



## Water Governance across Europe *In light of the Review of the EU Water Framework Directive*

### **SUMMARY REPORT**

**1 February 2017**

**European Parliament, Brussels**

Policy-makers, international organizations, industry, local authorities and civil society gathered in the European Parliament to identify practices of good governance to improve the application of the Water Framework Directive (WFD).

**Michel Dantin MEP and Chair of the “Agriculture and Water Management” Working Group of the EP Intergroup** welcomed participants by emphasizing that in the past 30 years, the legal framework for the protection of European waters has widely expanded with the WFD being Europe’s key tool to achieve a “good status” for all waters. More than 15 years after its entry into force, 50% of EU waters still lags behind the “good status” objective, despite significant progress. Implementation shortcomings and interpretation gaps therefore call for a greater focus on the principles of water governance. Governance refers to measures and strategies used by the different stakeholders to achieve political objectives. It concerns the division of competences among the stakeholders, the inclusiveness of the decision-making process, the amount of resources available, the efficiency of the legal framework or the reliability and accessibility of the information. To this regard, the WFD lacks tools of good governance highlighting that the integration of the water policy in other sectors of the economy as one example.

**Bettina Doeser, Head of Unit “Clean Water”, DG Environment, European Commission** highlighted that the WFD is already an accomplishment in itself but that improvements with its implementation are needed. It was said that the WFD is closely linked to the Commission’s priorities, the 7<sup>th</sup> Environmental Action Programme as well as the 2030 Agenda. The OECD Principles on Water Governance are also useful as guidance mentioning some of particular importance; clear division of responsibility, policy coherence, and providing a clear link to funding needs. All these principles are enshrined in the WFD. It was underlined that a comprehensive legislative framework is in place; the directive foresees clear institutional set ups, along with appropriate competent authorities and the need for appropriate measures and funding. The WFD has also helped push for international cooperation on waters within and beyond the EU. The example of the Danube Region was provided as the EU recently took over the presidency for the International Commission for the Protection of the Danube River (ICPDR) for 2017 with the hope of making this successful river basin cooperation more visible.

It was said that the WFD is accompanied by a Common Implementation Strategy, which has proven to be a very useful process, which is probably not well known beyond the water community but could serve as a good practice example. It was stressed that on a voluntary basis stakeholders come together to discuss and agree on a common approach and then



continue to follow through. There are also many challenges due to developments beyond water that must be addressed such as land use intensification, climate change, geographical changes, and pressures from various sectors.

In terms of implementation it was said that integration into other policy areas is key. Further, the Commissioner for Environment, Maritime Affairs and Fisheries together with the Commissioner for Agriculture and Rural Development are hoping to bring agriculture and water use more closely together, which would also help implement Sustainable Development Goal (SDG) 6 which aims to ensure access to water and sanitation for all. The WFD will undergo a mandatory evaluation in 2019. The Commission intends to start at the end of 2017 by producing a report on the implementation of the second batch of river basin management plans, which will have an important input to the evaluation process. It was underlined that consultation with stakeholders will be ensured.

**Aziza Akhmouch, Head of the OECD Water Governance Programme** conveyed three key messages on the future of water governance in Europe. First, the OECD recently rejuvenated its water legal acquis with the adoption of the [OECD Council Recommendation on Water](#) in December 2016, which, for the first time in 25 years, updates and consolidates the OECD's water policy framework. This effort showed that common baselines and standards are challenging to agree upon and that any attempt at revising them should acknowledge their strengths and mitigate the risks of going backwards. The WFD and related Directives were provide inspiring guidance for non-EU countries to restore the ecological status of their waters, as is the case of Chile, Japan, or even Brazil.

Second, four key trends observed in many OECD countries have strong implications on water management today and in the future: i) *Territorial reforms*, such as the reorganisation of municipalities and regions, influence how roles and responsibilities are assigned to new authorities for different water management functions as is currently the case In France with the Laws NOTRE and MAPTAM, which will reorganise the scale at which water services are supplied and flood protection is jointly carried out; ii) *Fiscal consolidation* raises concerns on “who will pay for what” to renew infrastructure assets; which are ageing in most OECD countries and can no longer rely only on public spending. There is a need to think about how to bring forward innovating financing mechanisms at different scales, but also bring in newcomers in the landscape such as property developers, long term institutional investors. It is also critical to move away from situations where the “polluted pays” and make sure that economic instruments are properly used to generate needed revenues but also to better manage demand, ; iii) *Digital reforms* and increasing *interconnectedness* already have implications on accountability in water management, triggering new ways to organise local public services at the appropriate scale; iv) The *crisis of trust* from citizens in their governments implies to rethink *role of citizens* in water policy to secure social and political acceptability and address the water risks' awareness gap.

Thirdly, lessons learned from international experience show that most often, water policy design and implementation are hampered by *governance* bottlenecks related to fragmentation, scale, policy coherence, capacity, data and information, funding, regulation, integrity and transparency, stakeholder engagement, monitoring and evaluation. The [OECD](#)



[Principles on Water Governance](#) provide a common frame of reference and set of standards to design and implement effective, efficient, and inclusive water policies in a shared responsibility with the broader range of stakeholders.

As a conclusion she recalled that while the WFD was originally established mainly to tackle environmental problems, water has since 2000 been acknowledged as a driver for economic growth and wellbeing at large. This is reiterated in the 2030 Agenda for Sustainable Development, which provides the opportunity to connect water to other policy areas. The next frontier is therefore to measure and assess the performance of water-related institutions over time to achieve such social, environmental, and economic outcomes.

**André Flajolet, Président du Comité de Bassin Artois Picardie** stressed that water management has for a long time been an important issue in France, which experienced difficulties with industrial pollution and therefore created water agencies. In 1992 a law was adopted in France, which declares that water is to be a shared heritage. It was explained that the law helped create the management schemes for water and the water infrastructure building programmes. In 2006 an additional law was adopted that enables France to meet the EU requirements integrating the WFD into national legislation. Further, the law helped ensure funding to meet quantitative and qualitative objectives for water cleaning, water for agriculture and industry, as well as for protecting the environment. It was said that the notion of water being a shared heritage is not always a reality. It was stressed that in order to have good water management a comprehensive framework is essential recalling the importance of governance. The importance of coherence was reiterated. It was also said that the government tends to over translate EU directives while at the same time decrease the budgets for water agencies both in financial and human terms leaving the basin committees with less means to meet the increasing challenges and objectives. It was also conveyed that urban areas play a central role in water management. Globally, many people still lack access to clean water underlining that international cooperation is pivotal, calling on the EU to lead efforts on cooperation. The impacts of climate change on water availability must also be considered underlining that the rivers in Picardie could lose 40% of their water capacity. It was concluded by stating that in order to deal with the challenges financial means are needed and a balance must be found between nature, industry, and agriculture.

**Bruno Tisserand, President of EurEau** outlined that the organisation has since 1975 provided the voice of Europe's water sector representing public and private drinking and waste water services from across Europe. It was stated that the association has dealt with water governance over the past years providing exchange of practices, knowledge and ideas to develop effective solutions. It was said that the EU has done a lot in the past 25 years on water policy but there is still a long way to go recalling that water governance is key to the implementation of the WFD. Water governance encompasses three essential inter-related elements; transparency, accountability, and stakeholder engagement, which EurEau actively work towards strengthening. It was said that water services represent only one of the players that interact with, and are regulated by the competent national authorities to deliver good governance of water resources. Further, it was explained that drinking water



and waste water services are carried out by water operators, who are fully committed to delivering strong water governance and are through EurEau signatories to the OECD Principles on Water Governance. It was pointed out that the way water services are managed is subject to subsidiarity meaning that whatever the management system, regulation by the competent authority ensures that water services comply with EU water policy obligations. It was underlined that sustainable drinking water services rely on non-deterioration of water quality and the achievement of good status, but that water services play an important role in reaching this very objective by treating waste water. The importance of cost recovery and polluter pays principle was highlighted as stated in article 9 of the WFD. It was further said that water services in nearly all Member States recover the operational and investment costs through the water tariffs. It was said that EurEau supports the 3Ts (tariffs, taxes, and transfers) approach that brings clarity to the cost recovery principle. It was reiterated that all stakeholders must take responsibility for their impact on the environment and bear the relative costs. With regards to the review of the WFD the need to ensure full implementation of the cost recovery principle was stressed along with the need to implement the source control approach and the polluter pays principle, ensure more transparency of roles and responsibilities of each actor involved in the water governance, better stakeholder engagement, better synergies across all EU policies, and better coherence between WFD and the water industry directives.

**Dr Alejandro Iza, Director of the IUCN Environmental Law Centre, co-Director IUCN BRIDGE programme, International Union for the Conservation of Nature** highlighted that IUCN works on water governance at all levels from the local to the transboundary dimension across the world. The work of IUCN is based on the recognition that 884 million people do not have access to safe drinking water, which indicates that there are major gaps in national policies, legislation and institutional fragmentation. It was stressed that water governance goes beyond national boundaries. It is necessary to consider that 60% of international rivers around the world lack any type of cooperative management framework, and this is also a water governance issue, that if not resolved leaves areas vulnerable to conflicts. It was explained that BRIDGE supports the capacities of countries in transboundary basins to implement effective management arrangements through the promotion of a shared vision, transparent and coherent legal and institutional frameworks. It works through 5 key implementation strategies; demonstration, learning, dialogue, leadership, advice and support. It was said that the various continents and regions differ in challenges. For example in Mesoamerica a major challenge is the absence of frameworks for transboundary water cooperation. The programme therefore offers supports to promote the adoption of local level agreements on transboundary rivers. In South America it was said that most the agreements do not respond to the current discourse on transboundary water management, therefore providing technical support and guidance to governments in drafting new agreements is essential. In Africa for example there are many power imbalances to negotiate and implement existing frameworks. In addition there is also weak governance in water scarce regions that may boost conflicts. Capacity building for water diplomacy and strengthening negotiation skills was pointed out as pivotal. With regards to Asia it was said that a major challenge is the weak institutional set up. BRIDGE works to promote global



instruments to reinforce existing basin agreements and to strengthen basin institutions. It was said that BRIDGE does not work in Europe but does collaborate with EU actors such as UNECE through work on the Helsinki and Espoo Conventions and facilitate dialogue between EU River Basin Commissions. The current discourse on the SDGs was also welcomed. It was stressed that water governance reform is an issue of capacities that must be addressed with practical accessible information. The programme has over the past years helped implement practical tools such as technical papers, studies, online programmes and technical support platforms (such as the Water Law and Governance Support Platform). It was concluded by emphasising that easy access to developments in Europe is important as it can assist third countries to develop and implement their water legislation, and Europe can learn from the challenges faced by other regions in their quest for achieving effective water governance.

**The discussion with the audience** reiterated that the relationship between water use and agriculture must be better tackled. The recently adopted declaration of the G20 Agriculture Ministers *“Towards food and water security: fostering sustainability, advancing innovation”* was also highlighted as an important statement showing the urgency of the matter. It was asked whether the main issue of governance is due to structural issues or rather political will of Member States. In response it was said that governance does not only involve governments but is a shared responsibility. It was mentioned that by examining where the gaps are improvements can be made also stressing the need for comparisons in order to hold governments’ accountable emphasising the important role of citizen awareness and engagement. **Julie Ward MEP** highlighted that more politicians need to become engaged on water related matters stressing that it has recently been of particular importance to the UK, which last year experienced extreme floods. The need to highlight the gender perspective in the water nexus was also raised. In response it was informed that there is a strong call to make 2018 the UN International year for gender and water to bring forward the issue globally and ensure better access for women. Participants further highlighted the role of Natura 2000 and that protected areas have in protecting the resource and promoting public awareness. The debate if water is the new oil was touched upon as it is often perceived as a contentious issue. It was stressed that as water demand increases the risk of conflicts also rise. However, it was pointed out that by being aware of the risks makes them easier to manage. Reference was made to the recent refit of the Birds and Habitats Directives with participants underlining that it showcased that it is a long process and that efforts should rather be put towards implementation. It was further said that the revision is mandatory also mentioning that implementation lies first and foremost with Member States. The issue of climate change was reiterated underlining that the first report on the flood risk management plans will be finalised by the end of the year also informing that the EU Adaptation Strategy is under review. Further, within the Circular Economy Package the Commission will this year present a proposal on water reuse. Issues related to the price of water, funding gaps, and engaging with society were also raised.

**Michel Dantin MEP and Chair** concluded the meeting by stressing that in the political world very few have a global view on the issue and that not enough politicians are interested or



engaged on the matter. It was said that the more technical the discussions become the higher the risk that the interest is reduced. Drawing on the presentations and debate it was stressed that in order to achieve efficient water management all stakeholders must be involved also having access to data and ensuring transparency. The need for coherent management was emphasised implementing schemes both down and upstream as well as between sectors in order to utilise as well as preserve this natural resource. Any governance structure should be assessed with indicators decided upon from the beginning in order to measure efficiency.