



Public Consultation to Support the Fitness Check of EU Freshwater Policy

Analysis of the Responses

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Table of Contents

1. Introduction.....	4
1.1. The Fitness Check of EU Freshwater Policy	4
1.2. The public consultation.....	5
1.3. Structure of the consultation analysis	5
2. Responses to the public consultation.....	5
3. Has EU legislation improved Europe’s waters?	7
4. How well does current EU water policy address the problems facing Europe’s waters?	7
5. How well has EU water policy addressed the challenges facing water management?	9
6. Gaps in the EU policy framework.....	11
7. Addressing the challenge of climate adaptation	12
8. The balance between obligations set out at EU level and Member State action	14
9. Coherence within the policies covered by the Fitness Check ...	15
10. Coherence with other EU water law.....	16
11. Coherence with other EU environmental policies	17
12. Coherence with EU sectoral policies.....	19
13. Common Implementation Strategy	20
14. Administrative co-ordination.....	22

15. Planning	24
16. Public participation	25
17. Monitoring obligations	27
18. Reporting obligations	29
19. Measures and obligations in EU water policy.....	31
20. Costs and administrative burdens.....	33
21. Implementing EU water law	35
22. Way forward: addressing issues in EU water policy.....	37

1. Introduction

1.1. The Fitness Check of EU Freshwater Policy

As part of its Smart Regulation policy, the European Commission announced in its Work Programme for 2010 that, "to keep current regulation fit for purpose, the Commission will begin reviewing, from this year onwards, the entire body of legislation in selected policy fields through "Fitness Checks". The purpose is to identify excessive burdens, overlaps, gaps, inconsistencies and/or obsolete measures which may have appeared over time. To take this forward a Fitness Check on the protection of EU freshwater resources is to be published in the first half of 2012. The Fitness Check will also be a building block of the Blueprint to Safeguard Europe's Water Resources to be published in November 2012. The Fitness Check looked, inter alia, at:

- any barriers (including in other policy areas) to meeting the already agreed objectives;
- issues related to implementation and measures that could improve the implementation of EU water policy;
- coherence of the legislation in place and whether there are any overlaps, inconsistencies and/or obsolete measures.

The scope of the Fitness Check includes:

- The Water Framework Directive.
- The Groundwater Directive.
- The Directive on Environmental Quality Standards for Water.
- The Urban Waste Water Treatment Directive.
- The Nitrates Directive.
- The Floods Directive.
- The Communication on Water Scarcity and Drought.
- Policy Paper accompanying the White Paper on Adapting to Climate Change on Water, Coasts and Marine Issues.

More information on the Fitness Check of EU Freshwater Policy can be found in the following two documents:

- Roadmap of the Fitness Check of EU Freshwater Policy (http://ec.europa.eu/environment/water/blueprint/fitness_en.htm)
- Scoping study on the Fitness Check of EU Freshwater Policy (www.ieep.eu/assets/826/Water_Policy_Fitness_Check.pdf)

1.2. The public consultation

To support the European Commission in developing the Fitness Check of EU Freshwater Policy, it was necessary to obtain views and evidence on issues relevant to the Fitness Check from as wide a range of stakeholders as possible. To do this an internet questionnaire was developed to provide an opportunity for the public across the EU to comment on issues of relevance to the Fitness Check.

The consultation was provided in English, French and German and was open for 12 weeks, from 1 December 2011 to 23 February 2012.

The questionnaire followed the major themes of the Fitness Check: the relevance, coherence, efficiency and effectiveness of EU freshwater policy. Questions considered different aspects of these four themes for the policies included in the Fitness Check as well as interactions with other EU water law, other environmental policy and other EU policies. The questions included both 'tick boxes' to respond to the question as well as the opportunity to elaborate on any or all of the responses given.

1.3. Structure of the consultation analysis

This analysis of the consultation responses begins with an overview of the number and sources of the responses received to the consultation. For each of the substantive questions, the analysis follows a standard format. Each begins by setting out the question itself together with a table or graphical presentation of the statistical analysis of the response to that question. Following this is a summary of the comments received in relation to that question.

2. Responses to the public consultation

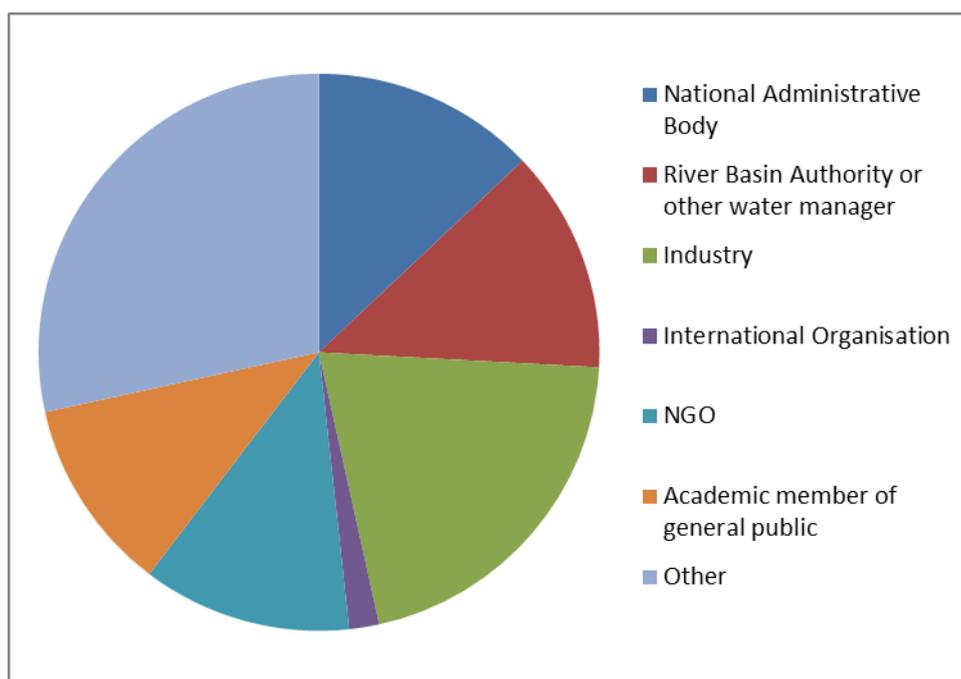
A total of 115 responses were received to the public consultation. The following table provides a breakdown of responses by country. Respondents identified themselves with 22 countries, including three non-Member States. A large proportion of responses were received from Germany. It should be noted that several responses from Belgium represent organisations operating at European level based in Brussels.

The pie chart presents the distribution of responses by category of respondent. This shows that responses were received from a fair distribution between the categories of national administrative body, river basin authority, industry, NGO and academic or member of the general public. Only responses from international organisations were more limited.

Distribution of responses by country

	Number of responses	Percentage of total responses
Austria	3	2.7
Belgium	14	12.4
Bulgaria	2	1.8
Czech Republic	1	0.9
Denmark	3	2.7
Estonia	2	1.8
Finland	4	3.5
France	3	2.6
Germany	48	41.6
Greece	1	0.9
Hungary	1	0.9
Ireland	1	0.9
Italy	1	0.9
Luxembourg	2	1.8
Netherlands	4	3.5
Norway	1	0.9
Portugal	1	0.9
Spain	5	4.4
Sweden	4	3.5
United Kingdom	12	9.7
Turkey	1	0.9
Iceland	1	0.9

Distribution of responses by type of respondent



3. Has EU legislation improved Europe's waters?

Since the 1970s a range of EU Directives have been adopted to protect Europe's waters. Do you consider that this EU legislation has improved the quality of Europe's surface and ground waters?	
	Percentage of responses
Yes	87.7
No, it has not significantly improved the quality of waters	7
No, most changes would have happened in any case	4.4
Do not know	0.9

The first question sought views of respondents on whether EU legislation has contributed to protection of Europe's water. For a very large majority (almost 88 per cent) of respondents the range of EU Directives adopted since the 1970s has brought significant improvements to the quality of Europe's surface and ground waters.

4. How well does current EU water policy address the problems facing Europe's waters?

There are many challenges facing Europe's waters and those that depend upon them. Do you consider that EU freshwater policy is adequate in its scope and detail to address the following issues (now and in the future)?				
	Percentage of responses			
	Yes	No	Partially	Do not know
Protection of ecosystems and biodiversity	65	4.4	29	1.7
Protection of human health	69.3	3.5	22.8	4.4
Pollution from industry	52.6	2.6	41.2	3.5
Pollution from urban areas	42.1	3.5	45.6	8.8
Pollution from agriculture	30	26.3	36.8	7
Over abstraction of water by agriculture	30	24.6	30	15.8
Sustainable land use	33.3	21	34.2	11.4
Hydromorphological changes of surface waters	50.9	9.6	29	10.5
Reduction of flood risks	54.4	3.5	34.2	7.9
Climate change	31.6	12.3	46.5	9.7
Water scarcity and water availability	41.2	13.2	38.6	7
Droughts	32.5	18.4	37.7	11.4
Water efficiency by users	39.4	16.7	36.9	7
Leakage from water distribution systems	20.2	19.3	43	17.5
Fostering innovative solutions to deal with water challenges	32.4	16.7	41.2	9.7
Protection of river basins as a whole	65.8	7.9	22.8	3.5

Overall respondents considered that the existing policy framework is good, comprehensive and adequate to tackle the majority of the challenges facing water management. The main obstacles identified for the 'traditional' water issues are the inconsistent implementation of certain measures, poor monitoring and lack of controls.

The respondents considered that the existing legislation has been most beneficial in relation to the protection of ecosystems and biodiversity (65 per cent positive that there has been improvements and 29 per cent for a partial improvement); the protection of human health (70 per cent positive that there has been improvements and 23 per cent of partial improvement); and for the protection of river basins as a whole (88 per cent of positive responses). Positive feedback was also given on pollution from industry, hydromorphological changes of surface waters and in relation to the reduction of flood risks with more than half of the respondents finding improvements due to EU legislation.

However, concerning pollution from industrial activities it was stated by several respondents that EU policy promotes end of pipe treatment rather than source control. While the Industrial Emissions Directive covers some water use and overall pollution (through BREFs and permits) it is not sufficient. The main gap identified by respondents in the existing policy is in relation to water efficiency (in particular in buildings, in agriculture and by users). Concerning new challenges, including water scarcity, innovation and climate change, respondents considered that existing legislation does not take them enough into account.

The most diverse responses were in relation to the following thematic areas:

- In relation to pollution from agriculture, only 30 per cent of respondents were positive that EU legislation has brought improvement. For 37 per cent the improvements were only partial and for 26 per cent no improvements have been achieved thanks to regulation.
- On over abstraction of water by agriculture a wide variety of responses was received with 30 per cent positive, 30 per cent stating partial improvements and 25 per cent negative.
- There are also divergent views on whether EU water legislation has brought benefits to sustainable land use. For 33 and 34 per cent of the respondents there are improvements or partial improvements while for 21 per cent EU legislation has not brought any improvement.
- On water scarcity and water availability, opinion was also diverse with 41 per cent of respondents considering there has been improvement, while 39 per cent thought there had been partial improvements and 13 per cent not noting any improvements.

The uncertainty surrounding planning for hydropower, and what one respondent termed the 'special regime' that the agriculture benefits from, were criticised. It was argued that the agriculture sector does not pay for the water it uses (and there are heavy subsidies under the CAP for irrigation), and does not pay for the pollution it generates in groundwater.

Respondents also identified the conflicts of water use and the human modification of rivers for industrial, economic or irrigation purposes. For this EU legislation was found helpful, but there is strong resistance from local actors to accept change and adapt. Some, in particular from Southern Member States, called for a clear prioritisation of water uses.

In relation to droughts, climate change, fostering innovative solutions to deal with water challenges; urban areas and leakage from water distribution systems most of the respondents found that the improvements were mainly partial (37 to 47 per cent) and several respondents considered that there were no improvements in these areas (12 to 19 per cent of them).

Some responses from industry stressed the need for more pragmatism in solutions proposed, that the main objective should be to ensure appropriate societal benefit. Finally it was stated that the objectives are long term, 2027 for the WFD, so patience is necessary.

5. How well has EU water policy addressed the challenges facing water management?

Different types of policy instrument have been adopted to address different challenges of water management, including Directives with specific obligations, framework legislation, non-binding guidance, etc. Please rate on a scale of 1 to 5 how successful the following instruments addressed by the Fitness Check have been in addressing the challenges facing water management? [1] is not successful at all and [5] is very successful.

	Percentage of responses				
	1 (not successful at all)	2	3	4	5 (very successful)
Water Framework Directive	4.4	8.8	22.8	50.9	13.2
Groundwater Directive	3.5	9.6	35	40.3	11.4
Directive on environmental quality standards in the field of water policy	4.4	16.7	27.2	35.1	16.7
Nitrates Directive	14.9	18.4	36.8	13.2	16.7
Urban Waste Water Treatment Directive	4.4	8.8	24.6	43.9	18.4
Floods Directive	7	9.6	31.6	43	8.9
Communication on Water Scarcity and Droughts	10.5	22.8	35.1	23.7	7.9
White paper on climate adaptation	7.9	25.4	37.7	21	7.9

Respondents considered that the Water Framework Directive is mainly successful to very successful in meeting the challenges facing water management (64.1 per cent of

respondents) with few considering that it is not successful at all. For the Groundwater Directive most respondents considered it to be average to successful in meeting the challenges, with 13.1 per cent responding that the Directive had limited or no success in meeting the challenges. One commented that the lack of concrete controls in the Groundwater Directive was a limitation.

Respondents had diverse views on the success of the Environmental Quality Standards Directive. For half (52 per cent) the Directive is either very successful or successful, while for 44 per cent it has been of limited or average success. Some respondents commented that the list of substances was too short and that the delays in reviewing the list of substances were too long.

Views of the success of the Nitrates Directive were very diverse. The largest proportion of respondents considered that success has been average (36.8 per cent). A similar proportion (15 per cent) considered that the Directive has not been successful at all or has been very successful. Some respondents commented that the Directive's requirements do not necessarily match environmental realities. The Directive was also criticised for lacking a classification system for the assessment of the degree of eutrophication in coastal waters.

The Urban Waste Water Treatment Directive was largely considered to be successful to very successful. For a quarter of the respondents, success was considered to be average, with only 13.2 per cent considering it to be of little or no success. Three quarters of respondents consider the Floods Directive to be successful or average, with a small number considering it to be either very successful or unsuccessful. Some respondents welcomed the global vision concerning flood management that was introduced in this instrument.

The Communication on water scarcity and droughts was considered by the majority of respondents to have limited, average or some success in addressing the challenges facing water management. For 10.5 per cent of respondents the Communication has had no success, while for almost 8 per cent it has been very successful. Some respondents commented that the Communication was successful in increasing awareness among stakeholders. Some respondents stated that the best way to manage droughts and water scarcity is at regional level through the River Basin Management Plans.

The white paper on climate adaptation was considered by 84 per cent of respondents to have limited, average or some success in addressing the challenges facing water management. Whilst the issues addressed and importance of the white paper was acknowledged, a few respondents remarked on the fact that the bulk of water legislation does not take into account climate change, and so stronger instruments are needed in this area.

A number of respondents commented that the objectives in EU policy concerning water quality need to be revisited and adapted to modern challenges. Also a number commented that whilst an instrument may be successful, its interaction with other instruments may lead to potential regulatory uncertainties. Finally a significant amount of comments stressed that determining success or not for some instruments was too early as they are still being implemented.

6. Gaps in the EU policy framework

Even with the adoption of the Water Framework Directive and adoption of further legislation and policy over the last ten years you may consider that there are still gaps in the policy framework at EU level for freshwater or that new issues have emerged. Do you consider that there are still gaps in the policy framework at EU level?	
	Percentage of responses
Yes	57
No	43

The respondents were evenly divided in their views on whether the EU policy framework has gaps in its coverage. Those that considered that there were no gaps in the existing legislation included responses from NGOs, industry and public authorities and a number commented that problems instead stem from a lack of implementation of the existing legal provisions. Suggestions were made to improve implementation, such as exchange between Member States specialists and creating a working group at EU level to streamline water objectives into other policies. Respondents in this group stated that instead of new regulation, the European Commission should provide more guidelines and further support to implementation. The development of common analytical tool was called for in order to improve the quality of reporting and monitoring. Finally one NGO argued that the Commission should be stricter in addressing implementation failures in Member States.

For those respondents who considered that there are gaps in the current policy framework, the most significant gaps noted were:

- Insufficient consideration of local issues (apart from in the Water Framework Directive) as all the other instruments apply at Member State level.
- Water reuse is not sufficiently addressed in current policy. Member States have instead developed their own criteria and approaches. However the lack of a common regulatory framework at EU level limits the expansion of water reuse. Providers and users do not have strong confidence on reusing water due to concern over potential health impacts.
- The policy framework does not address water use rights, their duration, revision etc. This is the source of uncertainty for industry and investors.
- The lack of a comprehensive management approach for wetlands.
- Lack of obligations relating to water efficiency in buildings.
- The lack of sufficient consideration of water quantity in River Basin Management Plans.
- The area of economic aspects of water, including water pricing, the gap in funding for infrastructure and cost recovery. This was stressed by a number of service providers, which consider this to be essential as new infrastructure is very expensive and requires sufficient resources. They consider that consumers are not generally aware of the cost of water and should, therefore, be more involved in the process. One respondent suggested that there should be an obligation for the relevant

authority to prove that the River Basin Management Plan that it has established is viable economically.

- One respondent suggested the introduction of a financial tax per unit of fertiliser, pesticides or even livestock to address the pressures on water from agriculture. Guidelines should be developed and sustainable farming practices should be encouraged.
- Finally, a few respondents commentated on the lack of education of consumers and users about the products they use and the impacts (diffuse pollution, water use) that they create.

Finally a few respondents stated that new instruments would be premature, as the current policy framework is still being implemented.

7. Addressing the challenge of climate adaptation

Adapting to future climate change is a major challenge to many policy areas, including water policy. The Commission has outlined its views in a White Paper on Adaptation and in the Communication on Water Scarcity and Droughts. Some EU water policy was developed at a time when climate adaptation thinking was not so advanced. Do you think that the requirements of the following Directives can accommodate climate adaptation needs?				
	Percentage of responses			
	Yes	No	Partially	Do not know
Water Framework Directive	51.7	17.5	28	2.6
Floods Directive	60.5	2.6	24.6	12.3
Nitrates Directive	29	30.7	16.7	23.7
Urban Waste Water Treatment Directive	36.8	22.8	22.8	17.5

Respondents were divided in their opinions on how well the current policy framework can accommodate climate adaptation needs. However, there was consensus that in addressing climate challenges, the main necessity is the flexibility to act at the level where the pressures are the greatest and to balance water availability with changing pressures.

The most common comment was that much water legislation was written before climate change issues had begun to be included into policies. Consequently there is a gap in integrating climate change adaption through the existing policies. The Communication on Water Scarcity and Droughts and the White Paper on climate adaptation do address climate change, but the fact that these are non-binding documents is seen as a drawback by some.

Comments were made that some existing instruments are unable to address climate challenges. For example, the Urban Waste Water Treatment Directive does not take into account the carbon implications (energy use) of secondary or tertiary treatment and whether these may, in some instance, outweigh the environmental benefits of this additional treatment.

Most respondents considered that the Floods Directive was the best adapted to climate change. This is more recently adopted and specifically includes a requirement to take account of potential climate change in its provisions.

On the Water Framework Directive, one respondent remarked that the intercalibration exercise, which helped in establishing the reference conditions, was a one-off. However, climate change, increasing temperatures and changes in precipitation patterns will invalidate the boundary setting and the values for biological quality elements which is the basis for the definition of good ecological status.

A uniform, one size fits all approach was widely criticised in particular in relation to floods, droughts and water scarcity. Industry respondents stated that solutions need to be developed at local and regional level. One respondent noted that at the moment the only answer to droughts is to set up kilometres of pipes for water transfer, which increases social and regional strife. Several respondents also called for the contribution from hydropower to flood and drought protection to be acknowledged through the River Basin Management Plans.

It was suggested by some respondents that an essential adaptation to climate change requires having an economic approach to water scarcity by taking further steps towards recognising the value of water (which is different from the value of the service of providing water).

For an industry association, the main challenges are in relation to sewage sludges which should be pro-actively managed as a resource for energy production. The issue of waste water storm overflow was also raised by two industry respondents. The increase of extreme weather events from climate change will increase the strain on sewerage systems and most Member States do not have the infrastructure to address this.

An energy related NGO stated that the no deterioration policy could act against society's ability to adapt to climate change most efficiently.

Finally some respondents stated that there was no need for more legislation, the existing framework being sufficient to address climate change, which will essentially only necessitate managing the changing pressures on the environment.

8. The balance between obligations set out at EU level and Member State action

EU water law sets out a wide range of obligations on Member States. However, it does not address every issue or prescribe every detail of water management. For instance the Water Framework Directive establishes policy objectives but leaves it to the Member States to identify the implementing measures. Is the current water policy framework correct in its balance between obligations set out at EU level and Member State action?

	Percentage of responses
To a large extent yes	75.4
To a large extent no	15.8
Other	4.4
Do not know	4.4

For a large majority of respondents, the balance between obligations set out at EU level and Member State action within the current water policy framework is correct.

For many respondents, the particular nature of water regulation means that local action is the most important. Therefore, leaving flexibility to the Member States to adapt and react to the local situation by adopting solutions of their own choice is welcomed. However, respondents did state that this flexibility provided by the Water Framework Directive is the exception, not the norm. Furthermore, for many respondents, even though flexibility is desirable, some intervention at EU level is necessary to prevent Member States favouring local economic issues over environmental ones.

Respondents noted that Member States still need clear guidance at EU level to ensure compliance. Moreover for some difficult decisions, such as new priority substances and pharmaceuticals, it is more efficient to have decisions taken at EU level.

One of the drawbacks from the flexibility provided by the current policy framework identified by several respondents is that it makes it difficult to compare Member States' compliance as the results are not obvious and the methods and criteria for assessment may not be comparable.

Some respondents did not agree with the current level of subsidiarity. While some found that too much flexibility was given to Member States, a small number considered that more flexibility is desirable to enhance local decision making, arguing that even guidance developed under the Common Implementation Strategy is undermining the principle of subsidiarity by trying to expand the original scope of the Directive and removing flexibility from the Member States.

9. Coherence within the policies covered by the Fitness Check

Ideally, the different EU Directives should be consistent with each other with regard to objectives, timetables, implementation procedures, methodological standards, etc. For the Directives of the Fitness Check (Water Framework Directive, Nitrates Directive, Urban Waste Water Treatment Directive, Groundwater Directive, Floods Directive and the Directive on environmental quality standards in the field of water policy) do you consider that there are inconsistencies between them that have practical consequences for implementation?	
	Percentage of responses
Significant inconsistencies	16.7
Limited inconsistencies	42.1
No inconsistency with practical relevance	41.2

A minority of respondents considered that there were significant inconsistencies within the EU legislation addressed by the Fitness Check. The remainder considered that there were either limited inconsistencies or no inconsistencies. Some respondents noted that the different instruments were written at different times (for different reasons and in different political contexts) so that it can be expected that some inconsistencies will arise.

Respondents noted greater concern over technical details in Directives, such as the duplication of reporting and monitoring efforts, raising costs due to the multiplication of tasks. Incoherence in reporting cycles was commented by a number of respondents. The Water Framework Directive requires reporting every six years, while for the Nitrates Directive it is every four years. This results in difficulties with planning and the cycles and objectives are different and are difficult to align with investment requirements. The respondents called for improved synchronisation.

With regard to technical obligations, an example was given that a water body that may reach good status under the Water Framework Directive and not require further action or investment in that respect. However, it does not mean that investment and actions will not be necessary under another Directive, such as the Urban Waste Water Treatment Directive. Other respondents suggested that the diversity of management units: river basin, vulnerable zone, flood risk area, etc., is an issue which can cause planning uncertainties and challenges.

Some respondents noted a difference of thresholds for pesticides in the Environmental Quality Standards Directive and the Groundwater Directive and others suggested that there were inconsistencies in requirements regarding nutrients across the relevant Directives.

While some respondents called for more flexible obligations, others warned against too much flexibility which would allow each Member State to interpret the obligations in a different way. The respondents from the energy producing sector called for a better prioritisation of the objectives, the conflict between the need for more renewable energy and less impact on water bodies means that planning for new hydropower stations is particularly difficult.

10. Coherence with other EU water law

The Fitness Check addresses a range of EU water legislation and policy. However, some water protection measures are not included, yet there are a number of potential interactions between these Directives and those included in the Fitness Check. Do you consider that the Directives and policies included in the Fitness Check are consistent and coherent with the following other EU water protection Directives?

Percentage of responses				
	Yes	No	Partially	Do not know
Bathing Water Directive	57.9	3.5	15.8	22.8
Drinking Water Directive	55.3	3.5	22.8	18.4
Marine Strategy Framework Directive	34.2	5.3	33.3	27.2

This question examined the coherence of the EU water legislation subject to the Fitness Check, with the remaining EU water legislation that is not within the Fitness Check, i.e. the Bathing Water Directive, the Drinking Water Directive and the Marine Strategy Framework Directive. Overall the majority of respondents reported that these legislative instruments were at least partially coherent with the remainder of EU water legislation. A significant proportion of respondents answered that they did not know.

It was remarked that there is a missing link between the Drinking Water Directive and the protection of drinking water through water safety plans. Furthermore, one respondent stated that, with the increase of pharmaceuticals and industrial chemicals in water, the standards of the Drinking Water Directive were not stringent enough, and a revision is necessary.

Concerning the Marine Strategy Framework Directive the main inconsistency was in relation to the determination of good status. Several respondents called for a common definition of good ecological/environmental status to address overlaps, such as in coastal waters. Other respondents stated that the different vocabulary of good ecological/environmental status could be confusing in itself, particularly for some stakeholders.

On the Bathing Water Directive, one respondent considered that there is confusion with the determination of status within the Water Framework Directive for water operators and service providers, i.e. that good ecological status does not necessarily mean the same thing as achieving good sanitary conditions for bathing waters.

One respondent considered that, for the Water Framework Directive, there is no real inconsistency with the other Directives, rather the main issues of coherence are found within practical implementation choices. For another respondent the main issue was the 2027 deadline of the Water Framework Directive, as it was argued that this was too short and would leave little scope for technological innovation to improve the delivery of compliance.

The Shellfish Waters Directive, although not included in the questionnaire, was raised by some respondents concerned over the lack of specific protection for shellfish waters once the Directive is repealed.

11. Coherence with other EU environmental policies

Implementation of EU water policy contributes to the achievement of other EU environmental policy objectives (e.g. biodiversity protection). Implementation of EU water law may also be assisted by implementation of other environmental policies (e.g. on industrial emissions, environmental liability, etc). However, it is also possible that the objectives, obligations or procedures may not be coherent between EU water policy and other EU environmental policy. Do you consider that the following EU environmental policy areas are coherent with EU water policy?				
Percentage of responses				
	Yes	No	Could contribute more	Do not know
Environmental impact assessment policy (EIA and SEA Directives)	60.5	4.4	18.4	16.7
Biodiversity policy (Birds and Habitats Directive and EU Biodiversity Strategy)	57	5.3	22.8	14.9
Pesticides Framework Directive	41.2	10.5	24.6	23.7
Detergents Regulations	26.3	3.5	19.3	50.9
Climate change mitigation policies	31.6	15.8	30.7	21.9
Air protection policy	41.2	4.4	20.2	34.2
Chemicals policy	41.2	10.5	23.7	24.6
Pharmaceutical policy	14	13.2	26.3	46.5
Industrial pollution control policy (IPPC/IED)	47.4	2.6	30.7	19.3
Waste policy	38.6	4.4	25.4	31.6
Resource efficiency policy	30.7	3.5	29.8	36
Policy on public participation and access to information	62.3	4.4	12.3	21
Environmental liability	53.5	7	14	25
Environmental crime	30.7	6.1	15.8	47.4
LIFE+ funding	41.2	2.6	28.1	28.1

The responses received were diverse and different issue concerning coherence were highlighted. The main ones were in relation to climate change and renewable energy policy, chemicals and diffuse pollution.

The hydropower industry stated that there are difficulties to accommodate the renewable obligations under EU law and the requirement of EU water legislation which can hinder hydropower development. The lack of integration with energy policy was more generally commented upon; one respondent noting the conflict where subsidies are given to support maize production on drained wetlands. With regard to climate change, one respondent

stressed that water environment must be protected while climate change mitigation policies are being implemented. Thus it is important to ensure coherence between climate action and environmental protection.

Concerning chemicals, respondents stressed that more integration is needed in relation to chemicals and pharmaceuticals products, in particular the ones with complex effects on aquatic environments. Some respondents suggested a unified priority substance regime. This would require that if a substance is identified as priority substance under the Water Framework Directive, it would automatically be listed for further authorisations or restrictions under REACH. It was also regretted that different assessment regimes apply to the Environmental Quality Standards Directive and REACH.

One respondent regretted that EU waste law defines sludge as waste, especially as the Urban Waste Water Treatment Directive requires the re-use of sludge as a resource. Some respondents called for a reclassification of sludge for example to encourage and facilitate the use of it in energy generation.

Diffuse pollution was another source of concern. Some stated that air pollution and emissions from industry are not taken into account enough within water legislation, in particular the cross media effects and any potential trade-off. Pollution by pesticides and detergents, according to some, is not sufficiently addressed and a number of respondents stated that better planning and management are essential to reduce pollution.

Regarding biodiversity policy respondents noted that there are different definitions and concepts within the Birds and Habitats Directives and the Water Framework Directive, rendering the interaction difficult. This is particularly true for wider species protection.

Regarding the relationship with EIA and SEA, for several water authority respondents, it is seen as a heavy burden, in particular during the establishment of the RBMPs. One respondent explained that assessing the environmental benefits of plans that are meant to deliver environmental improvement is a duplication of effort, is costly and probably unnecessary.

For several respondents there are no real inconsistencies. Rather during the implementation of the instruments by different authorities, the interpretation or measures have diverged and the misunderstandings and inconsistencies are introduced.

12. Coherence with EU sectoral policies

The implementation of EU policies other than those concerned directly with the environment can contribute to delivering the objectives of EU water policy or can threaten those objectives. Do you consider that there is coherence between EU water policy and the following other areas of EU policy?				
	Percentage of responses			
	Yes	No	Could contribute more	Do not know
Agriculture policy (CAP)	26.3	33.3	24.6	15.8
Regional policy (Structural and Cohesion Funds)	11.4	18.4	34.2	36
Energy policy (renewable energies, TEN-E etc)	14	36	31.6	18.4
Transport policy	7	28	26.3	38.6
Industry/enterprise policy	12.3	25.4	30	32.5
Development policy	16.7	9.6	34.2	39.5
Health protection policy	40.3	5.3	25.4	29
Research and innovation policy	29	6.1	43.9	21

In nearly all the comments made by respondents, agricultural policy or energy policy were identified as the main obstacles to a successful water policy. On agriculture, respondents noted that several areas of agriculture supported by the CAP are very detrimental to the environment. The presence of agricultural pesticides in drinking water is also a source of significant problems. One respondent highlighted the value of low productivity non-irrigated areas to deliver water quality, address scarcity and enhance biodiversity.

The contradiction of these sectoral policies with water was explained by respondents as these policies (energy, transport, cohesion) are a socio-economic priority, rather than an environmental priority as with EU water policy. To overcome this lack of coherence would require significant political will.

For the majority of the respondents, the ‘missing integration into agricultural policies is among the biggest shortcomings’ of EU water policy. Agriculture is responsible for most of the inputs of nutrients and pesticides, the impairment of riparian zones and floodplains, continued drainage of wetlands as well as over-abstraction for irrigation. Unmonitored and subsidised abstraction of water is causing damage, in particular in water scarce regions. It was also highlighted that the agricultural sector does not pay the full price of the pollution it generates, or the price for the water it abstracts. This is particularly relevant as there has been a shift from industry being the main source of water pollution, to the agricultural sector being the main source. Agricultural run-off, soil erosion, intensive use of pesticides and increase of the surface of land that is cultivated are a continuing problem.

Some respondents were hopeful that EU water policy will benefit from the changes to the CAP post 2013 and the increased focus on innovation, cooperation among farmers and the integration of the Water Framework Directive into cross-compliance.

An interaction between agriculture and climate change is the use of bioenergy within renewable energy policy. Respondents commented on the incentives to biomass production at national and EU level, and their effects on land use. Changing land use to biomass production could be on a scale and intensity that could pose significant risks for nutrient pollution.

Some respondents also noted the impact of hydropower on water bodies and their hydromorphology. With regard to the biological continuity of rivers, the promotion of a large number of hydropower projects places considerable pressure on European rivers especially in mountain regions. One respondent noted that these projects would not be considered economically reasonable without subsidies arising from renewable energy policy. However, the hydropower industry stressed the importance of hydropower in relation to the EU's renewable energy objectives. It represents 3 to 12 per cent of Europe's renewable power production, and allows a lot of flexibility. It also allows some active water management, e.g. for flood/drought control.

13. Common Implementation Strategy

The Common Implementation Strategy (CIS) has supported the implementation of the Water Framework Directive and other EU water policy. It has worked through expert and working groups, <i>inter alia</i> , to develop guidance to support many different aspects of practical implementation of EU water policy in the Member States. Do you consider that:				
	Percentage of responses			
	Yes	No	Partially	Do not know
The CIS process has addressed the right issues?	50.9	2.6	26.3	20.2
The guidance produced has proved helpful in practical implementation of EU water policy?	21.9	4.4	58.8	14.9
The CIS working methods have been well structured?	31.6	4.4	36.8	27.2

The consultation sought views on the scope and working methods of the CIS and usefulness of the guidance produced. A large majority of the respondents (77.2 per cent) agreed that the CIS fully or partially addressed the right issues. Only a very small number disagreed (2.6 per cent). The guidance produced by the CIS was considered to be helpful by one fifth of the respondents and partially helpful for practical implementation by more than half. Concerning whether the working methods had been well structured, about a third agreed, a third partially agreed and a third did not know; only a few disagreed.

Respondents commented that the CIS process is an interesting, helpful and useful structure to prepare and sustain the implementation processes of the Water Framework Directive. It has specifically helped in streamlining the implementation process. Checks and balances in

the process have mostly resulted in the right issues being addressed. Intercalibration has been very detailed and resource intensive, but the work has brought the EU closer to an ecosystem based water management. The CIS has also formed a structured venue for bringing issues forward for a possible update of the Water Framework Directive in the future.

However, in some key areas (e.g. ecological status, responsibilities for financing measures, cost benefit analyses, objective setting, intercalibration and use of exemptions), some respondents felt that further clarity through the CIS is needed to enhance implementation.

Some considered that the guidance documents would have been more useful if they had been made available earlier in the implementation timetable of the Water Framework Directive. Sometimes decisions had to be made within a Member State before the guidance was issued. Practical issues such as the length of the guidance, some errors and language were raised by some respondents. Some argued that the documents are too theoretical in nature to be really useful for many of those who need to use them. Others stated that the guidance should be purely technical (and not address policy) - guidance should better help in dealing with the local situation (regulatory context, natural conditions). It was stated that a one-size-fits-all approach is unsuitable as a number of factors are site-specific (such as issues regarding power plants as suggested by respondents from industry and NGOs).

Respondents also considered the weight that should be given to CIS guidance in achieving compliance with the relevant Directives, with one respondent suggesting they should be made mandatory.

The collaborative process at the EU level, and the opportunity to take part in the CIS was welcomed, but better involvement of experts would be desirable (as suggested by respondents from, inter alia, NGOs and industry), particularly improving the schedules for preparation of input, translation of the guidance into Community languages and representation of some sectoral interests from a wider variety of Member States (as suggested by NGOs and academics).

14. Administrative co-ordination

The Water Framework Directive encourages integrated management of river basins including administrative co-ordination as a necessary condition to achieve water management objectives. Do you consider that there is effective co-ordination of administration for the achievement of water management objectives in the following cases in your experience?		
	Percentage of responses	
	Yes	Improvement needed
Between national public authorities within a Member States (e.g. between national Ministries)	47.4	52.6
Between the river basin authorities and other regional public authorities	48.2	51.8
Public authorities within a river basin in a Member State	50.9	49.1
Between national and river basin authorities	55.3	44.7
Among river basin authorities in a river basin across national frontiers	57.9	42.1
Between water management authorities and other public authorities for environmental protection	50.9	49.1
Between water management authorities and other public authorities for spatial planning	45.6	54.4
Between water management authorities and stakeholders	38.6	61.4

The questionnaire considered whether there is effective co-ordination of administration for the achievement of water management objectives. There was not a generally strong agreement by the respondents on any of the responses. Some commented that the response to the question would differ depending on the Member States' involvement in international organizations, or that they were not in a position to answer. The respondents agreed by a very slight majority that effective co-ordination of administrations exists between national and river basin authorities, and among river basin authorities in river basins across national frontiers. A similarly very small majority considered that improvement is needed for coordination between water management authorities and other public authorities for spatial planning. A larger majority considered that improvement for coordination between water management authorities and stakeholders is needed.

There was a divided view on coordination between administrations. However, several respondents provided positive examples, e.g. from industry, national administrative bodies and river basins authorities. Cross-border cooperation has improved as a consequence of the Water Framework Directive, and several respondents (e.g. industry) noted that the process can be improved further in the coming decade without amendments to EU legislation.

Two respondents (industry and NGO) suggested that in each river basin there are too many levels of coordination, or too many authorities dealing with water, and that this is not effective. Coordination could be improved at various levels and for a variety of issues, e.g. by sharing of spatial data (though this is slowly improving) and co-ordination of monitoring.

Industry respondents felt that there are indications of mismatches (conflicting requirements) between the requirements from different agencies. Also, sometimes planning objectives between authorities do not match.

Respondents variously identified the following situations where there is room for more effective coordination of the administration:

- Between the water sector and other sectors e.g. spatial planning; one respondent commented that tools to support the cooperation between water management authorities and spatial planning authorities needs to be developed, and that the relationship between the Water Framework Directive and spatial planning legislation is not pronounced enough (comment by a national administrative body). Aligning River Basin Management Plans with development plans and both with national and local priorities, was another suggestion. A need for co-ordination of administration between water, forestry and agriculture was especially highlighted by several respondents.
- Between the relevant authorities for energy, climate change mitigation/adaptation, land use, biodiversity, water managers and nature protection experts, but also health authorities and law enforcement officers.
- Between river basin authorities and federal navigation authorities.
- In the preparation of River Basin Management Plans between the river basin authorities and the regional authorities.
- Between the water authorities and stakeholders (e.g. to increase awareness but also risks related to water use in the particular river basin, and for improving how feedback from stakeholders is taken into account), though some respondents pointed out that there had been considerable improvements.

The fact that competences lie in different administrations potentially led by different political parties with different goals can cause problems, and similarly, sometimes different ministries have different interests (comment from a national administrative body). The situation varies among states/basins. One respondent commented that key stakeholders are municipalities, but it is sometimes difficult to integrate them in their country because of their independence from central government and other authorities. Participation of stakeholders is difficult, often selective and the level of involvement of industry, NGO and sectoral representatives varies widely. One respondent stated that coordination is made difficult by the demand for “inaccessible” documents (long and technical to read). Differences in the countries and language barriers often impede international coordination. Another issue is whether certain aspects are sufficiently integrated in water policies, e.g. one respondent stated that the link between ecological status and the nature protection Directives is too weak, another that agriculture is not sufficiently taken into account

15. Planning

Directives contain obligations for Member States to develop and implement plans to guide implementation of practical measures. For the following Directives do you consider the planning obligations to be clear and achievable?				
	Percentage of responses			
	Yes	No	Partially	Do not know
Water Framework Directive	50	6.1	37.7	6.1
Nitrates Directive	43	9.6	23.7	23.7
Urban Waste Water Treatment Directive	45.6	3.5	16.7	34.2
Floods Directive	51.8	7	17.5	23.7

The consultation sought views on whether the planning obligations were considered to be clear and achievable for the Directives listed and to make recommendations on how to improve the planning obligations. For all the Directives, more than 40 per cent of the respondents considered the planning obligations to be fully clear and achievable, and less than 10 per cent considered the obligations as not at all clear and achievable. A majority of the respondents considered the obligations partially or fully achievable.

According to several respondents (river basin authority, national administrative bodies), the majority of the planning obligations of the Directives are clear and straightforward. The Directives allow sufficient flexibility for Member States to develop plans which suit local circumstances and policy objectives. However, some stated (river basin authority, industry) that it is more questionable whether the obligations are achievable. The main reasons for this were financial and/or administrative.

Though the obligations for many respondents were considered to be clear and sufficient (no further obligations are needed), the planning process for the Water Framework Directive was also considered to be hard to fulfil, possibly with a too ambitious time frame. Respondents (industry) commented that the requirements and exceptions of Article 4 are too complex and not clear. Cessation or phase-out of emissions of some priority hazardous substances which are naturally occurring is impossible (Water Framework Directive Art 4.1 a (iv)) (as acknowledged in the EQSD). Others commented that there is a need to further clarify priorities/objectives for planning obligations, e.g. to ensure they are based on sound cost-benefit assessments, and that the level of ambition should be up to the individual Member State. Economic realities will dictate the level of ambition (academic respondents).

Respondents considered the planning obligations for the Urban Waste Water Treatment Directive to be almost achieved, but the deadlines in the Directive were too ambitious. What is perceived as problematic is the fact that planning obligations for the Nitrates Directive and Urban Waste Water Treatment Directive are not synchronised: they should be in line with the Water Framework Directive planning cycles.

For the Floods Directive, comments (national administrative body) highlighted room for improvement in terms of guidance; at the moment its implementation depends on the current Member States' know-how and the national techniques available. Also, some states

are facing acute needs in the short term, whereas much of the Floods Directive has longer-time perspectives in establishing plans. Industry respondents commented that enhanced guidance would be desirable regarding the role of hydropower storage in integrated water management and flood prevention.

Some responses (national administrations) stressed that a huge effort was needed in terms of human resources and budget (new techniques and procedures). Industry respondents also pointed out that plans are often difficult to understand and use by stakeholders since they are complex and lengthy.

The adequate development and implementation of plans play a fundamental role in the achievement of EU policy objectives. The assessment of these plans by the European Commission forms an important step in this process (river basin authority, and industry association). The analysis of the measures proposed in the River Basin Management Plans should focus on whether the plans helped to solve problems at their source (e.g. the control of pollution at source), sustainability and cost-optimisation of measures, etc.

One respondent stated that the link between the Pesticide regulations and the Water Framework Directive should be made clearer, and that there is a need to take into account the cocktail effect, and to link cause and effects in relation to achieving good ecological status.

16. Public participation

	Percentage of responses			
	Yes	No	Partially	Do not know
EU water Directives contain different requirements for public access to information and participation in decision making. Guidance also encourages more active public participation than the legal minimum. Your organisation may have been responsible for ensuring public participation or have taken part in the participation process. Please answer the following:				
Are the requirements in EU Directives a sufficient legal basis for public participation in water management?	56.9	7	28.9	4.4
Do you consider that the process of public consultation has effectively provided for a possibility to influence water management in your river basin/country?	40.4	17.5	33.3	8.8
Do you consider public participation in water management in your river basin/ country to be sufficient?	36.8	22.8	32.5	7.9
Are there permanent structures for continuous involvement of stakeholders in your basin/for your sector?	54.4	11.4	28.1	6.1
Is current guidance sufficient to promote active participation?	37.7	14	30.7	17.5

A majority of respondents considered the requirements in EU Directives are a sufficient legal basis for public participation in water management. Permanent structures for involvement of stakeholders are fully or partially in place according to the majority of respondents. It is worth noting that approximately one fifth of the respondents considered that the process of public consultation has not effectively provided for a possibility to influence water management, and that public participation in water management is not sufficient in their river basin/country. It should be noted that international organisations found the questions difficult to answer because of a lack of an overview of the issue.

A NGO and a national administrative body commented that public participation and awareness has improved significantly across the EU because of the Water Framework Directive. Civil organisations and a larger part of the general public are now interested and involved in water related decision making. However public participation still needs to be significantly improved to achieve the objectives of the Water Framework Directive. Whilst the public participation objectives in the Water Framework Directive are welcomed, these highlight the lack of opportunity for public participation within the Nitrate Directive and Urban Waste Water Treatments Directives (national administrative body).

Regarding whether current guidance is sufficient to promote active participation, there was significant variation in the responses. Comments included that public information deadlines are too short for the large and complex set of documents to be reviewed, and that sometimes the documents are difficult for stakeholders to access and understand (national administrative body, industry), which hampers effective contribution. Implementation varies considerably among States and river basins (NGO respondent). An industry respondent commented that public participation should be encouraged not only at river basin level but also at the level of the entities in charge of providing drinking water to the public. On the other hand RBMPs in some cases can prove to be good examples of where local structures for stakeholder participation exist and work well (industry).

Two national administrative respondents commented that the organisational burden of public participation is quite heavy and the public and stakeholders lose interest when they are nearly yearly confronted with a consultation on water management. It was pointed out that public participation is required under several legislative frameworks (local and regional development plans, rural development plans, specific projects financed by EC Funds, and finally consultation for River Basin Management Plans, etc.), something which may lead to unnecessary costs, “consultation fatigue”, and confusion for the general public who may not understand the different steps/themes. In particular one stakeholder (NGO) mentioned that where plans are developed with stakeholders, the public consultation, which appears once the plan is drafted, only leads to unnecessary costs.

It was noted that the public consultation of the draft River Basin Management Plans did result in a high number of responses, which did not always led to alterations of the plans (national administrative body), thus participation does not necessarily lead to changes. One respondent (academic) commented that the public participation process for River Basin Management Plans can be a box-ticking exercise or can be hijacked by actors who do not represent the interests of the general public.

17. Monitoring obligations

Directives contain obligations for Member States to monitor the various pressures and impacts acting on surface water and groundwater bodies. For the following Directives do you consider the monitoring obligations to be targeted at the right issues?				
	Percentage of responses			
	Yes	No	Partially	Do not know
Water Framework Directive	57	3.5	33.3	6.1
Groundwater Directive	57.9	3.5	26.3	12.3
Directive on environmental quality standards in the field of water policy	54.4	1.8	30.7	13.2
Nitrates Directive	43.9	11.4	24.6	20.2
Urban Waste Water Treatment Directive	57.9	4.4	18.4	19.3
Floods Directive	49.1	3.5	18.4	28.9

The majority of the respondents considered the monitoring obligations in the Water Framework Directive, Groundwater Directive, Directive on environmental quality standards and Urban Waste Water Treatment Directive as addressing the right issues. For all except the Nitrates Directive (11.4 per cent), less than 5 per cent of the respondents thought that the Directives do not target the right issues. Some respondents commented that the issue is not relevant for the Floods Directive since it has no monitoring obligations.

Several respondents (national administrative bodies, industry) commented that for the Water Framework Directive, the monitoring requirements target the most important environmental problems, and the monitoring obligations are sufficient. An industry respondent commented that the recent proposal on priority substances has included improvements regarding monitoring (e.g. decreased monitoring for ubiquitous substances and creation of a watch list mechanism to further focus on true risks in the EU).

In contrast, other respondents commented that, for the Water Framework Directive, the monitoring requirements are not sufficient and that improvements were needed regarding the identification of pressures. The obligations were also sometimes considered to be resource intensive (especially for surveillance monitoring) or too detailed (e.g. regarding frequency of monitoring for priority substances). Others found the obligations too vague, leaving large room for interpretation by the Member States, which makes comparisons difficult (e.g. how to develop standards for the relevant harmful substances within River Basin Management Plans).

One comment on the monitoring obligations for the Groundwater Directive was that trace elements in fertilizers are not sufficiently considered. Another response considered that microbiological parameters were missing in the Groundwater Directive and Water Framework Directive.

Regarding the Directive on environmental quality standards, comments included that costs of monitoring (especially concerning the persistent pollutants) are very high, even though there is often no possibility to adopt appropriate measures (national administrative body).

For some substances thresholds levels are difficult to measure, there may be no standardised monitoring method available, and substances regarded as priority substances are not necessarily the substances of concern nationally. Suggestions for improvements for the Directive on environmental quality standards included:

- Monitoring and prioritisation of substances should be focused on emerging pollutants.
- A risk based approach should be applied, aiming to find/prioritise areas.
- Clarification is needed on how to take into account the variation in background values.

Some of the obligations for the Nitrates Directive were not considered to be coherent with each other (e.g. trend analysis is not possible with the prescribed one monitoring result). It was suggested that harmonisation and streamlining of the monitoring requirements should be improved, for example the monitoring requirements of the Nitrates Directive should match the monitoring of water body status under the Water Framework Directive.

Regarding the Floods Directive, improved coordination and guidance (models, methodologies, etc) were requested.

Though a number of respondents considered the monitoring requirements to be too detailed, several (academic, national administrative body) also stated that the density of monitoring across Europe is too thinly distributed for a detailed understanding of pressures, impacts, solutions and incentives; and one respondent stated that not all harmful substances by far are covered. One respondent underlined that the monitoring requirements allow for transparency and long-term data availability (Water Framework Directive and Directive on environmental quality standards).

Suggestions for improvement included:

- Strengthening of the monitoring networks for EU water Directives.
- The Water Framework Directive should allow for a smaller suite of parameters to be used in surveillance monitoring, as with the recent revisions to the Bathing Water Directive.
- The developing of an EC audit capacity with access to locations and data of Member States.
- An increased use of operator self monitoring (if underpinned by the necessary regulatory checks, e.g. appropriate laboratory accreditations).
- A wide use of representative monitoring and modelling/estimation of the real situation in scarcely populated areas with low anthropogenic pressures.
- Implementation of common monitoring elements (measurement intervals, number of measurement points, parameters) that should be applied by all Member States.

18. Reporting obligations

Directives contain obligations for Member States to report to the European Commission on various aspects of their implementation. For the following Directives do you consider that the information that is reported adds value to understanding the challenges facing Europe's waters and/or how well EU water policy is implemented?				
	Percentage of responses			
	Yes	No	Partially	Do not know
Water Framework Directive	47.4	6.1	35.1	11.4
Groundwater Directive	43	4.4	33.3	19.3
Directive on environmental quality standards in the field of water policy	40.4	3.5	33.3	22.8
Nitrates Directive	37.7	7.0	27.2	28.1
Urban Waste Water Treatment Directive	47.4	3.5	20.2	28.9
Floods Directive	40.4	1.8	28.9	28.9

A considerable number of respondents replied that they did not know the answer to the question and a majority considered that the reporting obligations fully or partially add value, while 7 per cent or less considered the reporting obligations do not add value at all. Several respondents (river basin authority, national administrative body, NGO) commented that the Directives generally require the correct level of information for reporting and that the reporting is useful and helps understand the challenges. It was noted that the reporting adds value if correctly analysed (e.g. for the Water Framework Directive in understanding the link between pressures and state). One main concern is, however, the streamlining of the reporting obligations across the EU legislation (industry, academic respondents).

Two respondents (academic) considered the reporting is an inadequate basis for enforcement action. Others (industry) stated that the information reported does not always reflect the effect of measures taken, as other factors need to be taken into account (e.g. historical pollution, regional challenges), and that the obligations in the Water Framework Directive and Groundwater Directive are insufficient in understanding the overexploitation of water resources; they are mostly orientated to quality issues.

Several respondents (e.g. national administrative body, river basin authority) stated that the principle of "one out all out" in the Water Framework Directive by which the poorest individual result drives the overall determination of status, needs to be reconsidered. Another respondent stated that the monitoring requirements of the Water Framework Directive focus too much on whether the objective is achieved and not enough on the measures that are implemented, since good ecological status will not necessarily follow directly after putting measures in place.

An industry respondent commented that the Directive on environmental quality standards includes substances which can naturally have high ambient concentrations. Reporting the values does not necessarily give a correct understanding of the effects of the measures taken.

Regarding the Nitrates Directive, a national administrative body commented that some of the reported data (especially on future improvements), is not comparable due to high levels of uncertainty. Streamlining the reporting between the Water Framework Directive and the Nitrates Directive would also be welcomed.

The Floods Directive was considered by several respondents to be too recent to comment on.

Some respondents considered that transparency could be improved, as regards the information sent to the European Commission from national governments; it is sometimes difficult for the stakeholders to get access to data. A national administrative body stated that it is important to increase transparency towards the public and politicians for all Directives. More specifically, a river basin authority noted that while River Basin Management Plans assist in communication with the public, the European level system, WISE, is difficult for the public to navigate.

Suggestions for improvement in reporting made by respondents included:

- Simplification: reporting under different Directives should be merged as much as possible to avoid duplication (particularly where there are the same or similar information requirements under different Directives).
- Feedback: following a comparison between the approaches taken to implement the Water Framework Directive by different Member States, the Commission could give feedback to the Member States, encourage improvements and provide examples of best practice.
- Focus: reporting should concentrate on important EU level issues, e.g. transboundary issues, issues affecting the common water environment, the question of comparability and economic competition.
- Increased comparability, e.g. apparent discrepancies between Member States can be due to a difference in how data are reported, rather than significant underlying environmental differences.
- Reporting requirements could be adapted in each reporting period according to the most obvious short-comings of the previous reporting period.
- The standardisation of reporting in an electronic format increases efficiency.

19. Measures and obligations in EU water policy

Many Directives contain obligations to control specific pressures on water bodies in order to achieve the objectives of that Directive with regard to water protection. Do you consider that the obligations under the following Directives are sufficient, insufficient or too excessive in order to meet the objectives of those Directives?				
	Percentage of responses			
	Sufficient	Insufficient	Too excessive	Do not know
Water Framework Directive	59.6	14	21.9	4.4
Groundwater Directive	54.4	12.3	14	19.3
Directive on environmental quality standards in the field of water policy	38.6	15.8	28.9	16.7
Nitrates Directive	34.2	33.3	11.4	21.1
Urban Waste Water Treatment Directive	49.1	22.8	6.1	21.9
Floods Directive	53.5	17.5	0.9	28.1

The majority of respondents considered that obligations under the Water Framework Directive, Groundwater Directive, and Floods Directive to be sufficient. One third considered the obligations under the Nitrates Directive are insufficient to obtain its objectives, and nearly 29 per cent considered the obligations of the Directive on environmental quality standards as too excessive.

Regarding the Water Framework Directive, a high cost for achieving the goals was emphasised by several respondents (industry, national administrative bodies), especially in densely populated and industrialised Member States and it was noted that the objectives were too ambitious to be implemented in the time provided. Some respondents stated that the Water Framework Directive should better address freshwater quantity/availability issues and climate change impacts; that it should focus not only on ecological objectives but also on water uses (power generation, transport, recreation, irrigation); and that catchment protection should be strengthened. One respondent stated that the response to this question partly depends on how the Commission will deal with exemptions under the Water Framework Directive. It was also noted that obligations which are sufficient in one Member State can be excessive in another, and thus EU water policy should be flexible (especially in times of financial crisis).

It was stated (industry) that in some locations quality thresholds in the Groundwater Directive and/or the Directive on environmental quality standards are set below natural background levels. The setting of environmental criteria for naturally occurring substances needs to be scientifically sound. Standards also need to better address agricultural pressures on groundwater bodies. A national administrative body commented that since the Directive on environmental quality standards does not contain control measures at EU-level, it does not in itself contain enough obligations to meet its objectives.

As regards the Urban Waste Water Treatment Directive, it was commented by industry respondents that the obligations do not include full cost benefit assessment of the requirements, taking into account the total environmental impact, including greenhouse gas emissions, created by treatment works. The carbon costs of meeting the Urban Waste Water Treatment Directive need to be factored into its implementation as well as considerations about how best to cope with the increase in storm flows that climate change is expected to bring. Obligations to deal with diffuse pollution were considered by some to be insufficient. It was also noted (academic respondents) that there is some inefficiency due to overlaps between the Urban Waste Water Treatment Directive and the Water Framework Directive on achieving water quality objectives for nitrates and phosphates.

Suggested improvements for the Nitrates Directive included considering each vulnerable zone independently, with its own problems and progress, possibly through letting local administrations set their goals and terms under a common general requirement. It was also suggested (industry) that the Nitrates Directive could be more efficient in tackling nutrient threats to freshwater by better addressing phosphate pollution. Another industry respondent commented that, instead of using the Nitrates Directive, Member States should be encouraged to use the provisions of the Water Framework Directive to design and deliver measures to tackle (diffuse and point source) pollution from agriculture.

A national administrative body commented that the cessation and phasing out of certain hazardous substances can be excessively expensive and in some cases the scientific evidence for the environmental benefits may be weak. Another national administrative body stated that relevant exposure and effect tools capable of assessing the risks from use of pesticides over time and space are lacking. Another respondent stated that the goal should be to avoid pollution and implement the polluter pays principle, rather than include more substances in the priority list. Another criticised the thresholds for substances as lacking environmental relevance.

Industrial and NGO respondents commented that the Floods Directive does not adequately take into account the need for more structural measures in flood risk management.

20. Costs and administrative burdens

The implementation of the water Directives has costs to public administrations, businesses and others. However, improved water conditions produces benefits to the public, businesses and the wider environment. Do you consider that the costs associated with the implementation of the following Directives are lower, of a similar proportion or higher than the benefits they provide?				
	Percentage of responses			
	Lower	Similar proportion	Higher	Do not know
Water Framework Directive	21.9	20.2	42.1	15.8
Groundwater Directive	24.6	14.9	28.9	31.6
Directive on environmental quality standards in the field of water policy	15.8	11.4	43	29.8
Nitrates Directive	28.9	9.6	28.1	33.3
Urban Waste Water Treatment Directive	20.2	23.7	25.4	30.7
Floods Directive	26.3	16.7	9.6	47.4

For all Directives, except the Floods and Nitrates Directives, the number of respondents considering the costs to be higher than the benefits was greater than those who considered the costs to be lower than the benefits. However, some (10 to 23 per cent) for each Directive considered the costs and benefits to be of a similar proportion. 16 to 47 per cent stated that they did not know and this was reflected in the comments: respondents considered more analysis and investigation to be necessary before a meaningful view can be given on whether the costs of Water Framework Directive implementation are higher, lower or on a par with the benefits. In some cases, the answers for the Water Framework Directive, Nitrates Directive and Urban Waste Water Treatment Directive were based on the cost-benefit analysis for the first River Basin Management Plans.

Many comments focused on how costs and benefits can be measured in monetary terms for the environment and society for specific options, e.g. for hydro-power generation. Several respondents mentioned a lack of methodologies and results to date. Guidelines on cost sharing or indicators on calculation of benefits could help towards obtaining comparable results.

One commentator (industry) said that actual implementation costs depend on how the requirements of the Directives are interpreted and industry respondents also noted that costs and benefits are able to be distributed in different ways in implementing the Directives and that choices at national level influence the level of costs that arise from implementation.

Some national administrative bodies and a river basin authority commented that the cost-benefit analysis for the first river basin management plans showed higher costs than benefits and hence that the costs were disproportionate. However the same category of respondents also commented that in the long run these costs will be recovered by reduced

costs for environmental damage (maintaining ecosystem services and reducing costs for remediation).

Regarding the Water Framework Directive, NGOs and industry commented that the costs and benefits society would receive from implementation are not widely known and communicated. An academic commentator stated that the burden of proof should be upon policy makers to demonstrate that the obligations included in the Water Framework Directive are economically sustainable.

Industry respondents commented that the benefits to the water and sewerage industry of meeting the requirements of the Water Framework Directive are outweighed by the costs, and that costs associated with the implementation of the Water Framework Directive may be higher than the benefits they provide in some Member States, where very strict measures are implemented. It was also stated by one respondent that, for the Groundwater Directive, the cost of protecting the water can cost more than treating the water. For the Directive on environmental quality standards, one industry respondent stated that the non-achievement of the quality standards is not a limiting factor on the ability of society to obtain the benefits from a water body and, therefore, the costs are disproportionately high.

The Urban Waste Water Treatment Directive was described by one academic respondent as “cost-blind”, arguing that in many cases it has no tangible benefit in reversing poor environmental status and, in new Member States, cost effectiveness is even poorer. Costs were also considered to be higher than the benefits due to the overlap with the objectives in the Water Framework Directive. Other comments included that costs for achieving a final marginal improvement can be very high, e.g. through retrofitting. Appropriate cost analysis is needed in the choice of solutions, taking into account the total environmental impact, including climate change, created by treatment works.

For the Floods Directive, several respondents stated that the cost-benefit analysis is still in preparation, and that no conclusions could be drawn. National administrative bodies on the one hand commented that the reporting requirements are too detailed and extensive. However, experience from floods in the past show that the costs of floods itself are much higher than cost of implementing the Directive (including planned measures mainly based on prevention and preparedness).

21. Implementing EU water law

Implementing EU water law has many potential challenges in Member States. From your particular perspective, which of the following has been a specific challenge or constraint for effective implementation (note that any concerns arising from the obligations in the Directives themselves should be considered in the previous questions)?				
	Percentage of responses			
	Yes	No	Partially	Do not know
Objectives of EU water policy not properly formulated	11.4	54.4	31.6	2.6
Poor transposition into Member State law	30.7	28.1	31.6	9.6
Lack of political will in the Member State	24.6	29.8	36.8	8.8
Lack of integration of water policy objectives in other policy areas	43.9	22.8	28.1	5.3
Lack of (or late) establishment of river basin authorities	14	48.2	14.9	22.8
Lack of legal status of River Basin Management Plans	9.6	64.0	14.9	11.4
Insufficient ability to control water demands	18.4	57	13.2	11.4
Too many bodies involved in water decision making	19.3	53.5	21.1	6.1
Poor coordination between river basin and national bodies	15.8	50	25.4	8.8
Poor coordination with other authorities (spatial planning, agriculture, economic planning, etc.)	43	22.8	26.3	7.9
Poor coordination between authorities across national frontiers	23.7	26.3	32.5	17.5
Lack of capacity in relevant public bodies	33.3	29.8	27.2	9.6
Insufficient guidance to public bodies	18.4	46.5	25.4	9.6
Poor stakeholders consultation	14.9	48.2	33.3	3.5
Lack of political support	27.2	32.5	36.8	3.6
Lack of support from some key stakeholders	18.4	45.6	30.7	5.3
Insufficient finance	57.9	13.2	23.7	5.3
Lack of sufficient understanding on pressures and impacts on water	33.3	38.6	23.7	4.4

The issues most commonly considered by respondents to be challenging were: insufficient finance; a lack of integration of water policy objectives in other policy areas; and poor coordination with other authorities (spatial planning, agriculture, economic planning, etc.).

The aspects which seem to be least challenging were: a lack of legal status of River Basin Management Plans; insufficient ability to control water demands; objectives of EU water policy not properly formulated; too many bodies involved in water decision making; and poor coordination between river basin and national bodies.

Specific comments on challenges that respondents considered to be important included:

- Lack of political will in the Member States.
- Lack of integration of water policy objectives in other policy areas, especially into energy policy (industry respondent). Furthermore the Common Agricultural Policy does not fully support the achievement of the objectives of the Water Framework Directive (national administrative body respondent). Another aspect highlighted was the lack of practical implementation in relation to climate change adaptation. Sector integration will take time to achieve. The perception of conflicting policy objectives must be changed, and there needs to be common ground with new trust across sectors.
- One respondent stated that there were too many bodies involved in water decision making; meeting environmental goals while maintaining economic goals has been hard in cases where the great number of political authorities involved each have very different objectives.
- Poor coordination with other authorities (spatial planning, agriculture, economic planning, etc.): respondents noted difficulties in engaging local authorities with the issue of diffuse urban pollution of water courses. At a time when their budgets are being cut, local authorities are focusing their resources on visible front line services rather than largely 'invisible' environmental activity. In federal Member States ensuring all authorities are coordinated was seen as a problem.
- Poor co-ordination between authorities across national frontiers: one respondent stated that there is broadly a good level of general coordination between the European and national/regional institutions. However, there is a particular issue with agreeing on how to quantify social and environmental impacts of water use and on the appropriate measures to take in response to such assessments. There also are discrepancies between Member States regarding the interpretation of the requirements of the Water Framework Directive (e.g. the cost-recovery principle).
- Poor stakeholder consultation: an industry respondent commented that stakeholder consultation was poor with regard to risk/impact assessment.
- Lack of support from some key stakeholders: the agricultural sector and some water utilities were noted as being resistant to change.
- Insufficient finance: the challenges of lack of financing for environmental improvement measures (industry respondent) are often linked to insufficient socio-economic river basin characterisation regarding water uses and services. Limited resources make it difficult to reach the goals of the Water Framework Directive (river basin authority). The impact of the financial crisis was highlighted.
- Lack of sufficient understanding of pressures and impacts on water: one respondent stated that a lack of understanding of pressures and impacts leads to an absence of clear realisable short and medium term goals that can stimulate buy-in and mobilisation of financial resources.
- Synergies must be underlined between protecting water, land and water use. Costs and constraints should be better communicated in the public participation processes.
- One industry respondent stated that effective resourcing is critical, including people on the ground, appropriate levels of data and money and political will to make a difference.

22. Way forward: addressing issues in EU water policy

Respondents were asked to identify specific problems they considered to be important concerning the effective achievement of the objectives of EU water policy and which measure(s) might be most appropriate to address those problems. These could include:

- Amending law or developing new law.
- Developing new or improved guidance.
- The Member States to reinforce their implementation of the current policy.
- The Commission to take a stronger focus on enforcement of Member State obligations.
- The Commission to take a stronger focus on coordination of different stakeholders.
- More or better targeted EU funding.
- Other.

Industry respondents, national administrative bodies and a river basin authority suggested that the Water Framework Directive should be given much more time to deliver its present goals before considering additional water related instruments. Instead, implementation in all Member States as well as integration with other policy areas was stressed as a top priority, including through stronger monitoring by the European Commission. Several respondents (e.g. national administrative bodies, academics, industry) suggested that the European Commission should take the opportunity of the CAP reform to better integrate water-related issues, for example through incorporating parameters of water saving actions. Fighting pollution at source is important: the CAP reform is an ideal opportunity to drive the necessary changes in the farming community through incentives such as payments for services reducing water pollution.

An industry respondent suggested the European Commission could consider repealing some older Directives (e.g. the Nitrates and Urban Waste Water Treatment Directives) in a recast of EU water legislation to one (or a few) pieces of legislation (e.g. similar to the Industrial Emissions Directive); another respondent however noted the complexity of interacting policies on protection of interacting media – water, soil and air. Industry respondents also suggested that in order to keep control at source and protection of drinking water as a priority, the European Commission should better coordinate legislation dealing with chemicals and hazardous substances and Annex X of the Water Framework Directive on priority substances. Another respondent stated that it was necessary to use standards higher than WHO standards for drinking water.

Regarding development of new or improved guidance, industry respondents commented that water reclamation and reuse could benefit from EU guidance to encourage suppliers and users to apply water reclamation and reuse techniques, while ensuring good quality, in terms of health and environmental impact. Guidance under the Water Framework Directive should also specify better harmonized measures to be implemented at local level. There is

also a need for more consistent guidance on how to comply with socio-economic cost/benefit analysis in the programme of measures (NGO respondent).

The European Commission could take a stronger focus on coordination between different stakeholders, e.g. through the development of web-based information for the best practices in different areas of implementation, to develop a catalogue of possible effective measures, relevant for specific types of pressures and types of water in order to support coherence between the next round of River Basin Management Plans.

More or better targeted EU funding could be achieved through:

- Assessment and revision of (EU and Member State) funding for agriculture, transport, energy with regard to ecological values, environmental provisions and needs.
- Targeting the maintenance of infrastructure in order to achieve greater performance rates. Increasing funding for innovation in the water sector (good examples include the candidate European Innovation Partnership in Water).
- Targeted EU funding for cross-sectoral measures, e.g. renewable energy plants and water conservation.

One academic respondent also stated that Article 9 of the Water Framework Directive on cost-recovery should be clarified to define full and partial cost recovery.

A national administrative body suggested that Water Framework Directive obligations also have to be integrated in land use and spatial planning at all levels. An NGO suggested that water neutrality could be used as a planning tool across the EU, requiring water efficiency retrofitting measures in buildings (e.g. through standards), in order not to increase total water demand.

Other suggestions for improvement included:

- EU law should better address water quantity issues.
- Better consideration of controlling hazardous substances entering the supply chain rather than expensive end of pipe treatment to remove or reduce them.
- Coordinating different policies with water policy, and also coordination between the authorities responsible for climate, energy and water management. This point was emphasised by several respondents; similarly, conflicting goals of policies should be avoided, an example given was the increase in bioenergy crops, which is encouraged by energy policies, which often need a lot of irrigation water and use pesticides and fertilisers.
- Reviewing the definition of “good ecological status” to better address ecosystem services within the objectives of the Water Framework Directive.
- Considering the energy and climate change costs on a wider scale when developing environmental objectives and standards for the water environment.
- Better addressing the challenge of future international security.
- Promoting improved knowledge of water issues by the public and their responsibilities towards water.

- Enhancing cooperation between stakeholders, the European Commission and Member States for the exchange of views and expertise.
- The same requirements should be encouraged to be applied in third countries so as not to harm EU economic production.
- Drinking water and sludge policy should have been part of the Fitness check assessment.