

Outlook on the Water Policy Issues in Brussels

A New Brussels Scene

After the European Parliament was elected in June 2009 and the Lisbon Treaty came into force in November 2009, the EU institutions have been reorganised and became fully operational at the beginning of year 2010 when key players took office: Mr. Herman van Rompuy as president of the EU Council, Ms Catherine Ashton as High Representative of the Union for Foreign Affairs and Security Policy and the new team of European Commissioners headed by Mr. José Manuel Barroso.

From December 2009, significant changes on EU policies have been introduced under the Lisbon Treaty: the right of petition for citizens; a more prominent role to the European Parliament (in liaison with national parliaments); amended voting arrangements in the Council of Ministers (double majority instead of unanimity); clearer definition of legal power delegated to the Commission on technical matters (i.e. comitology); special treaty infringement procedure for non-communication of implementing measures.

Within the new Commission, competencies have been reshuffled between the Directorates-General. Compared to the previous situation, climate topics have been transferred to a newly created DG Climate Action, and topics concerning Civil Protection (including floods) have been transferred to DG ECHO (Humanitarian Aid). Climate change adaptation in the water sector remains however in the remit of DG Environment.

10 Year Anniversary of WFD

The Water Framework Directive (WFD) is the largest piece of EC water regulation. It took 12 years to reach an agreement since a Water Policy ministerial seminar in Frankfurt in 1988 highlighted the need for Community legislation covering ecological quality. The WFD adoption in 2000 triggered the development of daughter directives and the revision of some previous sectoral directives. In addition, new directives were developed on floods and marine affairs.

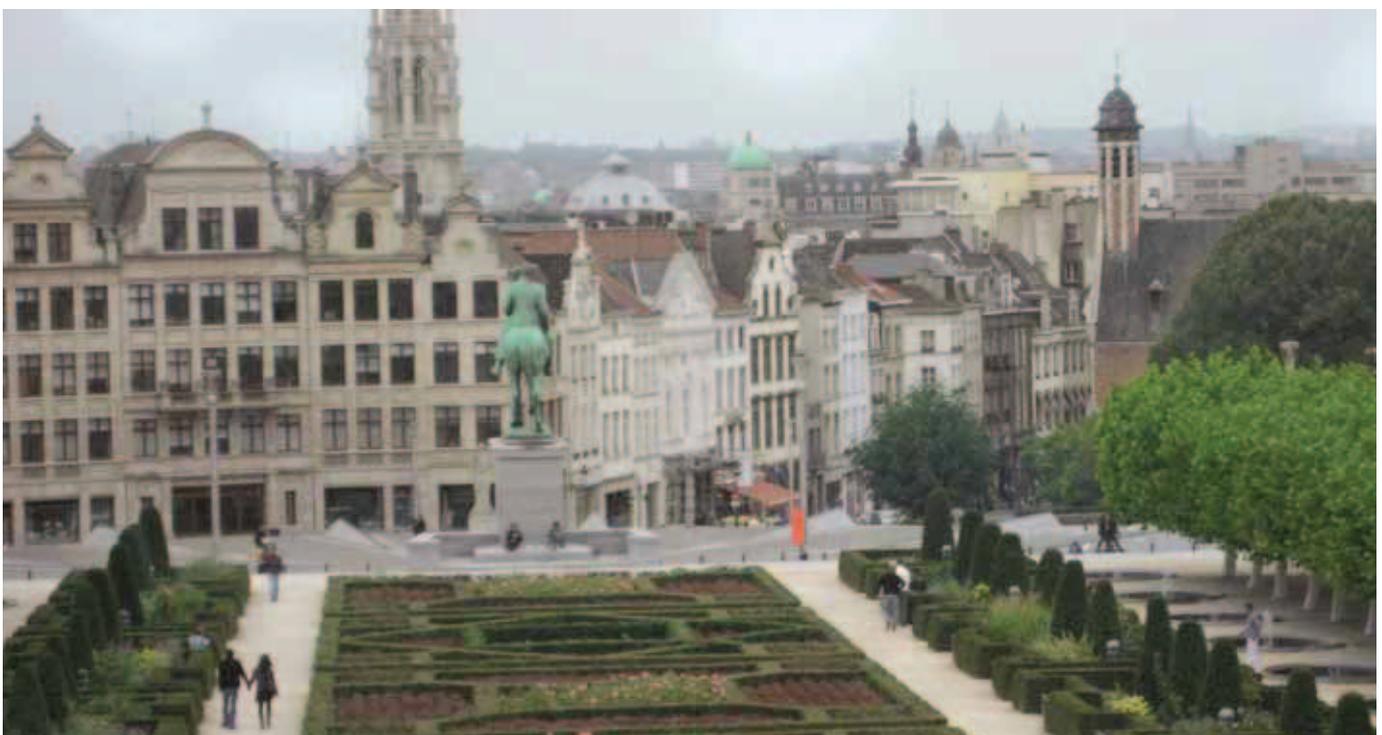
As a result, the EU water legislation today constitutes a coherent and mature package. No significant amendment to it is today on the policy agenda.

Nowadays, emphasis is clearly placed on the implementation of all this legislation. On March 22, 2010, Member States were due to report to the European Commission on the River Basin Management Plans (RBMP). The plans bring together all water actors in order to agree on the supplementary measures required to achieve the objective of “good water status” by 2015. As such, these plans are an outstanding milestone as they are really aimed at translating commitments into practice.

This is, unsurprisingly, a huge challenge. The difficulties (restoration of river morphology, diffuse pollution, costs recovery, etc) are widely shared across Europe. Transboundary cooperation is requested in a majority of cases. Even if it is dubious that the WFD’s goals will be achieved by 2015, there are certainly many lessons to be learned from this first planning cycle. The assessment of plans goes further than just a compliance check. Therefore, a lot of attention will be drawn upon the report that the European Commission will present on RBMP to the Council and to the European Parliament in 2012.

In the meantime, the activities under the Common Implementation Strategy (CIS) are going on. For the next period 2010-12, this forum has been structured into:

- 5 permanent working groups (Ecological Status, Groundwater, Floods, Reporting and Chemical Aspects),
- 3 temporary expert groups (Climate Change, Water Scarcity and Agriculture),
- And several ad-hoc activities (Biodiversity, WFD Economics, etc.).



The EU Blueprint to Safeguard the EU Waters

Parallel to the RBMP reporting process, the European Commission is also developing two strategy initiatives on water that have started in 2010 and are to be finalized in 2012:

- The review of strategy on Water Scarcity and Droughts aimed at achieving a drought resilient society and at implementing demand management in order to provide water for all essential uses even under aggravated climatic conditions. In this context, consideration is given to measures related to water efficiency (supply infrastructure, building, agriculture), better planning (integration in RBMP, drought risks management, land-use), European Drought Observatory, alternative sources of supply, water footprint of products, ecolabel, green procurement, etc.
- Review in the water sector will be based on a vulnerability assessment which will consider a wide range of scenarios. It will also conduct a survey of possible adaptation measures to be considered on mid term (2020, 2030) and long term (2050 or further).

The conjunction of all these developments was presented as the “EU Blueprint to safeguard the EU waters” by the new Environment Commissioner on Environment, Mr Janez Potočnik, during his hearings at the European Parliament in January 2010.

Environmental Integration

Effective coordination of the water sectors with other environmental sectors is ensured at EU level via a series of instruments:

- The Habitats Directive 92/43/EEC and the Birds Directive 79/409/EEC (codified as Directive 2009/147/EC)
- the Integrated Pollution Prevention Control Directive 96/61/EC (codified as Directive 2008/1/EC) which is now under revision.
- the Chemicals legislation (Pesticides, REACH, etc.)

As it is a matter of direct concern for the water sectors, the European Commission is working on the proposed Soil Framework Directives and the revision of the Directive on sludge recovery in agriculture (adopted in 1986). Despite many attempts, it has not been possible to hammer out a political agreement with member States. It could be that a totally new approach needs to be developed.

Water: an Issue of Concerns in non-Environmental Sectors

Agriculture remains a major actor for both qualitative (pesticides, nutrient) and quantitative (irrigation) water management. Some progress towards better integration (i.e. the cross compliance mechanism and rural development regulation) has been achieved under the current Common Agricultural Policy (CAP) but this is far from enough. The trouble is how to fund the agricultural measures requested to reach the WFD objectives. At the same time the agricultural sector (especially in Southern Member States) is increasingly acknowledging the value of water as a key factor of production. This situation will have to be resolved by the next CAP programming period that will start in 2014. Several goals must be combined: to ensure the worldwide food security, to generate fair incomes to farmers, and to use natural resources in a most efficient way.

Other sectors holding significant water stakes are on the policy agenda for the next years:

- The organization of Services of General Interest
- The next programming period of EU Structural Funds
- The preparation of the next Research Program FP8
- The development aid policy and the millennium development goals

The “Europe 2020 Strategy for smart, sustainable and inclusive growth” is under preparation and will replace the Lisbon Treaty. It is considered, amongst other measures, to encourage innovation and green growth. It is unclear how the water sector will be affected in practice but it does not mean that there is no opportunity for water business development.

The Way Forward

For the coming years, water will be high on the EU policy agenda but the situation has changed. The point is not decide what to do (the WFD has set ambitious and mandatory objectives) but well to understand how to do it, to engage all the stakeholders into the process and to mobilize enough funding.

This obviously calls for innovative approaches not only to introduce new technologies but also to reorganise the water management system. The cost recovery principle enshrined into the WFD may lead to significant changes in this respect.

The value of this learning process should be appreciated at the light of tight time table since the programs of measures have to be made fully operational by 2012 while the preparation of the second WFD planning cycle (i.e. the so-called article 5 analysis) will start as early as in 2013.

In this context, it is excellent news that the European Parliament has appointed an intergroup on water. It will help to raise awareness on the need to invest more efforts in the water sector. Professional associations as EWA, which is fairly representative of the community of actors involved in water management, have a key role to play in bringing up the information and, thus, closing the implementation loop.

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