

**EU Water Framework Directive Navigation Task Group
Meeting at PIANC Offices, Brussels
1300 hours, Wednesday 1st April 2009**

Draft Minutes

Present: Jan Brooke, PIANC
Marc Eisma, ESPO
Dorothe Herpertz, PIANC
Erik Mink, EuDA
Axel Netzband, CEDA
Anthony Pepitpez, VNF
Karin de Schepper, INE
Albert Willemsen, EURMIG

Apologies: Neal Hill, EBA
Steve Hull, ESPO
Graham Newman, CEDA
Gernot Pauli, CCNR
Herwig Ranner, ESPO

1. Welcome, introductions and apologies

Task Group members, including new participant Anthony Pepitpez from VNF, were welcomed to the meeting. Apologies were noted.

2. Minutes of last meeting and matters arising

Actions/matters arising but not on the agenda:

- AW confirmed that he would circulate WG E papers to TG members
- the PIANC Working with Nature position paper is now on the PIANC website. TG members were asked to advise JB if they have any suggestions as to who might be able to help with its translation
- it was noted that the first meeting of the science-policy initiative clashed with the Estuaries Expert Group meeting. **Action: ESPO to be asked to report on progress with this group**

3. Strategic Coordination Group

JB reported that a new activity on the links between the WFD and the Birds and Habitats Directives is proposed. It was agreed to respond to the Commission stating that the Task Group:

- recognises there are some potentially important outstanding uncertainties insofar as the interrelationships between these Directives are concerned;
- supports the requests for clarification on such matters and, in particular, the need for consistency between Member States in interpretation and implementation;
- seeks reassurance that - in addition to exploring synergies and similarities - the important factual (legal and technical) differences between the Directives will be properly acknowledged;
- assumes that, in clarifying such interrelationships, full reference will be made to the existing WFD CIS guidance, particularly the various outputs of the CIS Environmental Objectives drafting group;
- asks that the Estuaries and Rivers Expert Groups be advised that this new activity will take place (so that their work can make reference to the forthcoming CIS guidance and does not have to try to pre-empt its conclusions); and
- fully supports the inclusion of the proposed activity, including appropriate opportunities to exchange experiences, in the 2010-2012 CIS work programme.

Action: JB to send response to COM

JB reported that consultants have been commissioned to report on water services and water pricing. JB has forwarded to them a copy of the Task Group 'water use vs. water service' paper. It was agreed that the Task Group should monitor progress with this work.

It was also noted that the SCG meeting endorsed a WFD workshop to be held in 2010 to discuss WFD economic methodologies and tools.

4. Hydromorphology

JB reported on the outcomes of the recent hydromorphology workshop (workshop notes circulated previously). It was clear from this workshop that different Member States have used some very different criteria to designate navigation-related heavily modified water bodies (ie. to apply Article 4(3)). INE expressed concerns about similar differences they have observed and any implications for the type of infrastructure project that can be taken forward.

Insofar as setting Good Ecological Potential is concerned, JB reported that some Member States have used the alternative (mitigation-based) approach; others the ecological CIS approach; and some a combination. ME expressed concern about differences in targets - for example in the Netherlands a water temperature threshold is set at 25°C. EuDA queried whether such targets are being set at international RBD level, noting that it will be very hard to achieve if the same standard is not being applied upstream.

The Task Group agreed with the workshop conclusions on the need for clarity on levels of ambition and the importance of monitoring to enable comparison between the outcomes of the two methods.

JB reported on the discussion at the workshop on whether or how to intercalibrate GEP. DH commented that, in Germany, not even the terminology is the same between different Lander. INE stressed the difficulties likely to be encountered in trying to intercalibrate ecological outcomes, even on large European rivers. Concerns were also expressed about the caveats which would need to accompany any 'master list' of measures.

It was agreed that the Task Group should write to COM confirming its concerns:

- about the apparent differences in approach between Member States in designation and setting GEP objectives;
- about the proposals for intercalibration of GEP; and
- about the key role of the Hydromorphology Strategic Steering Group in taking forward initiatives such as the compilation of a list of measures (ie. comparing the Terms of Reference of this group to those of ECOSTAT).

Action: JB to draft letter; KdS to ask INE members for examples of why intercalibration could be difficult on large rivers.

5. EU water conference

JB summarised her intended presentation; the key messages were agreed. JB is to stress the impartiality of PIANC and CEDA.

Action: JB to send TG members link to the EUWC overview document. *Post-meeting note: see <http://www.ewc2009.eu/EWC2009-conferencedocument.pdf>*

6. Priority substances daughter Directive

a. Mixing zones

ME reported on the latest document, confirming that it is of particular importance for industries that discharge to water bodies. Task Group members are clear that mixing zones apply only to discharges, not to dredging plumes. ME explained that the guidance document relies on expert judgement; it tries to keep assessments simple/not too complex. However, there may nonetheless be difficulties in applying the guidance in transitional water bodies. EM asked if

there are targets to reduce mixing zone scale over time? ME does not think this is case although the chemical industry is concerned. There do not appear to be any specific issues to date for the navigation sector but ME will keep the group informed.

b. Emissions

AW reported on the kick off meeting held in March. This group identified four key substances of most concern insofar as diffuse pollution is concerned: TBT, PAHs, cadmium and mercury. These will be dealt with in the first stage of work. AW reported that NL and DE wanted copper to be included (these countries along with SE are trying to ban copper-based anti-foulants) - but copper won't be covered by this group. The UK reported on research that implicates PVC plastic tubes and pipes in diffuse TBT problems, especially in industrial areas.

It is AW's view that, of the substances being considered, PAHs rather than TBT are of most concern to the navigation sector. Bilge waters and engine emissions, especially from sea going vessels using heavy oils, are a significant contributor here. KdS pointed out that INE advocates the use of low sulphur fuels for inland shipping to facilitate the use of cleaner engines. Whilst there are problems with the sufficiency of supply to allow the whole shipping industry to change to mineral oil, and there are also issues with safe storage, INE points out that the inland sector is a small sector for which the refineries are able to make the shift. AW also noted that there is no provision in the Recreational Craft Directive for this change.

Insofar as cadmium is concerned, this is more of a problem for production processes and in fertilisers; mercury is largely sourced from dentistry.

AW has highlighted to the working group the TBT ban and the work of IMO (although it was noted that TBT is still being used in the Far East). The TBT fact sheet has now been prepared. **Action: AW to circulate TBT fact sheet.**

AW will attend future meetings and report back to the TG; the next meeting is in May 2009. **Action: AW**

It was highlighted that ECSA should be aware of the work of this CIS activity. **Action: JB to make ECSA aware**

c. Outstanding issues for CMA and Water Directors

Following correspondence since the last TG meeting, JB suggested that two documents should be prepared to take forward the Group's concerns: a proposal to the CIS Chemical Monitoring Activity on how to address some of the outstanding issues in practical terms, and a letter to Water Directors setting out the Group's concerns/disappointment that the process has failed to deliver a satisfactory solution. EM agreed that the TG should highlight the apparent inadequacy of the legislative process to cope with highly technical issues and suggested it might be worth writing to the EQS committee following up the implementation of Directive as well as (or instead of) to Water Directors. **Action: EM to prepare draft letter and to consider who it would best be sent to.** It will be important to make clear the inadequacy of the process: eg. whilst the scientific committee did point out the deficiencies, the Commission did not seem to understand what the experts told them.

The draft paper prepared by SH was circulated to the TG and the initial response was positive. TG members are asked to provide comment by 10th April. **Action: JB/SH to circulate electronic version.**

d. Other issues

ME reported that SedNet looked at the WG E guidance on EQS and responded. **ME to circulate response to TG members.**

7. CIS climate change activity

KdS noted that the climate change adaptation white paper was due to be published today?

Post-meeting note: White paper is now available at

http://ec.europa.eu/environment/climat/adaptation/pdf/com_2009_147_en.pdf

a. Task Group contribution

Next meeting of the CIS climate change activity is end April 2009. The first technical inputs on the thematic chapters will be discussed with feedback required by end May. **Action: KdS to circulate drafts to TG to comment. Comments to be returned to DH as KdS will be on maternity leave.** Comments will need to be provided by the deadline and the TG needs to ensure navigation interests are properly included. DH advised that she will also participate in Group now. DH also noted that the structure and scope/coverage of the document may be re-visited as there are not enough technical case studies. KdS confirmed that ESPO (HR) is taking care of the technical side of the activity but that INE may also have someone who can contribute to this.

AW suggested a possible case study from EURMIG: floating fuel systems which prevent contamination during flooding. They are not only much safer but have a greater lifespan. As well as providing general comments, TG members should include reference to any potentially useful case studies when they respond. **Action: all to respond to DH**

b. PIANC activities

JB reported that PIANC is in the process of setting up a climate change structure covering all navigation-related aspects. However, the idea of an inland waterways climate change discussion forum seems to have got caught up in wider PIANC discussion. **Action: JB to check whether CCNR are still interested and, if so, try to find a way to take this forward on an interim basis.**

8. Draft River Basin Management Plans

a. Actions by Task Group associations

JB stressed the need for all Associations to ensure that their Members are aware of, and in a position to respond to the draft River Basin Management Plans. JB highlighted the WFD pages on the PIANC website as well as the UK initiatives, articles in PIANC newsletters, etc.

KdS reported that INE members have had a very diverse involvement, from being involved in writing the plans to having to find out what is a RBMP. INE is trying to get those who are more involved to help those who have been less involved.

EURMIG reported that it is for national associations to disseminate this information. NL, UK, FR are doing well and the rest are following. AW will find out in June who has responded.

CEDA discussed the dRBMPs four weeks ago but there has been no action. SedNet will include information about the dRBMPs in a newsletter?

ESPO has not done anything specific. Most activity seems to be at national level?

On the Danube, ICPDR are ensuring that interested parties are aware. KdS reports that EFIP will soon have new secretariat. *Post-meeting note: see 2nd April announcement of establishment of joint ESPO-EFIP office*

It was agreed that it would be useful for JB to draft a paragraph as a reminder of what is required in terms of responding to dRBMPs, to circulate to the Associations and on to their members via National sections if appropriate. **Action: JB to draft and circulate.**

b. PIANC website

JB reported that the WFD part of the new PIANC website is now up-and-running and should prove of value to those in the navigation sector who are responding to the draft RBMPs.

9. Estuaries and Rivers expert groups

JB reported that many of the comments made by the TG on the WFD elements of this guidance have been listened to and that the Water Unit is now fully engaged to help ensure that the WFD is properly interpreted. However, there are still some significant non-WFD concerns. EM reported that EuDA and ESPO have produced their own guidance document which has been submitted to the Commission. EuDA, ESPO and others advised that they have found the whole process very frustrating: for example, the guidance introduces a new 'sustainable dredging concept' but this is neither promoted by nor supported by stakeholders. EM also reported that DG Tren is now producing its own guidance. EM further noted that the aggregates industry has a parallel process run by the same unit but with a different consultant and this has succeeded in producing succinct guidance.

On the Rivers Expert Group, KdS reported that there had been a positive start. However there are no minutes yet. The need for a concise, user friendly, fit-for-purpose document had been stressed. Much best practice was presented and DG Env seemed impressed that such a lot is already happening. The meeting agreed it was best not to re-invent wheel, rather to collate information and use it to provide the required clarification – and then to disseminate it to (eg. smaller) planning bodies to ensure relevant issues are taken into account sufficiently early. VNF concurred that it was a very positive start; good to get both sides together and discussing. Local and regional workshops are planned. It was suggested that, because of the extent of the current problems, it would be better to go to the Elbe later in the process ie. when the current 'delicate consensus' is consolidated. The next meeting of the Rivers Group will take place in autumn 2009.

10. Waste Directive

AN confirmed that the Directive is published and includes the statement about sediments not being waste when they are not hazardous. Various Member State reactions were discussed and it was agreed that this issue needs discussion at European level (to exchange views only at this stage). EM stressed that EuDA would prefer the use of risk assessments to bio-assays. AN did not think that would be possible.

11. Marine Strategy Framework Directive

JB confirmed that the MSFD will have a similar structure for stakeholder participation as the WFD. Water Directors will meet back to back with Marine Directors. WISE will be extended to include marine issues. DG Env has sent a letter inviting stakeholders to contribute to MSD implementation; to express interest in attending the SCG and sub-groups. There is an open invitation to a meeting on May 15th. **Action: JB to follow up with Gert Verreet** by 12th April

Interested TG members suggested that the TG might also cover MSD issues, for example meeting in the morning to discuss the MSD then in the afternoon, the WFD. **Action: JB to put on agenda for next meeting.**

12. Any other business

AN reported that SedNet will organise a conference and round table 6th-9th October in Hamburg. The first sessions will be devoted to sediment management in RBMPs. AN also noted that a conference on WFD integrated river basin management and climate change will be held in Lille, 26th-28th April 2010.

13. Date of next meeting

Wednesday 16th September 2009. **Action: JB to ask PIANC to book a room**