

The Water Framework Directive and other Groundwater relevant Directives



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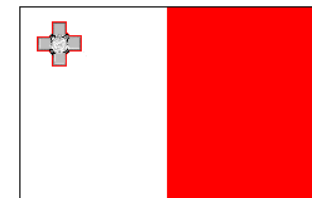
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Legal Office, FAO

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Accession of
Malta to the
EU: 1 May 2004
→ *aquis*
communautaire





Outline

- I. Introduction
- II. Water Framework Directive
- III. Groundwater Directive
- IV. Proposed New Groundwater Directive
- V. Conclusions

The Water Problem in Europe

- ❑ 20% of all surface water in the EU is seriously threatened with pollution
- ❑ 60% of European cities overexploit their groundwater (GW) resources
- ❑ 50% of wetlands have „endangered status“ due to gw overexploitation
- ❑ The area of irrigated land in Southern Europe has increased by 20% since 1985
- ❑ How to address these problems? → Water Framework Directive

Part I: Water Framework Directive

Key characteristics of the WFD

- Encompassing framework instrument
- Protection of all waters - rivers, lakes, coastal waters and groundwater
- Sets clear objective that „good status“ (quantitative and qualitative) must be achieved for all waters by 2015
- Promotes sustainable water use

Key Characteristics WFD

- ❑ river basin approach
- ❑ combined approach of emission limit values and quality standards
- ❑ water pricing policies and polluter pays principle
- ❑ public participation in water management
- ❑ streamlines and integrates EU water law

Environmental Objectives for GW

- Main objective: „Good groundwater status“ by 2015 (defined)
- Measures to be taken by Member States
 - Protect, enhance and restore GW
 - Balance between abstraction and recharge
 - Prevent, limit and reduce pollution of GW
 - Prevent further deterioration
 - Promote sustainable water use
 - Reverse any significant and sustained upward trend in the concentration of any pollutant



First Step: Analysis and Review

By 2004:

- Analysis of characteristics of each river basin
- Review of impact of human activity on surface and GW
- Economic analysis of water use

basis for further action

Further Steps: Registers, Protected Areas, Monitoring

- ❑ Registers of protected areas (e.g. required under Nitrates Directive or for conservation of habitats)
 - ❑ Identification of bodies of water for human consumption (→ Drinking Water Dir.) + safeguarding zones
 - ❑ Monitoring of the status of surface water and the chemical and quantitative status of GW
 - ❑ Detailed parameters (what to monitor, how, frequency etc.) in Annex
- To be operational by 2006

Principle of Recovery of Costs

- Aim: adequate incentives for efficient use
- Costs include environmental and resource costs
- Different water users (households, industry, agriculture) must adequately contribute to recovery of costs
- Recovery must be
 - based on economic analysis
 - in accordance with **polluter pays principle**



Programme of Measures

- Identification of river basin districts
- Programme of measures for each district
 - Objective: plan how to achievement of environmental objectives
 - Based on results of reviews and analysis carried out (characteristics, impact of human activity, economic analysis of water use)

Basic Measures

- = minimum requirements, e.g.,
 - Controls over and requirement of prior authorization for all water abstraction, register
 - Control and prior authorization of artificial recharge of GW bodies
 - Prohibition of direct discharges of pollutants into GW
 - Include measures under existing EU Directives



→ National legislation must foresees these measures

□ Programme of Measures + report on all other required steps (e.g., cost recovery)

→ River Basin Management Plan

□ to be communicated to European Commission for compliance control

WFD: Assessment

- Establishes a general framework for protection of all waters
- GW: requires achievement of good groundwater quantitative and qualitative status by 2015
- Prescribes measures to be taken to achieve objectives
- Provides for monitoring of GW bodies
- But: no specific criteria for the assessment of good chemical status (→ new Directive)

Part II: Groundwater Directive

- Purpose: prevent the discharge of certain toxic, persistent and bioaccumable substances into GW
- List 1 – high priority pollutants - (e.g., mercury, cadmium): „prevent“
 - prohibition of direct discharges,
 - indirect discharges only after a thorough investigation on a case by case basis and prior authorization
- List 2 (e.g., chrome, lead): „limit“
 - only limited discharge, prior authorization
- Member State must monitor these authorizations; Inventory



Groundwater Directive: Assessment

- Aim: protection of GW from direct and indirect discharges of a number of pollutants
- But: no clear quality objectives, no comprehensive monitoring
- To be repealed in 2013 (protection regime continued through WFD and proposed new groundwater directive)

Part III: Proposed New Groundwater Directive

- Article 17 WFD: obligation of Commission to make proposal for measures to achieve **good groundwater chemical status**
- Proposed (Daughter) Directive on the Protection of Groundwater Against Pollution (Sep. 2003)
- Currently with European Parliament and Council
- Adoption spring 2005, implementation: 18 months (end 2006)

Proposed New Directive

- Objective: establishment of specific measures to prevent and control comprehensively GW pollution + achieve good GW chemical status

- Measures: Establishment of criteria for the
 - assesement of good GW chemical status (existing and new quality standards)
 - identification and reversal of significant and sustained upward trends and
 - definition of starting points for reversals

- Requirement to prevent or limit indirect discharges of pollutants into GW

Conclusions

- WFD:
 - an ambitious and innovative set of legally binding objectives and measures
 - parameters for the water policy of each EU Member State
- GW protection: 3 instruments
 - WFD: general framework, protection of quantity, monitoring
 - GW Directive: protection from pollution by certain substances
 - Proposed GW Directive: comprehensive pollution protection

Conclusions:

- Implementation of all Directives is required to achieve
 - good quantitative and
 - good qualitative groundwater status
- Key challenge – not only for Malta - remains the effective implementation and the development of national laws to comply with EU requirements in order to prevent legal actions by the Commission and to reap the long-term benefits of good water status for social, economic and environmental development.



Thank you.

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