organisations attends the meetings. The Group is currently finalising a table of contents for a report and a Terms of Reference against which a consultant will be appointed. The emphasis of the report will be on building infrastructure in navigable waterways.

EM reported that two other Groups have almost completed a similar exercise – the offshore industries and extractive industries. No major issues have been reported by these groups.

## 8. SedNet

ME had distributed a PowerPoint presentation from the recent Round Table. He reported that the Round Table identified many differences between Member States in how sediment issues have been covered in the first round RBMPs. The Group also discussed their ambitions for the next round of Plans. When the Round Table Report is finished, ME will circulate it. **Action: ME**

The next SedNet conference will be in Venice next year. The programme will be finalised in a few weeks and ME will distribute this to the TG when available. **Action: ME**

## 9. Waste Directive

There was no discussion on this agenda item.

## 10. Any other business

### 10.1 TG representation in WG E activities

EM confirms he will continue to monitor WG E activities and will attend meetings where possible to deal with relevant items. MS raised a question of whether WG E has been looking at MTBE – EM thinks it has been screened out but he/AW will check.

AW confirms he will stay on the emissions group

### 10.2 Maintenance dredging as a plan or project under the Habitats Directive

EM reported that the ECJ judgement on the River Ems question (of whether maintenance dredging should be considered as a plan or project?) has now been published. This indicates that maintenance dredging is a project but, in practice the impacts need to be assessed only once and there should be no further requirement thereafter (assuming there is no change in the activity). However, EM is concerned that the judgement does not resolve the issue of whether safety and/or statutory obligations should take precedence.

## 11. Date for next meeting

This will be determined, in collaboration with the Marine SFD Group, following the February 2010 WFD SCG meeting.

### ***Post-meeting note from Axel Netzband in relation to Item 4.1***

AN suggests we should state that as a basic principle contamination standards for sediments will be needed to fulfill the requirements of the WFD and of other EU regulation, like to MSFD etc. They are necessary for River Basin Sediment Management. Therefore general guidance is welcome. At the same time it is important to clearly state how they are derived and how they are to be applied.

He further agrees that the changes mentioned above will be helpful: 'the paper now is quite long and contains a lot of information: it would be useful to start the paper (rather than conclude it) with a summary of the key points'.

AN also supports what is stated:

- include practical recommendations, particularly on normalisation (whilst acknowledging that the existing document does allude to normalisation);
- recognise role of subsidiarity in the implementation process;
- suggest that the current EQS should be reviewed in the light of the new guidance document;
- include reference to the difficulties experienced in trying to deal with complex scientific issues through the formal WFD processes (the Group's earlier draft letter to Water Directors refers).