

**EU Water Framework Directive Navigation Task Group
Meeting at PIANC Offices, Brussels
1300 hours, Wednesday 18th June 2008**

Draft Minutes

Present: Jan Brooke, PIANC
Diane Chevreux, EFIP (part)
Maja Fickert, PIANC
Neal Hill, EBA
Erik Mink, EuDA
Herwig Ranner, ESPO
Karin de Schepper, INE
Albert Willemsen, EURMIG

Apologies: Anna Csiti, CEDA
Resi Hacksteiner, EBU
Dorothe Herpertz, PIANC
Steve Hull, ESPO
Axel Netzband, CEDA
Gernot Pauli, CCNR
Jorg Rusche, EBU
Dave Sheahan, CEDA

1. Welcome, introductions and apologies

Participants, including Herwig Ranner of ESPO and Maja Fickert (PIANC, but also representing Axel Netzband) were welcomed to the meeting. Apologies were noted.

2. Minutes of last meeting and matters arising

There were no comments and the minutes were approved.

3. Priority substances daughter Directive

EM reported that the priority substances daughter Directive 'compromise package' was approved at European Parliament on 17th June. Insofar as navigation and dredging interests are concerned, a new recital states that 'provided that the requirements of Article 4 of the WFD including conditions for exemptions are met, activities, including dredging and shipping, leading to discharges, emissions and losses of priority substances can take place'.

With regard to sediment, Parliament agreed:

- a recital requiring Member States, inter alia, to 'monitor sediment and biota, as appropriate, at an adequate frequency to provide sufficient data for a reliable long-term trend analysis of those priority substances that tend to accumulate in sediment and/or biota'
- another recital indicates that 'technical guidelines should be developed to contribute to the harmonisation of methodologies used by Member States to establish the inventories of emission, discharges and losses, including losses from pollution accumulated in sediments'.
- in Article 5(1), the requirement that Member States need to establish an inventory, including maps, if available, of emissions, discharges and losses of all priority substances and pollutants listed in Part A of Annex I to the Directive for each river basin district or part of a river basin district lying within their territory including their concentrations in sediment and biota, as appropriate.

Parliament also wants to extend the list of priority substances. However, the agreed Article 7a indicates that the Commission should consider 'relevant proposals, in particular proposals to identify new priority substances or priority hazardous substances or to identify certain priority substances as priority hazardous substances and to set corresponding environmental

quality standards for surface water, sediment or biota, as appropriate' There may, therefore, be further developments on sediment quality standards but this is unlikely to be in the near future.

With respect to other outstanding issues, JB noted that there is now a clear reference to the WFD Article 4 exemptions, and ESPO noted that it is acknowledged that 'for substances occurring naturally or through natural processes, the cessation or phasing-out of emissions, discharges and losses from all potential sources is impossible. EuDA remains concerned, however, that the 'total water quality' measurement is not correct (ie. there is a need to 'normalise' according to the quantity of suspended matter). However, Parliament decided this was 'too technical' to address and Council similarly felt unqualified to deal with it. The TG meeting therefore agreed that a representation should therefore be made to the CMA Group via the SCG. **Action: EM to prepare a brief note for JB to forward to the CMA**

Overall, it was felt that the implications of the daughter Directive 'could have been a lot worse'. ESPO feels that the 'ports can live with the outcome'.

4. CIS Climate change activity

KdS reports that the Water Directors discussion paper now accommodates most of the sector's comments, but that other paragraphs have also been added with the result that there are now inconsistencies in text (eg. evidence based approach vs. common sense). It was agreed that JB and KdS would review the paper and decide whether such inconsistencies merited any response. **Action: JB and KdS**

KdS reported that she had not yet received any case studies. It was agreed that this may be because not many climate change adaptations are actually in place. **Action: all to provide KdS with climate change examples, before July 1st if possible.** In any case, INE will make the Commission aware of the existence/contents of the PIANC Task Group report. **Action: KdS.** JB will ask PIANC to make this document available on the WFD password protected site. **Action: JB**

It was noted that the first round RBMPs are likely to include a statement indicating that climate change needs to be addressed, but that actual measures are unlikely to be included until the second round of plans. In reality, therefore, there is likely to be more time to collate best practice case studies.

5. Navigation as a water use or water service

JB introduced the issues and distributed the confidential first draft paper.

Points raised in the discussion included:

- the difficulties in linking many of the issues associated with navigation (especially alien species and hydromorphology) to the definition of water service
- the link to organisational structure and financial issues: where there is inadequate public support, consideration as a water service may be perceived as an opportunity to recover (financial) costs
- however, it is important to understand that the Commission will expect environmental and resource costs as well as financial costs to be recovered
- a majority of INE members favour navigation as a water use; KdS reported that EBU is also clear that navigation should continue to be treated as a water use
- EBA expressed concern that if navigation were to be considered a water service, this could lead to the introduction of new charges (eg. in marine waters)
- inland navigation representatives expressed similar concerns that increased charges could result in modal shift - ie. force freight to roads
- being considered as a water service could also introduce a significant administrative and reporting burden - not only the need to recover all types of cost, but having to report on how this has been achieved and the outcomes

TG members were asked to respond to JB on the paper text (what should be included, left out, changed, etc.) before 27th June. JB will then prepare and circulate a discussion paper setting out the issues and asking the following questions:

- could navigation (or some aspects of navigation) properly be defined as a water service?
- if so, does the extent of the activity justify its inclusion as a water service (ie. are the issues local or relevant at catchment or river basin district level)?
- might there be advantages in being treated as a water service?

The aim will be to have reached an agreed position before the October 8th SCG meeting.

Action: all to respond to JB with comments on paper version by June 27th. JB to prepare discussion document and give TG members 4-6 weeks to respond

EBA noted that leisure boating may be responsible for spread of alien species: this is now being dealt with via the IMO; a paper on the Green-Blue is also being presented to OSPAR

6. CIS exemptions activity

JB reported that there is now agreement on many of the principles guiding the use of exemptions and this identified 'common ground' appears to be largely pragmatic and reasonable. A paper has now been submitted to Water Directors setting out the outstanding 'open issues'. These include the detail of how to apply prioritisation approaches; the role of public budget constraints; administrative and legal constraints; and the role of affordability in justifying a less stringent target. Another main outstanding concern for the navigation sector is the need to secure agreement on the difference between achieving the WFD objective but beyond 2027, and accepting a less stringent target.

Concerns were expressed about the Commission's intention to consolidate/re-write the Article 4 guidance. If the consolidated guidance differs from that originally agreed (ie. if it appears that the Commission writes it to meet their own expectations) it was suggested that the Task Group should raise this with MEPs. **Action: JB to continue to participate in the process**

7. Hydromorphology

JB reported that it is proposed to hold a navigation and ports workshop early next year *inter alia* to establish levels of comparability between Member States on issues such as HMWB designation and the setting of GEP targets.

8. PIANC WFD webpage

JB apologised for the lack of progress in this respect and undertook to resolve the matter in advance of the next TG meeting. **Action: JB**

9. Any other business

a. Waste Directive

The text of the Waste Directive was also approved on June 17th. This now includes an exclusion for 'sediments relocated inside surface waters for the purpose of managing waters and waterways or of preventing floods or mitigating the effects of floods and droughts or land reclamation' as long as it can be shown that the sediments are non-hazardous. However, the burden of proof is on the sector to prove both that the material meets the criteria and that it is not hazardous. Further, there are still questions over contaminated but not hazardous sediments; and the use of sediment on land? EM reports that the Commission's legal services will now look at the consistency of the text, so some of the uncertainty may thus be addressed. Overall, however, the outcome was welcomed.

b. EC's Blue Horizons of Commitment

Action: ESPO to circulate information on this initiative

c. Marine Strategy Directive/Maritime Policy

JB reported on the latest position ie. that the MSD will only apply in WFD waters where the WFD does not cover the issue in question (eg. cetaceans, litter). EM noted that the WFD's chemical requirements extend out to 12 nm. Given that the option of changing the boundaries dictated by the WFD, it was agreed that the current wording is reasonable. However, steps will still need to be taken to limit the practical problems (due to dealing with two sets of objectives, in two different plans, etc.) which might affect industries such as navigation, renewable energies, and aggregate extraction that necessarily operate on both sides of the WFD-MSD boundary.

d. SedNet

SedNet remains very active in the area of sediment management in the context of WFD RBMPs. It is planned that there will be a conference on this issue in Hamburg in 2009.

e. Diffuse Pollution Conference

AW reports that this conference in the Netherlands highlighted the difficulties of dealing with diffuse pollution. The conference had been convened because the Dutch are concerned that they will be unable to meet the WFD requirements on diffuse pollution: 'even if emissions are reduced to zero, cannot meet WFD objectives'. Member States and stakeholders were represented.

The conference concluded that: nobody knows what 'losses' are; and that there is a need to concentrate on certain chemicals including nutrients (mostly associated with agriculture), cadmium and PAHs. Shipping was noted as contributing 13% of PAHs in surface waters (via air emissions which end up in the water). **Action: EURMIG to continue to monitor this topic.**

f. Estuaries Group meeting

JB reported that the Group met in March 2008. It was agreed that the initiative would deal only with the WFD insofar as estuaries are protected sites as well as WFD waters; it will also focus only on nature conservation and 'green' issues, not on emissions, waste, etc. The three areas to be covered by the Group are:

- conservation objectives
- integrated management approaches
- plans and projects

ESPO had undertaken to determine how many seaports are vs. are not in EU protected areas. JB undertook to provide the Group with links to relevant WFD papers; also PIANC references.

EM is noted that there is a need to 'focus on the real concerns' (ie. NW European estuaries which are also protected areas) as the consultants only have four days per month to spend on the project. The next meeting is on June 30th. **Action: JB/EM to report back to the Task Group**

g. PIANC Working with Nature discussion paper

JB undertook to circulate a copy of the paper to TG members. **Action: JB**

h. Harbasins

EM advised that this EC-funded project is focusing on WFD issues in trans-national/trans-boundary river basins. The last conference explored channel deepening projects and habitat restoration schemes, etc. More details can be found at www.harbasins.org

i. CCNR workshop

GP had advised JB that the April workshop hosted by CCNR had been a great success. Any TG members requiring further information are to contact GP direct.

j. EFIP

Diane Chevreux advised that she is leaving EFIP to work at the Agency on TEN-T guidelines and standards. **Action: DC to provide JB with an interim point of contact**

10. Date of next meeting

The next meeting will be held on Wednesday 19th November. **Action: JB to ask PIANC to book a room**