

WFD Task Group meeting, 8th April 2015
PIANC Offices, Brussels

DRAFT NOTES

Present:

Jan Brooke, PIANC
Kai Kempmann, CCNR
Dafydd Lloyd-Jones, for MSFD NAVI
Erik Mink, representing ICOMIA
Henrich Roeper, CEDA
Ewa Tomczuk, European Boating Industry

Apologies:

Emma Barton, European Boating Association
Marc Eisma, ESPO
Paris Sansoglou, EuDA

1. Welcome, introductions and apologies

Dafydd Lloyd Jones was welcomed to the meeting. Apologies were noted.

2. Notes of 30th October meeting

There were no comments on the draft minutes of the previous TG meeting. All actions are covered on the Agenda.

3. Strategic Coordination Group meeting

JB provided an update on the key points of the meeting (see meeting notes appended to Agenda).

a. Weser dredging case: definition of deterioration in WFD

With regard to the Weser dredging case, JB now has an English language translation, which she has reviewed. KK and PS have also reviewed their native language versions and it is agreed that the opinion is very ambiguous in all languages with regard to whether deterioration within a status class is or is not deterioration. Indeed, KK notes that in one place the opinion suggests that even a neutral project (i.e. no effect on status) would not be permitted if the water body is at less than good status.

JB reported that the Court ruling had been expected before the end of March, but it is still not available and COM does not seem to know when it is now due. It is not clear why there is a delay: it could simply be that the Court is very busy. It could also be the case that the ambiguity is being addressed.

b. Use of scrubbers

Regarding the EU Sulphur Directive and the use of scrubbers, JB confirmed that COM raised this issue at the SCG, and that she made an intervention stressing industry's need for a level playing field. EM confirmed that COM has more recently acknowledged that those involved in developing the Sulphur Directive did not really consider the implications if vessels did not move to low sulphur fuels (i.e. if vessels chose to treat exhaust emissions). Either way, it is now recognised that there is a problem but no solution is yet evident.

EM reported that, at the Chemicals WG meeting, it appeared that there are differences between the position of DG Environment (who do not believe that exemptions can be applied) and DG MOVE who are trying to find solutions. There are also still some misunderstandings, for example with respect to whether there is a discharge from closed loop scrubbers. He also noted that the Netherlands take the view that international (i.e. IMO) rules take precedence (although this may not be the case in estuaries?).

EM confirmed that there is still a lack of communication between the ESSF and EM as the NAVI TG representative on the WG Chemicals. **Action: JB to write to AM and BL requesting that EM and JB be included in cc. on correspondence relating to the WFD-Sulphur Directive debate so as to ensure that the industry speaks with a single voice at WFD meetings.**

4. Working Group Chemicals

a. EU Sulphur Directive

See 3.b. above.

b. Sediment trend monitoring

Regarding sediment trend monitoring, some MS representatives at the meeting pointed out that it can take decades to establish trends in sediment with any confidence. EM confirmed that COM has sent out questionnaire to Member States to try to establish the benefits and potential pitfalls of sediment trend monitoring.

The NAVI TG submitted a response to COM's broader question on the feasibility of and any problems likely to be associated with sediment trend monitoring. This highlighted that sediment trend monitoring is 'not a panacea'; it is often difficult to establish any trend at all and sediments cannot be reliably be taken as being representative of water quality.

KK asked whether WG Chemicals is considering issues in relation to micro-plastics. EM confirmed that these are not covered by the WFD. JB noted that potential freshwater sources of micro-plastics have been identified as a 'gap' in the WFD in relation to the objectives of the MSFD. KK reported that, on the Rhine, evidence has been found of a different kind of plastic from that used in cosmetics, etc. – a 'raw' plastic used in production, in the process. Navigation has been highlighted as a possible source of this substance, for example via a spill or an accident. Possible industrial sources are also being examined. **Action: KK to forward paper to JB for circulation**

HR highlighted that BfG also discussed this issue; micro-plastics in water is likely to move up the WFD agenda generally because of the MSFD.

c. TBT

JB reported that several investigations are planned as part of the second round RBMP in England as it is increasingly realised that current sources of TBT may exist (i.e. this is not necessarily a legacy issue associated with the (now banned) use of the substance in anti-fouling paints for vessels. EM confirmed that in Sweden, high levels of TBT are also being identified in relatively quiet marina waters (i.e. areas where sediment is not routinely disturbed).

d. Watch List

The Commission implementing decision (EU) 2015/495 of 20 March 2015 establishing a watch list of substances for Union-wide monitoring in the field of water policy pursuant to Directive 2008/105/EC of the European Parliament and of the Council (notified under document C(2015) 1756) has now been published (see <http://eur-lex.europa.eu/legal->

content/EN/TXT/?uri=OJ:JOL_2015_078_R_0008). The Watch List includes the following substances:

- Diclofenac
- 17-Beta-estradiol (E2)
- Estrone (E1)
- 17-Alpha-ethinylestradiol (EE2)
- 2,6-Ditert-butyl-4-methylphenol
- 2-Ethylhexyl 4-methoxycinnamate
- Macrolide antibiotics
- Methiocarb
- Neonicotinoids
- Oxadiazon
- Tri-allate

EM reported that the Watch List was developed because, for certain substances, there is insufficient information to know whether that substance should be on the list of priority and priority hazardous substances (P(H)S). The Watch List is an endeavour to collect and collate relevant data. However, many Member States remain uneasy about the concept, and for some substances detection levels are so low, that some countries will not yet be able to monitor them.

EM also confirmed that the P(H)S list will be revised again in 2019. WG Chemicals is already starting to look at potential selection criteria as well as the revision of thresholds for some substances already on the list.

EM reported that discussions are now moving into the research domain because the number of potentially harmful substances is increasing, potentially leading to longer and even longer list of substances of concern, and higher and higher costs to MS. Even if all these substances are monitored, it will still not be possible to be sure that there are no in-combination or synergistic effects. The emphasis is therefore changing to focus more on effects-based assessments and methods. COM's researchers will be asked to put forward proposals for this research.

5. CIS Programmes of measures WG meeting, 2nd – 3rd March 2015

a. Presentations on the second round RBMPs

JB noted that all Member States making presentations at the most recent PoMs WG meeting made the same points: the need for affordability to play a role in determining the Programme of Measures; and the difficulties encountered (e.g. incentivising WFD delivery partners) because of the one-out-all-out rule.

COM disagreed with both arguments (but accepted that Member States may need to present achievements differently at a national level than that submitted formally as part of the reporting process).

b. Commission Communication

JB highlighted that the 4th implementation report including the Commission Communication 'towards the good status of EU water' has been published and is available at: http://ec.europa.eu/environment/water/water-framework/impl_reports.htm.

This document is accompanied by a Commission Staff Working Document which *inter alia* sets out COM's expectations of each Member State's second round RBMP. For example, the UK is asked amongst other things, to make clearer the links between pressures and measures.

c. Member States' consultations on draft second round RBMPs

It was highlighted that all Member States are consulting, have consulted or will consult on the second round River Basin Management Plans. These Plans must be finalised by the end of 2015. It was suggested that it would be useful for Member Associations of the Task Group to alert their own members/constituents to these consultations (and to the consultations on the MSFD Programmes of Measures). With regard to the former, a link should be provided to the PIANC WebPages dedicated to the WFD and the associated NAVI TG activities. **Action: JB and HR to prepare a draft announcement.**

JB also highlighted the recent preparation, by the navigation sector in England, of a discussion paper describing the various issues encountered in trying to respond to the draft RBMPs prepared by the Environment Agency. **Action: JB to circulate copy for information only.**

d. MSFD reporting requirements

JB noted that many Member States at the meeting appeared to be unaware of the changes made to the WFD reporting proforma that were required to avoid duplication with MSFD reporting (i.e. those reporting under the WFD must now also cover certain aspects of the MSFD).

e. Coastal and transitional water bodies

JB confirmed that she made a presentation to the PoMs WG meeting (under the Agenda item discussing the next CIS Work Programme) highlighting the need to pay greater attention to the delivery of WFD objectives in transitional and coastal water bodies. Specifically, she suggested that a workshop be held on this topic to determine the scope of a potential follow-up activity.

f. Next CIS Work Programme

COM requested that ideas for the next CIS Work Programme be forwarded by Easter. In addition to reinforcing the need for greater attention to be paid to transitional and coastal water bodies, JB suggested that the NAVI TG: support the proposed hydromorphology initiative but request further specific hydromorphology initiatives; and highlight the need for greater integration between the WFD and EU transport policy and programmes. The latter point was exemplified by an intervention by WWF at the recent EU Water Conference: WWF noted that the TEN-T programme failed to take into account WFD requirements.

In discussion, the need for action on both points was supported. **Action: JB to advise COM.** It was acknowledged that hydromorphology is still poorly understood even by those with interests in WFD implementation; for example, hydromorphology is much wider than e-flows. It was also agreed that programmes such as TEN-T need to demonstrate that WFD issues have been properly considered.

KK indicated that CCNR may wish to give further consideration to this question: JB advised that any additional ideas would most usefully be received before the next SCG meeting (in early May 2015).

EM confirmed that continuing attention will be required to the various issues under the mandate of the WG Chemicals. The TG should therefore support the continuation of the work of this Group. **Action: JB**

JB reported that amongst the other comments made (and supported) at the WG PoMs meeting in relation to future CIS activities was the need to increase exchange of experience workshops and, in particular, to make more effective use of their outputs (i.e. improved dissemination and use).

6. ECOSTAT activities

a. E-flows

JB noted that the final e-flows guidance has now been published, as Guidance document N°31. You can find it via Circa in the folder of the e-flows WG together with the collection of case studies. See <https://circabc.europa.eu/w/browse/764dcfed-6e09-4683-be61-951647df760a> It is also filed in the CIRCA folder for all adopted guidance documents

JB highlighted that, at the most recent SCG meeting, several Member States remained unhappy about the finalisation of the paper *inter alia* because interpretations of the terminology still vary; because sediment flows are variable – there is no ‘one-size-fits-all’; because of timing issues (i.e. there is no time now for some Member States to include e-flows in the second round RBMPs); etc.

JB and KK briefly introduced the draft PIANC paper on e-flows and sediment flows, explaining the process of its preparation, including the clarification of the sediment flows concept. It was agreed that, once finalised, it would be useful to submit this paper to COM / Member States to assist in understanding of the link between sediment flows and hydromorphological status. **Action: JB**

b. Intercalibration of GEP

JB reinforced her request to TG members to suggest individuals who may be suitable candidates for the work of the group tasked with intercalibrating (methods for) determining GEP in transitional and coastal water bodies. No nominations have been forthcoming. **Action: JB to write individually to those (also in EnviCom) who may have relevant contacts in a particular country.**

c. Hydromorphology sub-group

JB confirmed that the setting up of a sub-group under the ECOSTAT mandate to deal with the coordination of WFD hydromorphological issues looks likely. She cautioned, however, that this group is unlikely to undertake new activities. Such activities will still require a specific initiative.

7. EU Water Conference

JB and KK reported on the EU Water Conference, noting their disappointment with the general lack of structure (i.e. sticking to the topic in some sessions and some interventions) and particularly the lack of time for questions and discussion.

The negative tone of the intervention by WWF was noted; it was recognised, however, that their point about the lack of attention to the WFD in the TEN-T programme is valid and needs to be addressed.

a. CCNR presentation

Mr van der Werf made a brief statement on behalf of the wider navigation sector in the Session dealing with Lessons learned from the first cycle RBMPs. Unfortunately there was insufficient time for detailed discussion and there were no questions on navigation issues.

b. Issues arising

It was clear that disagreements between COM and Member States *inter alia* over affordability issues and the value of the one-out-all-out principle are likely to characterise the early stages of the second round river basin planning cycle. COM is also keen that Member States make more use of cost recovery.

c. Transitional and coastal water bodies

There was no discussion about WFD implementation in transitional and coastal water bodies and little mention of the MSFD, even in the Session on integration.

8. WFD-MSFD matters

There was no discussion under this agenda item as all those with interests in the MSFD had been present at the MSFD meeting in the morning.

9. Other business

a. SedNet

HR reported that SedNet has been holding a series of Round Table discussions. The second of these looked at integrating sediment in RBMPs. A third Round Table was planned to bring together science and management leading to recommendations for measures. This was to be held on the Elbe in early March; however there would not have been enough participation from non-SedNet members, in part because too many people were tied up with dRBMP preparation. The Round Table was therefore postponed and will be re-scheduled in due course.

HR also advised that the next SedNet Conference will be held in Krakow, 23rd – 26th September 2015. This will be the first time the conference has been held in an upland environment. The theme is 'Sediments and society', see <http://www.sednet.org/conference2015.htm>

b. EuDA workshop on EU Directives

PS sent his apologies for the meeting: there was therefore no news on the proposed EuDA workshop.

c. State of the Environment report

JB confirmed that the EEA's 'State of the Environment' report has been published (see <http://www.eea.europa.eu/soer>).

d. PIANC WFD WebPages

JB confirmed that these pages were in the process of being updated; the text has been revised to reflect progress to date with WFD implementation but the links still have to be checked. This will be complete before the end of April. **Action: JB**

10. Next meeting

It was agreed that options for a date in approximately six months should be circulated nearer the time.