

“TAIEX ECRAN Multi-beneficiary Workshop on Actions Toward Good Status of the Water Framework Directive”

11 – 13 July 2016

ECRAN 62669

Legal Frameworks for Transboundary Management



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Structure of the presentation

Implementation of Community environmental legislation

EU Water protection and management

Communication on Improving the delivery of benefits from EU environment measures: building confidence through better knowledge and responsiveness

Enforcement of Community environmental legislation



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Implementation of Community environmental legislation

A **high level of environmental protection** is one of the fundamental objectives of the European Union

Implementation has a cost. But the cost of non-implementation is very often much higher. The costs of not implementing current legislation are broadly estimated at around **€50 billion a year in health costs and direct costs to the environment.**



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Implementation of Community environmental legislation

- Implementation of Community environmental legislation is to be ensured in the first place by Member States who need to **monitor and report** on it to the Commission.
- In addition to any implementation and enforcement action taken at national level, the European Commission fulfils the role of "Guardian of the Treaty": according to Article 211 first indent of the EC Treaty, the Commission is to ensure that the provisions of the Treaty and the measures taken by the institutions pursuant thereto are applied.
- In performing that function, the Commission may open **infringement procedures**.



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EU Water protection and management

1. GENERAL FRAMEWORK
2. SPECIFIC USES OF WATER
3. MARINE POLLUTION
4. REGIONAL WATERS
 - 4.1 Regional convention
5. DISCHARGES OF SUBSTANCES



1. GENERAL FRAMEWORK

- Good-quality water in Europe (EU Water Directive)
- Urban wastewater treatment
- Flood-risk management in the EU
- Addressing water scarcity and droughts in the EU
- Pricing and long-term management of water



2. SPECIFIC USES OF WATER

- Bathing water quality (until 2014)
- Drinking water — essential quality standards
- Water suitable for fish-breeding
- Bathing water quality
- Quality of shellfish waters



3. MARINE POLLUTION

- Strategy for the marine environment
- Marine pollution from ships and gas and oil installations
- Civil liability for oil pollution damage
- Protecting the sea and the food chain
- Ship-source pollution and criminal penalties
- Maritime safety: compensation fund for oil pollution damage
- Maritime safety: prevention of pollution from ships



4. REGIONAL WATERS

- Strategy to improve maritime governance in the Mediterranean
- EU Strategy for the Baltic Sea Region
- Danube - Black Sea region
- Black Sea Synergy
- European Union Strategy for the Danube Region
- Environment strategy for the Mediterranean



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4.1 Regional conventions

- Helsinki Convention: trans-boundary watercourses and international lakes
- OSPAR Convention
- The offshore protocol helps protect the Mediterranean Sea from pollution
- Barcelona Convention for the protection of the Mediterranean
- Convention for the Protection of the Rhine
- Helsinki Convention on the protection of the Baltic Sea



5. DISCHARGES OF SUBSTANCES

- Industrial emissions
- Protection of groundwater against pollution
- Environmental quality standards applicable to surface water
- Tackling threats posed by chemicals (Stockholm Convention)
- Safer detergents for European consumers
- Protection of the aquatic environment against discharges of dangerous substances (until 2013)
- Fighting water pollution from agricultural nitrates
- Community strategy concerning mercury



Communication on Improving the delivery of benefits from EU environment measures: building confidence through better knowledge and responsiveness (2012)

Objective: to intensify the dialogue with governments and all other stakeholders to achieve better implementation of EU law through collecting and sharing knowledge and by enhancing responsiveness to environmental problems at a local level .

Proper implementation requires knowledge of the legislation to be implemented, measures taken and gaps to be addressed.



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Communication on Improving the delivery of benefits from EU environment measures: building confidence through better knowledge and responsiveness (2012)

It highlights the importance of reliable and accessible knowledge base.

It provides a set of ideas how to improve the collection and dissemination of knowledge base both at national and EU level.



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Enforcement of Community environmental legislation

- To support the implementation and enforcement of Community environmental legislation the Community has adopted the **directive on environmental liability**, the recommendation providing for **minimum criteria for environmental inspections** and the **directive on the protection of the environment through criminal law**.
- Whatever means are used, the overall objective of the Commission is to ensure that **EU environmental legislation is implemented in full, correctly and on time**.



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Current questions for discussion at EU

- How can we maximise the synergies and minimise the trade-offs when implementing the water policies?
- What are the priority areas of cooperation which should be further developed?
- How do Member States address at national level an integrated implementation of these policies?
- What would be the Member States' needs that could be supported by an EU process?
- Should the Commission establish a forum for exchanging best practices with Member States and institutional partners (EC, EEA) on the way to work jointly?
- What more can the Commission do to promote these synergies? How could Commission contribute to and benefit from Member States' work?



Main priorities in the water policy (1)

1. A new strategy to reinforce water management - Blueprint to Safeguard Europe's Water Resources –
 - The Water Blueprint's time horizon is closely related to:
 - the EU's 2020 Strategy and, in particular, to
 - the 2011 Resource Efficiency Roadmap, of which the Blueprint is the water milestone.

The Blueprint covers a longer time span, up to 2050, and is expected to drive EU water policy over the long term.



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Main priorities in the water policy (2)

2. European Innovation Partnership

EIP Water Steering Group Renewal - Public Call for Expression of Interests Jan 2016

The EIP Water has entered into its second phase, focusing on the delivery of impacts in fostering the **uptake of innovations to address the key water challenges.**



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Main priorities in the water policy (3)

3. Water Scarcity and Droughts

The main overall objective of EU water policy: to ensure access to good quality water in sufficient quantity for all Europeans, and to ensure the good status of all water bodies across Europe. Therefore, policies and actions are set up in order to prevent and to mitigate water scarcity and drought situations, with the priority to move towards a water-efficient and water-saving economy.

2012 Water Scarcity and Droughts Policy Review - November 2012, which is part of the "Blue Print".

- The review concludes that the **overall objective of the Water Scarcity & Droughts (WS&D) policy - to revert the WS&D trends - has not been achieved!**



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Main priorities in the water policy (4)

4. Flood Risk Management (1)

Floods Directive (2007/60/EC): MS prepared their Preliminary Flood Risk Assessments (PFRAs) and Flood Hazard & Risk Maps (FHRMs) before 22 December 2011, resp. 22 December 2013. According to Article 10, MS made available to the public the preliminary flood risk assessment, the flood hazard maps, the flood risk maps and the flood risk management plans.

The European Overview Report on PFRAs provides information on the MS' PFRAs and Areas of Potential Significant Flood Risk (APSFRs).

The European Overview Report on FHRMs provides information on MS' FHRMs.



Main priorities in the water policy (5)

4. Flood Risk Management (2)

The individual MS Reports provide relevant background to the two Overviews. For the individual MS Reports there are 2 folders:

- The individual Member State PFRA Reports
- The individual Member State FHRM Reports

The individual MS Reports largely reflect the situation as reported by the MS to the EC in 2012 (PFRA) and in 2014 (FHRM).

The 2nd cycle of implementation of the FD - 2018.

An overview report has been produced based on the reporting of MS' Flood Risk Management Plans (FRMPs) - 22 March 2016.

The preparation of FRMPs concluded the 1st cycle of implementation of the Floods Directive.



Main priorities in the water policy (6)

5. River basin management in a changing climate. Water is at the core of climate change adaptation
- **Adapting the management of Water and Environmental Resources in response to Global Change**
 - White Paper on adapting to climate change
 - As part of the actions included in the White Paper, Water Directors adopted in December 2009 a Guidance document on adaptation to climate change in water management to ensure that the River Basin Management Plans (RBMP) are **climate-proofed**.



Main priorities in the marine policy

- Further implementation of the MSFD
- Increasing the coordination at the level of Regional Seas Conventions
- Coordination with other environmental directives, Common Fishery Policy and maritime spatial planning
- Implementation of ecosystem approach in all EU regional seas
- Highlight the importance of the Marine Strategy Framework Directive within Blue Growth policy



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Thank you!



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