

**EU Water Framework Directive Navigation Task Group  
Meeting at PIANC Offices, Brussels  
Monday 26<sup>th</sup> October 2015**

Present:

- Jan Brooke, Chair, for PIANC
- Mark Eisma, Port of Rotterdam, for ESPO
- Kai Kempmann, CCNR
- Erik Mink, WG Chemicals representative
- Henrich Roeper, Hamburg Port Authority, for CEDA
- Albert Willemsen, ICOMIA

Apologies

- Emma Barton, RYA, for EBA
- Mirna Cieniewicz, European Boating Industry

**1. Welcome, introduction and apologies**

JB welcomed those attending. Apologies were noted.

**2. Minutes of last meeting**

The minutes of the meeting of 8<sup>th</sup> April 2015 were approved. With regard to matters arising:

- 3.b. EM advised that he is now in informal contact with the European Sustainable Shipping Forum (ESSF) via ECSA and has the opportunity also to discuss with ESPO. The level of contact is now adequate
- 6.b. No suggestions were received in relation to the request for NAVI TG members to identify individuals in their country who are working in transitional or coastal water bodies and are well engaged with WFD ecological and hydromorphological matters in heavily modified or artificial water bodies. It would be useful to identify such individuals in order to be able to suggest them as possible participants as and when the work on intercalibration of GEP (methods) in coastal and estuarine water bodies re-starts. Note, however, that this does not constitute a formal approach to join such a group, only a recommendation. **Action: all to forward names and contact details to JB.**
- JB reported on the workshop (9<sup>th</sup> and 10<sup>th</sup> June) promoted jointly by JASPERS and COM to explore project-level assessment of WFD compliance. This workshop focused on explaining how projects should undergo WFD compliance assessment, and provided examples of available methodologies for so doing. JB made two presentations in her role as an advisor (i) to JASPERS and (ii) to the England Environment Agency. N.B. The workshop was held prior to the publication of the Weser CJEU ruling, but its recommendations were consistent with this ruling. Indeed, the clarity provided by the ruling, is likely to further increase COM's focus on ensuring project-level compliance with the WFD.

**3. Finalisation of second round River Basin Management Plans**

It was noted that most Member States should, by now, have completed consultation on the second-round RBMPs and be preparing them for publication. However, several Member States have already reported to COM that their submissions will be delayed. **Action: JB to remove the consultation alert from the PIANC WFD website after 22<sup>nd</sup> December** (i.e. the date by which Plans should have been published).

#### 4. SCG meeting

##### a. Meeting notes

JB highlighted the main relevant topics of discussion at the recent Strategic Coordination Group meeting, *inter alia*:

- the July 2015 CJEU ruling on deterioration under the WFD (the Weser case; see below)
- COM's forthcoming review of Member States' second round RBMPs, which will inform COM's consideration, by 2019, of whether the Directive needs to be reviewed
- There was extensive discussion about the forthcoming Work Programme (see below)

##### b. Weser CJEU ruling

COM emphasised that this ruling both highlights the binding nature of the WFD objectives; and confirms the need for element-level assessment.

In discussion, it was concluded that the ruling seems reasonable but that it will likely involve some in the sector in extra work. The following points were also discussed:

- the ruling clarifies that, in the lowest status class, any deterioration is considered as deterioration
- Member States must refuse consent for a development that affects water body status unless an exemption is granted (N.B. COM has previously remarked and continues to stress that Article 4.7 is there to be used, not to be avoided)
- the ruling appears to put 'aim to achieve' on an equal level to 'prevent deterioration'.

ME advised that a WFD assessment will be required for Rotterdam's forthcoming channel deepening.

JB indicated COM's intention to incorporate any clarifications or changes resulting from the Weser ruling into CIS Guidance Document 20 (exemptions) when it is reviewed.

EM highlighted the potentially useful role of adaptive management and monitoring solutions, especially when it is not clear whether biology will be affected as a consequence of a hydromorphological modification (i.e. taking into account that hydromorphology is a WFD supporting element).

It was agreed that a short paper setting out the possible benefits of an adaptive management approach should be developed for submission to COM and Member States when discussions begin on the review of the exemptions guidance. **Action: EM to prepare a first draft for JB/HR comment and circulation to all NAVI members.**

##### c. 2016-2018 CIS Work Programme

JB explained that the initial long 'wish list' of possible CIS activities has been consolidated into a shorter and more structured document that attendees at the SCG generally welcomed and appreciated. The NAVI TG feedback to COM on this revised paper included the following:

- NAVI welcomes the proposal for strategic level issues (e.g. Programmes of Measures and hydromorphology) to be dealt with at the SCG or in associated meetings; NAVI would prefer that the following are similarly dealt with at SCG level: coastal and transitional water bodies; and water quantity issues
- NAVI suggests that 'integration with other policy areas and Directives' should become a task in its own right (i.e. rather than a disparate list under 'other activities')
- when links to the MSFD are discussed, the relationship between WFD hydromorphology and MSFD hydrographical conditions should be noted
- sediment monitoring has a potentially useful role in relation to long term trend monitoring

It was agreed that JB should participate on behalf of the NAVI TG in the proposed hydromorphology 'umbrella' activity.

In relation to the proposed WG Chemicals activities, EM highlighted the issues associated with the use of WFD EQS in the marine environment; he also noted that there are different values again for OSPAR, and stressed that a consistent and justified approach is needed. N.B. It was reported at the MSFD NAVI meeting that those involved in MSFD implementation are content to use the WFD EQS out to 12 nm.

KK noted that the 2016-2018 Work Programme does not contain anything specific to navigation. JB confirmed that the navigation interest is indirect, for example in the proposed activities on exemptions, hydromorphology and GEP intercalibration, policy integration, etc.

KK also commented that there is a new initiative involving DG MOVE, the Presidency and the Danube Commission exploring TEN-T and the concept of 'good navigation status'. This activity is setting 'standards' for European inland waterways, for example in relation to depth or draft; air draft (bridge clearance), etc. **Action: KK to forward relevant papers to JB for circulation and to ensure NAVI TG remains apprised of progress**

The revised Work Programme will be presented at the next SCG meeting (5<sup>th</sup> November).  
**Action: JB to prepare a report on the SCG meeting for NAVI**

HR asked whether there is a schedule of meetings available on CIRCABC. JB explained that the Events' Programmes can be found at the bottom of the WFD 'Library' page.

#### **5. Programmes of Measures Working Group meeting**

JB introduced the note of this meeting, highlighting that there was in fact very little input from Member States on the lessons learned from the preparation of the second round RBMPs.

Discussion on adaptation to climate change highlighted that climate adaptation options are relevant to the WFD in respect of adaptation to extreme events and ecosystem-based adaptation (this in turn raises potentially useful opportunities *inter alia* for the promotion of adaptive management approaches; see 4.b. above). Other items raised under this agenda item at the WG meeting related to links between water and other sectors, and to policy and legal issues; there was also discussion about the use of exemptions (e.g. 4.6 vs. 4.7) in relation to climate change.

#### **6. ECOSTAT hydromorphology workshop**

The 12<sup>th</sup> – 13<sup>th</sup> October hydromorphology workshop mainly focused on rivers as it presented the results of the REFORM project. Many of the issues raised are, however, equally relevant to other water body types, for example:

- the evolving understanding that the current monitoring regime under-estimates the impacts of hydromorphological change on biology; the apparent mis-match between the BQE parameters that are monitored and the species that are actually sensitive to hydromorphological changes
- the differences in the biological and hydromorphological monitoring regimes (e.g. monitoring BQEs at a different location or time from hydromorphological monitoring); the local nature of many hydromorphological effects
- the difficulties of establishing which effects are associated with hydromorphological change in a multi-pressure environment.

In discussion at the workshop, several possible ways forward were suggested, ranging from changing monitoring regimes to better reflect the effects of modified hydromorphology (which JB felt the sector could probably support) to elevating hydromorphology from a supporting element to

be equivalent to BQEs (which JB indicated the sector is unlikely to support because it changes the intention of the Directive).

JB also reported that the CEN 'assessment' standards were discussed at the workshop, where it was acknowledged that there had been little if any involvement of WFD practitioners in setting these standards. The Rivers and Lakes assessment standards have nonetheless been added to the WFD Annex V: these standards are now up for review and workshop participants highlighted that they could be improved significantly by incorporating user-generated good practice. **Action: KK to review the documents and to advise whether CCNR or the ICPR are best place to contribute**

AW noted that the CEN standards are a management tool, an assessment of what and how to measure rather than a threshold to be achieved. JB confirmed that 12/16 Member States who responded to a questionnaire indicated that they were not using the CEN standards, but this is apparently acceptable as long as the approach they are taking is at least as good as that advocated by CEN.

HR noted that the workshop presenter from the Netherlands indicated that NL feel they have 'a good understanding of the links between hydromorphology and the biological quality elements'. **Action: JB to provide HR with contact details of the NL speaker on neural models**

## 7. Working Group Chemicals

### a. Notes of meeting

EM reported from WG Chemicals that:

- the basis for establishing EQS is now under review; this could be a positive step if, for example, the 'assessment factors' can be reduced where there is now more knowledge
- candidate substances for next list of priority substances (2018) are already being reviewed: some of the 10-15 substances being considered (especially pharmaceutical products and endocrine disruptors) have potentially significant effects on the price of water if water companies are in future expected to remove low levels of a multitude of substances
- the potential implications of the inclusion of biocides on the list was discussed. AW highlighted that any constraints on biocide use potentially increases the risks associated with the introduction of (invasive) alien species. Careful consideration is therefore needed.
- JB asked whether any of the new substances might have implications for the monitoring of sediments. EM thought this unlikely as the focus is still on water and biota, not sediments
- EM also reported on ongoing research work: this can be helpful for understanding the (potential) effects of new substances

### b. Open loop scrubbers

The use of exhaust gas cleaning systems in ports, particularly open loop scrubbers, was again on the agenda of WG Chemicals. There is ongoing disagreement between DG MOVE and DG ENV on this matter (the former stressing that international regulations take precedence). In the meantime, a report on washwater composition clearly shows the presence of PAHs in the washwater from scrubbers.

## 8. Links to other Directives

JB confirmed that several recent CIS meetings have highlighted the need for improved integration between different EU Directives, policies, etc. For example, this concern was stressed at the SCG meeting and again at the REFORM workshop.

JB also highlighted the need for vigilance regarding the possible implications of the soon-to-be ratified Ballast Water Management Convention for WFD and MSFD (i.e. in terms of clarifying baseline conditions in port and harbour water bodies).

## 9. Any other business

### a. SedNet

ME reported:

- that the recent SedNet conference (23-26 September 2015, Kraków, Poland) was very successful. **Action: ME to provide a link to the conference outcomes**
- that various SedNet Working Groups are underway and others are planned, including one dealing with the effects of climate change on sediments (which might link well to the Navigating a Changing Climate initiative) **Action: ME to provide details to JB**
- a third Round Table on sediments in River Basin Management is being considered

EM noted that a presentation prepared by Jos Brils was shown 'second hand' at the WG Chemicals meeting, but it was presented 'out of context' so it was not as useful as it should have been.

### b. Think Climate

JB introduced PIANC's Think Climate coalition and the Navigating a Changing Climate Action Plan. CCNR, PoR and HPA all indicated a possible interest in becoming supporters of the initiative; also possibly SedNet. **Action: KK, ME and HR to advise JB** by 3<sup>rd</sup> November ideally and by 10<sup>th</sup> November latest for inclusion in the Action Plan being launched in Paris

## 10. Date of next meeting

It was agreed that the next meeting should be held in April 2016 unless WFD or MSFD activity indicates that an earlier date would be preferable.