

**EU Water Framework Directive Navigation Task Group  
Meeting at PIANC Offices, Brussels  
1300 hours for lunch, Tuesday 17<sup>th</sup> April 2018**

**DRAFT Minutes**

Present

Emma Barton, European Boating Association  
Jan Brooke, PIANC, Chair  
Marc Eisma, ESPO  
Kai Kempmann, CCNR  
Chantal Martens, MSFD NAVI TG  
Sonja Wild-Metzko, CEDA  
Albert Willemsen, ICOMIA

Apologies

Theresia Hacksteiner, EBU  
Laura Marot, European Boating Industry  
Erik Mink, EuDA  
Sotiris Raptis, ESPO

1. Welcome, introductions and apologies

JB welcomed those attending. Apologies were noted.

2. Minutes of last meeting and matters arising

The minutes of the 11<sup>th</sup> September 2017 meeting were agreed.

Amongst the outstanding actions not already on the agenda:

- GNS initiative: it was noted that:
  - o the final documents from the consultant are due with COM in Q1/2 2018
  - o a Commission staff working paper will then be prepared
  - o the figures for depth and minimum height under bridges are apparently taken from the Directive, so these cannot be changed (at least until 2023 when the Directive is due to be reviewed). However, the Directive does not specify how many days per year the targets need to be achieved
  - o it is unclear how WFD and TEN-T objectives will be reconciled in the meantime
- AW has prepared a spreadsheet showing the different substances covered by the different Directives (e.g. WFD, REACH, Biocidal Products Regulation). **Action: AW to provide a note for circulation.** *Post-meeting note: copy attached to this e-mail*
- AW will provide a PowerPoint presentation entitled 'The sustainable use of anti-fouling paints: how does industry make it a reality?' A video can also be viewed at <https://www.youtube.com/watch?v=OMHkahV3TWE>
- AW also advised that a conference exploring the relationship between the WFD and the Industrial Emissions Directive was held in December 2017. **Action: AW to provide a note for circulation**

3. SCG meetings

JB noted that the 8<sup>th</sup> February SCG meeting focussed only on the WFD chemicals issues already discussed in the WG Chemicals meeting attended by EM. JB did not therefore attend this SCG. The only other SCG meeting since the NAVI TG last met was 8<sup>th</sup> – 9<sup>th</sup> November 2017. The headline topics discussed at this meeting were:

- the Natural Conditions paper, subsequently endorsed by Water Directors in December 2017
- the Article 4(7) CIS guidance document, also endorsed by Water Directors in December 2017 and now available on CIRCABC as guidance number 36
- the then ongoing consultation on the WFD Fitness Check (to which NAVI TG responded in November 2017): further information is expected to be provided on this initiative at the May 2018 SCG
- an announcement that the next Water Conference will be held in Vienna on 20<sup>th</sup> – 21<sup>st</sup> September 2018: the main theme(s) of this event are not yet known
- a proposed workshop exploring the concept of 'significant adverse impact on use' related to the Article 4(3) designation of HMWBs and AWBs as well as to the identification of GEP mitigation measures (see 4a. below for more detail).

#### 4. CIS activities

##### a. **WG ECOSTAT**

JB explained that there is a great deal of ECOSTAT activity ongoing into 2018 in relation both to the methods used to assess hydromorphological status and in respect of GEP inter-comparison. In both cases, the current emphasis is on freshwater bodies, but work on transitional and coastal (TraC) water bodies is now getting underway on the same topics.

A recent survey of Member States to establish the main uses for which TraC HMWBs are designated revealed some significant differences between Member States. There are similar differences in the uses for which TraC GEP mitigation measures have been identified.

Insofar as rivers and lakes are concerned, reports have now been prepared and published describing good practice mitigation measures for water storage, agricultural drainage and flood protection. For inland navigation, only the workshop report exists.

Measures for all uses are now being compiled and reviewed as part of the revised guidance on GEP; however, there are still different views (even within the ad hoc Task Group) on how measures should be grouped i.e. according to the nature of the physical modification or the objective of the intervention in terms of ecological function.

The next activity under this heading is a workshop exploring the concept of 'significant adverse impact on use and the wider environment' (SAIOUaWE) related to the Article 4(3) designation of HMWBs and AWBs as well as to the identification of GEP mitigation measures. JB will attend this workshop, to be held in Brussels on 23<sup>rd</sup> and 24<sup>th</sup> April 2018.

The discussion paper prepared for the workshop can be found using the following link (you may need to be on CIRCABC already to get to it): <https://circabc.europa.eu/sd/a/3bc74bb0-6349-451b-8b89-7fad10d1b360/Discussion%20Paper%20-%20Workshop%20SAEoU.pdf>.

**Action: all to provide urgent feedback on discussion paper to JB; JB to prepare workshop report for circulation**

##### b. **WG Chemicals**

Further to EM's reports (included with the meeting agenda), AW confirmed that WG Chemicals has been quite active in recent months, mainly because of the development of the Watch List and the evolving relationship between WFD and IED and REACH. AW confirmed that such developments are of particular importance to ICOMIA – and likely to others in the sector – because of the potential implications for coatings etc. (e.g. isocyanide)(?? AW please check/advise).

AW also noted that there is an 'emissions target group' involving CEFIC and many of the other EU level associations with interests in chemical products. AW does not know if this is IED or WFD-led. JB does not think it is a WFD initiative.

## 5. WFD-related activities

### a. **European Sustainable Shipping Forum / use of scrubbers**

There was no update on European level discussions about the implications of using open loop scrubbers for WFD water quality although it was confirmed that their use is banned in certain German and Belgian water bodies for WFD reasons. JB indicated that this issue is gaining increasing attention in UK ports, not only because of the possible implications for WFD but also (with the prospect of up to 30% of vessels using scrubbers for exhaust gas cleaning by 2030) the possible implications for the quality of dredged sediment in berths and approaches. ME confirmed that Port of Rotterdam has not banned the use of open loop scrubbers in its waters. **Action: SR to be asked if there is any update on this topic from the ESSF**

### b. **SedNet**

ME advised that SedNet has recently started two new working groups, one dealing with the circular economy (recycling) and the other with sediment quantity. The next SedNet conference will be held in Dubrovnik: the call for abstracts is due out soon. **Action: ME to provide information to JB for circulation**

ME also confirmed that SedNet has applied for CIS Membership, but has not yet heard from COM with an outcome as the rules are changing.

## 6. Other business

### a. **MSFD**

All present at the meeting except CCNR (who do not have marine interests) had attended the morning meeting of the MSFD NAVI Task Group, so it was not necessary to present an overview. Rather CM will circulate the notes of the meeting. **Action: CM**

### b. **Action Plan for Nature**

COM's Action Plan for nature, people and the economy was discussed. It does not appear that there are any current consultations, and those attending did not feel that – to date – there are any areas of particular concern. Rather the focus of the plans seems to be on ensuring the proper, consistent implementation of the nature Directives.

That said, there are several actions of potential interest to the wider navigation sector, for example COM intend to 'Update the methodological guidance on Article 6(3) and 6(4) of the Habitats Directive (by 2018) on the permitting requirements for plans and projects likely to have a significant effect on Natura 2000 sites, also addressing issues relevant for the Projects of Common Interest (PCI) under the Trans-European Transport and Energy Networks (TEN-T/TEN-E)'. TG member associations are therefore encouraged to review the document and to remain appraised of the intended initiatives under the terms of the Action Plan. **Action: all**

Further information about the Action Plan can be found at <https://publications.europa.eu/en/publication-detail/-/publication/58d58aa7-5c78-11e7-954d-01aa75ed71a1/language-en>, with more detail in the Commission Staff Working Document at [http://ec.europa.eu/environment/nature/legislation/fitness\\_check/action\\_plan/factsheets\\_en.pdf](http://ec.europa.eu/environment/nature/legislation/fitness_check/action_plan/factsheets_en.pdf). **Action: SR to be asked if he is aware of any opportunities for stakeholders to engage in the review process.**

### c. **Inter-relationships between other relevant EU Directives**

AW raised the possibility of extending the scope of the WFD NAVI Task Group to enable discussion on the inter-relationships between other existing (and evolving) Directives and Regulations, notably REACH, the IED, the Biocidal Products Regulation and the Waste Framework. Whereas the value in this proposal was recognised, ME commented that a

different individual in Port of Rotterdam handles these issues. This may also be the case for other organisations. JB also noted that such an extension would probably require a different Chair/Secretary as this is not her area of expertise.

It was agreed that for the foreseeable future (12-18 months at least) there is a need for a full day of meetings on the MSFD and WFD (i.e. at least until the end of the current CIS work programme, and the outcomes of the REFIT exercise are clear). JB suggested that an option to explore might therefore be to 'piggy back' on the existing meetings, for example, meeting the day before or afterwards.

As an interim action, it was agreed that an item should be added to the agenda for the next meeting to record and agree the scope of what is needed i.e. the Directives and Regulations concerned. **Action: JB to add to agenda for next NAVI TG meeting**

#### d. Legal opinion provided to HPA

SWM advised that Hamburg Port Authority has now received the outcomes of a legal review into the adequacy of the river basin management plan for the Elbe, specifically on whether the WFD objectives and exemptions have been applied correctly. The legal opinion, a summary of which will be forwarded to all NAVI TG members, confirms that this is not the case. The opinion identifies that the application of Article 4(4) and 4(5) exemptions upstream, both in other Federal states and in upstream Member States, means that Hamburg's ability to meet the WFD and MSFD objectives downstream is severely compromised. This inconsistency in the application of exemptions means that the legality of the RBMP can be questioned in court. **Action: SWM to ensure that NAVI TG members are kept up-to-date with progress on this case.**

#### 7. Date of next meeting

The next meeting of the NAVI Task Groups will be held on Monday 12<sup>th</sup> November 2018. This timing is intended to follow the WFD SCG and precede the MSCG, enabling the preparation of a position for the latter. **Action: JB to ask PIANC to book a room; to circulate an agenda nearer the time**