

**EU Water Framework Directive Navigation Task Group
Meeting at PIANC Offices, Brussels
1300 hours for lunch, Tuesday 5th April 2016**

Minutes

Present

Emma Barton, European Boating Association
Jan Brooke, PIANC, Chair
Marc Eisma, ESPO
Dafydd Lloyd Jones, CEDA
Erik Mink, EuDA
Albert Willemsen, ICOMIA

1. Welcome, introductions and apologies

Apologies were received from Henrich Roeper (CEDA), Antonis Mikhail (ESPO), Karin de Schepper (INE), Ewa Tomczuk (European Boating Industry), Kai Kempmann (CCNR)

2. Minutes of last meeting and matters arising

The minutes of the 26th October 2015 meeting were approved. Amongst the matters arising:

- no contact details have been submitted by NAVI TG members for possible Member State representatives on the TraC GEP intercalibration sub-group
- it was noted that the CEN work on hydromorphology standards is very technical but does not seem to be based on (or reflect) practical WFD experience; neither is the process well supported by SCG or ECOSTAT members with hydromorphological interests.

Other actions and matters arising are covered on the agenda.

3. SCG meeting

a. Notes of SCG meeting

JB provided an overview of the 8th – 9th March SCG meeting, highlighting:

- that the new Work Programme includes ad hoc Task Groups (see below) that will be managed directly by the SCG (rather than setting up new Working Groups); and
- the completion of the REFORM project (which amongst other things, identifies the lack of correspondence between the ecological parameters susceptible to hydromorphological change and those monitored for the Directive).

b. CIS work programme

The 2016-2018 Work Programme is agreed. EM and JB will continue as attending and corresponding members to the Chemicals and ECOSTAT WGs respectively. The Data and Information-sharing WG will also continue. The SCG will have a more strategic role, including overseeing the proposed ad hoc Task Groups. For example, activities related to the Programmes of Measures, to economics, or to policy integration will be managed directly by the SCG.

c. COM assessment of MS RBMPs

JB noted COM's intention to complete their review of Member States' 2015 RBMPs before the 2018 deadline - in order that the outcomes can feed into the 2019 review of the Directive. JB confirmed that there is not yet any concrete indication of what the 2019 review might include, although it is clear that not all water bodies will be at good status by the deadline. There might, therefore, be an acceptance that long-term less-stringent targets will have to be set, or deadlines for reaching good status might have to be extended.

d. Ad hoc Hydromorphology Task Group

JB described the intentions for this Group i.e. to provide a focal point for the wide range of WFD activities that directly or indirectly include or impact on hydromorphology; to help take forward the GEP intercalibration; and to identify and arrange to address gaps (e.g. sediments generally; hydromorphology in TraC water bodies). It was agreed that JB should participate in this ad hoc Group on behalf of NAVI. **Action: JB to circulate ToR to TG**

e. Ad hoc Article 4.7 Task Group

JB explained that this Group will elaborate on and provide supplementary guidance to CIS Guidance Document 20 on environmental objectives. It will consider, amongst other things: the implications of the Weser CJEU ruling; the lessons learned from good practice, also from infringement proceedings; the role of economics; inter-relationships with other Directives; the need for a common definition of maintenance; and an equivalent to the early stages of the Habitats Directive assessment (i.e. likely significant effect and adverse effect on integrity).

There was discussion about the role of adaptive management in the context of the proposed supplement to Guidance Document 20 and particularly the Weser ruling. EM is concerned that it is not possible to be certain whether a development will result in the status-class level deterioration of one or more elements: this is particularly the case in terms of hydromorphological parameters where the definition of status class boundaries seems to depend entirely on biological status (a potentially significant weakness in the Directive) .

EM also noted that there has been a recent paper published by an EC judge that questions both the competence of the court to reach detailed technical decisions; and the assumed status of many rulings i.e. case law becomes 'beyond question'.

With regard to deterioration, JB reiterated that the REFORM project highlighted the lack of correspondence between the biological elements affected by physical changes and the biological parameters monitored under the Directive – a problem that may also be the case for TraC water bodies. This, together with the lack of clear status class boundaries for many hymo parameters compounds the difficulties of establishing reliable cause-and-effect relationships.

EM confirmed that this is why an adaptive management approach can help. At present, the application of the Article 4.7 tests can potentially be triggered by 'a suspicion'. It was agreed that, where there is uncertainty but the risk of a residual effect on status seems low (i.e. acceptable), a monitoring and review regime (with a clear plan of action in the event that possible deterioration is detected) could be implemented in parallel with mitigation measures, thus avoiding the need for a project to go through the Article 4.7 tests.

A related issue raised in this discussion was the possibility that hydromorphological changes might be medium term (i.e. the ecosystem will recover but not within the monitoring period – so the effect is not permanent): this situation might be a candidate for an adaptive management approach.

Action: EM will review and circulate the paper *inter alia* highlighting the opportunity to identify adaptive management measures in the 'mitigation loop' (CIS Guidance Document 20, Figure 4, page 26).

ME asked about the intention to define 'maintenance'. JB explained that this would highlight the need to differentiate between recent and ongoing maintenance (where the ecology reflects a regularly disturbed ecosystem) and maintenance that has not been carried out for decades (i.e. the ecology has since recovered/stabilised).

It was agreed that JB should participate in this ad hoc Group on behalf of NAVI. EM may also participate. **Action: JB to circulate ToR to TG**

4. WG Chemicals

EM confirmed that there has been no recent activity. The next meeting, to be held in May 2016, will discuss *inter alia* the selection of substances for the 2019 review.

There is also no update on discussions regarding the use of open loop scrubbers in WFD water bodies. **Action: EM to check with Benoit Loicq, ECSA**

ME indicated that NL and BE may be looking to prohibit the use of open loop scrubbers. **Action: ME to ask colleagues and revert to TG**

5. MSFD licensing workshop

JB summarised discussions from the MSFD NAVI TG meeting. COM and their consultants are considering the role of licensing in delivering good environmental status under the MSFD. This is of concern to the sector, not least because there does not appear to be any added value in adopting such an approach, particularly given the scale of interest to the MSFD. Other than (possibly) the cumulative effects of two or more major projects in different Member States, existing assessment methodologies already adequately cover the MSFD Descriptors.

JB and DLJ will make presentations at the forthcoming (8th April) workshop, highlighting amongst other things:

- highlighting the location of most navigation related activity i.e. within WFD coastal water bodies;
- noting the role of EIA, SEA, WFD and Habitats Directive compliance, etc. in the existing process; and
- stressing the lack of evidence to support the possibility of marine sub-region level effects (at least from navigation or aggregates dredging).

Action: JB and DLJ to circulate their presentations

EB enquired whether there might be any significant gaps in either Directive when compared to the other (i.e. in respect of MSFD hydrographical conditions, sea floor integrity and contaminants vs. WFD hydromorphology and physico-chemical elements). **Action: EB to forward CEFAS report to JB; JB to carry out a comparison if one does not already exist**

6. Other business

a. PIANC's Think Climate initiative

JB reported that, since the COP21, the coalition has two new partners (ESPO and IMarEST) and several new supporters. ESPO brings the ECOPORTS and PERS initiatives (which have potential to be extended to include climate mitigation and adaptation and to be introduced in other parts of the world) and IMarEST brings access to a variety of knowledge opportunities including an intern to develop a YouTube based toolbox of video presentations.

Other activities include recent (London) and planned (Manila, Dubai, USA, Tehran ...) WG 178 workshops. The WG 178 will meet in Spain in June.

b. SedNet

ME reported on SedNet's planned activities including:

- a research project on the Rhine that is examining *inter alia* the consequences of climate change for historical contaminated sediments e.g. by re-suspension
- the 3rd SedNet Round Table on sediments in RBMPs. Entitled 'The Danube meets the Elbe' this Round Table will cover the revised Elbe sediment management plan, sediments' issues on the Danube, and contributions from the Rhine. JB noted the potential for a link to the proposed HyMo ATG (see 3d. above). **Action: JB to explore**
- a workshop on sediments in a changing environment; the next workshop will make a clearer link with climate issues
- SedNet participation in a MAES (mapping and assessment of ecosystem services) project that includes sediments' mapping

- a planned workshop in Antwerp on ecosystem services (no date is set yet)

Action: ME to circulate information about the above.

c. Good navigation status project

JB passed on the message from KdS regarding the good navigation status project, a new initiative under Article 15(3)b of the TEN-T Guidelines and covering all CEMT \geq IV waterways. Planned participants in the study include the river commissions, national and regional waterway authorities, experts from the IWT industry, the European Commission and other waterway users, stakeholders and experts.

The objective of the study is to ensure that rivers, canals and lakes are maintained so as to preserve 'good navigation status' while respecting the applicable environmental law. The working group will meet four times before the planned completion of the study end 2017. **Action: JB to circulate the presentation and contact details**

7. **Date of next meeting**

The next meeting will likely be held in early October 2016. **Action: JB to circulate possible dates about 12 weeks beforehand**