

# LEGISLATION ON INLAND WATER PROTECTION

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## INTERNATIONAL BACKGROUND

- Agreement on the protection of the Rhine against chemical pollution (Bonn 1976)
- Convention on the International Commission for the protection of the Elbe (Magdeburg 1990)
- Convention on the International Commission for the Oder River Protection against Pollution (Wroclaw 1996)
- Convention on Co-operation for the Protection and Sustainable Use of the Danube River
- Declaration on the Environment in the Danube River Basin (Sofia 1994)

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## INTERNATIONAL BACKGROUND

- Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Helsinki 1992)
- Convention on the Law of Non-Navigational uses of International Watercourses (New York 1997)

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## Water is life !

It is a precondition for human, animal and plant life as well as an indispensable resource for the economy. Water also plays a fundamental role in the climate regulation cycle.

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## EU LEGISLATION

### Development in 4 waves :

- Drinking Water Directive (1975)
- Groundwater Directive (1980)
  
- Urban Waste Water Directive (1991)
- Nitrates Directive (1991)
  
- Water Framework Directive (60/2000)
  
- Marine Strategy Framework Directive (2008)

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## WATER FRAMEWORK DIRECTIVE

- Repeal from 22/12/2007 of:
  - Directive 75/440
  - Directive 77/795
  - Directive 79/869
  
- Repeal from 22/12/2013 of:
  - Directive 78/659
  - Directive 79/923
  - Directive 80/68
  - Directive 76/464 (special transitional regime)

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## WFD daughter directives

- Directive 2008/105/EC on environmental quality standards in the field of water policy
- Directive 2006/118/EC on the protection of groundwater against pollution and deterioration
- Directive 2006/7/EC concerning the management of bathing water quality

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## LEGISLATION ON WATERS

- Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption
- Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources (Nitrates Directive)
- Council Directive 91/271/EEC concerning urban waste-water treatment

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48% of European rivers are exposed to hydromorphological pressures

(alterations such as channelization, damming, regulation of water flow and level, embankments, etc.)

which have significant negative impacts on water ecosystems.

The infographic features the European Commission logo at the top, a central illustration of a river with various hydromorphological alterations (channelization, damming, embankments) shown as icons, and a downward arrow indicating negative impacts on water ecosystems.

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### WATER FRAMEWORK DIRECTIVE

GREEN - all second River Basin Management Plans adopted  
 YELLOW - part of the second River Basin Management Plans adopted  
 RED - second River Basin Management Plans not yet adopted



Status of implementation of the WFD in the Member States in 2016

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### WATER FRAMEWORK DIRECTIVE

**Aim:**

- Prevention and halt of further deterioration and protection and enhancing of aquatic and terrestrial **ecosystems**.
- Promotion of sustainable **water use** .
- Enhanced protection and improvement of the **aquatic environment** through the progressive **reduction of discharges, emissions** and losses of priority hazardous substances.
- Progressive reduction of **groundwater pollution**.
- Mitigation of the effects of **floods and droughts**.

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### WATER FRAMEWORK DIRECTIVE

**The scope of the directive:**

- Surface waters
- Groundwaters
- Coastal waters



Aimed at protection of all waters, but did not cover marine waters

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## WATER FRAMEWORK DIRECTIVE

The ultimate objective is to achieve „good ecological and chemical status“ for all Community waters by 2015



number of exemptions

- 'Surface water status' is the general expression of the status of a body of surface water, determined by the poorer of its ecological status and its chemical status.
- 'Good surface water status' means the status achieved by a surface water body when both its ecological status and its chemical status are at least 'good'.

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## WATER FRAMEWORK DIRECTIVE

- 'Groundwater status' is the general expression of the status of a body of groundwater, determined by the poorer of its quantitative status and its chemical status.
- 'Good groundwater status' means the status achieved by a groundwater body when both its quantitative status and its chemical status are at least 'good'.



Identification and analysis of waters  
Analysis should be revised every six years thereafter

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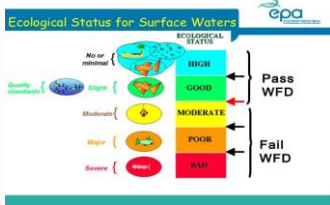
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## WATER FRAMEWORK DIRECTIVE

Classification – 5 status classes:

- high,
- good,
- moderate,
- poor,
- bad



'High status' is defined as the biological, chemical and morphological conditions associated with no or very low human pressure.

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## WFD Art. 4: Environmental objectives

### C – 461/13

- 1. In making operational the programmes of measures specified in the river basin management plans:
- (a) for surface waters
- (i) Member States shall implement the necessary **measures to prevent deterioration** of the status of all bodies of surface water, subject to the application of paragraphs 6 and 7 and without prejudice to paragraph 8;
- (ii) Member States shall protect, enhance and restore all bodies of surface water, subject to the application of subparagraph (iii) for artificial and heavily modified bodies of water, with the aim of achieving good surface water status at the latest 15 years after the date of entry into force of this Directive, in accordance with the provisions laid down in Annex V, subject to the application of extensions determined in accordance with paragraph 4 and to the application of paragraphs 5, 6 and 7 without prejudice to paragraph 8
- (iii) Member States shall protect and enhance all artificial and heavily modified bodies of water, with the aim of achieving good ecological potential and good surface water chemical status at the latest 15 years from the date of entry into force of this Directive, in accordance with the provisions laid down in Annex V, subject to the application of extensions determined in accordance with paragraph 4 and to the application of paragraphs 5, 6 and 7 without prejudice to paragraph 8;

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### C – 461/13

- 3 projects concerning the development of the lower Weser (navigable channel)
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- direct effects of excavation and consequent dredging can cause deterioration without that resulting in a change in the status class



- 1) How to interpret „deterioration“?
- 2) Must EU MS – unless derogation is granted - refuse to authorize these projects?

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### C – 461/13

- 1. Article 4(1)(a)(i) to (iii) of Directive 2000/60/EC must be interpreted as meaning that the **Member States are required — unless a derogation is granted — to refuse authorisation for an individual project where it may cause a deterioration of the status of a body of surface water or where it jeopardises the attainment of good surface water status or of good ecological potential and good surface water chemical status by the date laid down by the directive.**
- 2. The concept of 'deterioration of the status' of a body of surface water in Article 4(1)(a)(i) of Directive 2000/60 must be interpreted as meaning that **there is deterioration as soon as the status of at least one of the quality elements, within the meaning of Annex V to the directive, falls by one class, even if that fall does not result in a fall in classification of the body of surface water as a whole.** However, if the quality element concerned, within the meaning of that annex, is already in the lowest class, any deterioration of that element constitutes a 'deterioration of the status' of a body of surface water, within the meaning of Article 4(1)(a)(i).

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## WATER FRAMEWORK DIRECTIVE

**Regulatory instruments:**

- river basin district management plans
- programmes of measures
- areas requiring special protection
- list of priority substances
- economic instruments
- public participation
- effective, proportionate and dissuasive penalties

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## WATER FRAMEWORK DIRECTIVE

**River basin management plans aim to:**

- prevent deterioration, enhance and restore bodies of surface water, achieve their good chemical and ecological status by 2015
- reduce pollution from discharges and emissions of hazardous substances
- protect, restore, enhance the status of all bodies of groundwaters
- preserve protected areas

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## WATER FRAMEWORK DIRECTIVE

**Management plans**

- are produced for each river basin district for the period 2009-2015
- are revised in 2015 and every 6 years thereafter
- are complemented by programmes of measures

**Programmes of measures**

- are drafted for each river basin district
- are aimed at achieving objectives stated in the WFD

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## WATER FRAMEWORK DIRECTIVE

### Areas requiring special protection (Annex IV)

- The **register** includes the following types of protected areas:
  - areas designated for the abstraction of water intended for human consumption under Article 7
  - areas designated for the protection of economically significant aquatic species (fish and shellfish areas)
  - bodies of water designated as recreational waters, including areas designated as bathing waters
  - nutrient-sensitive areas (vulnerable and sensitive areas)
  - areas designated for the protection of habitats or species including relevant Natura 2000 sites

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## WATER FRAMEWORK DIRECTIVE

### List of priority substances (Annex X)



- substances of major concern for European waters
  - priority hazardous substances
- a) controls to **reduce** the emissions, discharges and losses of all these substances
- b) controls to **phase out** the emissions, discharges and losses of the subset of **priority** hazardous substances




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## WATER FRAMEWORK DIRECTIVE

### Economic instruments



#### Adequate incentives

- to use water resources efficiently
- to recover costs of water services

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## WATER FRAMEWORK DIRECTIVE

### Participation of the public in WFD implementation



participation especially with regards to management plans



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## WATER FRAMEWORK DIRECTIVE

### Enforcement measures

- MS must introduce arrangements to ensure that effective , proportionate and dissuasive penalties are imposed in the event of breaches of the provisions of this WFD



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## SYSTEM OF LEGISLATION

### Water Framework Directive



- **Legislation on specific protection areas** (vulnerable areas, sensitive areas, bathing waters, fresh water fish areas, shellfish areas)
- **Regulation of discharges into aquatic environment**
- **Protection of groundwater against pollution**
- **Protection of surface water against pollution**
- **Protection of drinking water**

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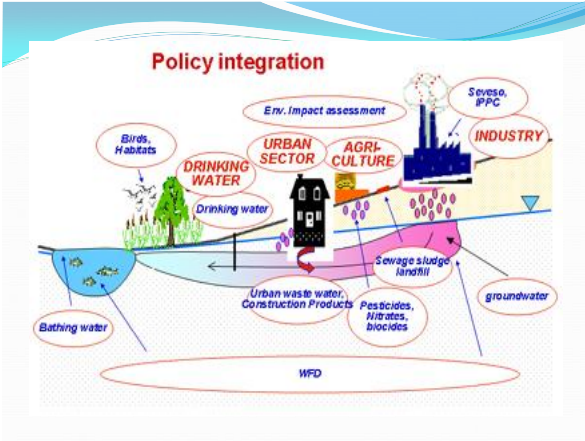
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## LEGISLATION ON SPECIFIC PROTECTION AREAS

**Water Framework Directive**

**Register of Protected Areas:**

- Waters used for the abstraction of drinking water
- Areas designated to protect economically significant aquatic species (fish and shellfish areas)
- Recreational Waters
- Nutrient Sensitive Areas (vulnerable and sensitive areas)
- Areas designated for the protection of habitats or species

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## LEGISLATION ON PROTECTION OF SPECIFIC AREAS/WATERS

- Directive 98/83/EC on the quality of water intended for human consumption (Drinking Water Directive)
- Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources (Nitrates Directive)
- Directive 2006/7/EC concerning the management of bathing water quality (Bathing Water Directive)

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### DRINKING WATER DIRECTIVE

- Aim → to protect human health by laying down healthiness and purity requirements which must be met by drinking water within the European Union
- Quality standards and general requirements on drinking water quality
- Monitoring programmes
- Corrective action and restrictions on use
- Exceptions
- Reporting requirements
- Protected areas of waters used for the abstraction of drinking water

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### BATHING WATER DIRECTIVE

**Aim → to improve bathing water quality :**

- Identifying and monitoring of bathing waters
- Reporting requirements
- Determining bathing water quality
- Measures to eliminate pollution
- Bathing water profiles
- Exceptional measures
- Information to the public

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More than 90% of the EU Member States river basin management plans indicate that agriculture is a significant pressure on water, mainly because of over-abstraction and pollution by fertilisers and pesticides.

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### NITRATES DIRECTIVE

**Aim** → to protect water quality :

- a) by preventing nitrates from agricultural sources polluting ground and surface waters and
- b) by promoting the use of good farming practices

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- Identification of water polluted, or at risk of pollution
- Nitrate Vulnerable Zones (NVZ)
- Codes of Good Agricultural Practice (voluntary)
- Action programmes to be implemented by farmers (NVZ)
- National monitoring and reporting

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### DISCHARGES INTO AQUATIC ENVIRONMENT

- Directive 91/271/EEC of 21 May 1991 concerning urban waste water treatment
- Directive 2010/75/EU on industrial emissions (IED)

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## URBAN WASTE WATER DIRECTIVE

**Aim** → to protect the environment from any adverse effects caused by the discharge of such waters.

Relates to the collection, treatment and discharge of urban waste water and the treatment and discharge of waste water from certain industrial sector:

- Authorization
- List of sensitive areas
- Requirements for proper collection and treatment systems
- Requirements for discharges, monitoring
- National programmes

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## INDUSTRIAL EMISSIONS DIRECTIVE

**Aim** → to prevent and control pollution into the air, water and land and to avoid generating waste from large industrial installations.

**Tools:**

- Integrated permitting of certain industrial activities
- Duty apply the best available techniques\* (BATs)
- Emission limit values for discharges of pollutants
- Regular inspections of the installations
- Participation of the public in permitting procedure

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## PROTECTION OF THE QUALITY OF WATERS

- Directive 2006/118/EC on the protection of groundwater against pollution and deterioration

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Quality of groundwater

- Directive 2008/105/EC on environmental quality standards in the field of water policy

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Quality of surface water

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### PROTECTION OF GROUNDWATER AGAINST POLLUTION (Directive 2006/118/EC)

Aim ➡ to prevent and combat groundwater pollution to protect groundwater against pollution and deterioration:

- criteria for assessing the chemical status of groundwater;
- criteria for identifying significant and sustained upward trends in groundwater pollution levels, and for defining starting points for reversing these trends;
- preventing and limiting indirect discharges (after percolation through soil or subsoil) of pollutants into groundwater.

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### PROTECTION OF GROUNDWATER AGAINST POLLUTION (Directive 2006/118/EC)

- **Provisions related to groundwater quality:**
  - Threshold values for pollutants
  - Threshold values must be included in River Basin District Management Plans
  - Identification of any significant and sustained upward trend in levels of pollutants found in bodies of groundwater
  - Monitoring programmes
- **Provisions related to discharges/emissions of pollutants:**
  - Prevent indirect discharges of hazardous pollutants
  - Limit pollutants not listed as hazardous

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### PROTECTION OF SURFACE WATER AGAINST POLLUTION (Directive 2008/105/EC)

Aim ➡ to limit the concentrations of certain chemical substances that pose a significant risk to the environment or to human health in surface waters in the European Union



- Environmental quality standards (priority substances)
- Inventories of the discharges of chemical substances, emissions and losses of these substances

MS must ensure compliance with those standards to achieve a good surface water chemical status

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