

Informal meeting of Water and Marine Directors of the European Union, Candidate and EFTA Countries Brno, 28-29 May 2009

Final Synthesis

PART 1: WATER DIRECTORS

Introduction

The Water Directors of the European Union¹ (EU), Candidate Countries² and EFTA Countries³ met on 28-29 May 2009 in Brno (Czech Republic) in order to discuss, in particular:

- the state of play of legal issues regarding the implementation of the Water Framework Directive;
- the progress of the Common Implementation Strategy for the Water Framework Directive;
- the preparations of the CIS work programme 2010-2012;
- integration issues related to water and energy, agriculture and biodiversity;

The present note summarises the main elements discussed, and the agreements reached, during the Water Directors meeting. The agenda of the meeting is presented in [Annex 1](#), the list of participants is presented in [Annex 3](#).

Outcome of the meeting

Item 1.1: Legal issues and Commission activities

The Water Directors took note of the presentation from the Commission covering

- the state of play of legal infringements linked to WFD and Groundwater Directive implementation
- Commission report on monitoring programmes April 2009
- Report from the 2nd European Water Conference 1-2 April 2009
- Report on Water Scarcity and Droughts December 2008
- White Paper on Adaptation to Climate Change April 2009
- Information on aquaculture strategy

The Water Directors agreed to explore the possibilities to prepare a side-event on adaptation in the context of the Climate Change meeting in Copenhagen, in order to raise the profile of water issues in the climate change debate. The Commission agreed to follow-up on this issue.

The Water Directors took note of the observation by the Commission on the need to take into account the protection of the shellfish waters in the WFD river basin management plans, in particular beyond the repeal of the shellfish water directive in 2013. If these waters are not

¹ Austria, Belgium, Czech Republic, Cyprus, Denmark, Estonia, Finland, Germany, Greece, France, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovak Republic, Spain, Sweden, United Kingdom, the European Commission and the European Environment Agency. Absent: Bulgaria, Romania and Slovenia.

² Absent: Croatia, Turkey and Former Yugoslavian Republic of Macedonia

³ Iceland, Norway and Switzerland. Absent: Liechtenstein

appropriately protected by the plans the Commission will be under pressure to produce new legislation.

Item 1.2: Common Implementation Strategy

The Water Directors took note of the progress of the CIS process.

The Water Directors agreed to

- endorse the eutrophication guidance document in order to make it publicly available, provided paragraph 143 is deleted
- ask the Eutrophication Steering Group to produce a policy summary of the guidance and to mandate the SCG to agree on it in autumn 2009.

Item 1.3: CIS Work Programme 2010-2012

The Water Directors took note of the presentation by Germany of the conclusions of the Heavily Modified Water Bodies Workshop held in Brussels in March 2009.

COM presented the discussion document on the CIS work programme 2010-2012 that considers the results of the orientation debate held by Water Directors in Paris and reflects the discussions held at the Strategic Coordination Group meetings in March and May 2009.

The Water Directors agreed to make changes to the organisation chart of the CIS in order to simplify it. The agreed chart is included as Annex 2. Ad-hoc activities are taken out of the chart but are still important and will be part of a different list of workshops that will be part of the work programme, including the proposed topics:

- Science Policy interface TBC
- Hydromorphology
- Environmental Objectives and Exemptions
- Economic issues
- River Basin Management Plans

The importance of the work on biodiversity and water was highlighted. The Water Directors took note that the Biodiversity Co-ordination Group and the Nature Directors are going to discuss the proposed activity at their meetings in June 2009. The precise modalities of the work on biodiversity and water will be decided at a later stage after discussions by Nature Directors and Water Directors.

The Water Directors agreed to rename the Working Group E on Priority Substances, including the Chemical Monitoring Activity, to "Chemical Status".

The Water Directors agreed to the proposals to improve dissemination. i.e.:

- Grant access to the whole restricted part of CIRCA to everyone who is involved in WFD implementation in local, regional or national administrations and who requests access;
- Restructure CIRCA in order to make it more transparent and user-friendly
- Make the list of CIS meetings public on CIRCA (including meetings of subgroups) and update it regularly;
- Provide short summaries per activity which include the objective of the activity and links to finalised deliverables, to be updated once or twice per year by the leads of the activities.

As regards leadership of the various activities:

- All the current leaders of activities that are kept from the 2007-2009 period will continue their work
- IE agreed to co-lead WG F
- NL indicated its willingness to consider the co-lead of the Biodiversity and Water activity
- FR indicated its willingness to consider the co-lead of the Chemical Status Working Group

As regards the contents of particular activities:

- it was agreed that for the moment no new guidance on economic issues is needed, rather an ex-post analysis of the reporting of Member States on economic analysis in the river basin

management plans and exchange of information to be discussed at the economic workshop in 2010

- the need to use the Chemical Status Working Group as a platform to exchange information about particular substances was highlighted

The Water Directors

- agreed on the priority activities divided into the three types and the CIS organisation chart as included in Annex 2
- request the leaders of the activities to develop targeted and clear mandates, specifying deliverables and time schedules, to be presented to the next Water Directors meeting for endorsement. Any drafting group or subgroup should be included in the mandate (no such groups should be created without the agreement of the SCG/Water Directors).

Item 1.4: Parallel roundtables

The Water Directors were divided into three groups to hold discussions about three topics. All three topics were discussed in all groups. The summaries from the rapporteurs are available in CIRCA. A plenary session was held afterwards and the conclusions of each topic are outlined below.

1.4.1 Water and energy

The water directors recognised that there are a number of good examples of coordination between the WFD implementation and hydropower management, ensuring the compatibility of hydropower with ecological continuum and fish migration. The examples include compensatory measures like fish-ladders and establishment of minimum environmental flow requirements, and process integration measures like synchronising pre-planning of hydropower and revision of existing hydropower licenses with the WFD planning time schedule.

The water directors also took note of the fact that different MS had varying experiences regarding the implementation of art. 4.7. In most MS the use of art. 4.7 has not been an issue during preparation of the first draft RBMP, due to the fact that no new installations have been planned, and the focus has been limited to the evaluation or modernisation and upgrade of existing hydropower installations.

Also small hydropower was highlighted as a particular issue, including the required application of article 4.7.

The Water Directors agreed to continue the discussions on hydropower in the context of the hydromorphology activity, with the aim to facilitate the sharing of experiences and examples, considering the outcomes of the HMWB workshop held in March 2009.

The Water and Energy discussions should also be linked to the debate on adaptation to climate change, including other water and energy issues like energy efficiency, power plant cooling water, bio fuels, geothermal power and groundwater, wind power etc.

1.4.2 Water and agriculture

The Water Directors recognised that the update of the Rural Development Programmes following the CAP Health Check offers a one-off opportunity to improve the funding of water protection measures linked to agriculture. Application of the Article 38 of the rural development regulation was also highlighted as very important and the Commission was asked to progress this issue.

The Water Directors emphasised that buffer strips are an effective measure to protect surface water bodies. There is a need to discuss at European level what optimal and effective buffer strips are and for Water Directors to influence national implementation of the Good Agriculture and Environmental Condition (GAEC) requirements in this respect.

The Water Directors requested the leaders of the activity on Water and Agriculture to take these elements into account when preparing the mandate for the future CIS work programme.

1.4.3 Water and biodiversity

The Water Directors recognised that there is a need to better integrate the implementation of water and nature protection legislation. Many Member States indicated that there are activities going on to integrate nature protection concerns in the river basin management plans. However, most of the Member States indicated they were not fully satisfied and the general consensus was that there is a lot of potential for improvement.

Water management could be better linked to biodiversity and nature protection and viceversa. There is a need to work closer together.

In this context the Water Directors agreed that the proposed activity on Biodiversity and Water can play a very important role for integration and improving understanding between the nature protection and the water communities.

The Water Directors agreed that the Commission with a contribution from Germany will prepare a paper for the meeting of the Water Directors in Sweden presenting the current situation and outlining the main elements for the next steps of the activity.

Item 1.4: Any other business

The French delegation announced a workshop to exchange on climate change and WFD implementation to be held on 22-23 October 2009 in Paris. Water Directors will receive soon an invitation to nominate participants.

The Swedish delegation informed about the next meeting of the Water and Marine Directors to be held in Malmö on 29 November – 1 December.

Enclosures to this summary:

- Annex 1: Meeting agenda (see Part 1)
- Annex 2: List of WFD CIS activities and organisation chart
- Annex 3: List of participants

PART 2: MARINE DIRECTORS

Introduction

The Marine Directors of the European Union met on 29 May 2009 in Brno (Czech Republic), back to back with Water Directors, in order to discuss, in particular:

- Working arrangements at EU level;
- Work Plan;
- Planning of upcoming meetings
- National progress towards the transposition and implementation of the Marine Strategy Framework Directive ('MSFD')

The present note summarises the main elements discussed, and the agreements reached, during the Marine Directors meeting. The agenda of the meeting and the list of participants are presented in Annex 3.

Outcome of the meeting

Item 2.1: Working arrangements at EU level

After a presentation from the CZ Presidency on the importance of this first meeting of the Marine Directors, the COM recalled the basic timeline of forthcoming obligations both for the COM itself and the MS, with key milestones in 2010, 2012 and 2015. To facilitate the success of these tasks, the MD were requested to confirm and establish an organisation structure for an informal Common Implementation Strategy ('CIS'), inspired in the WFD structure albeit focused in a few priorities. Marine Directors ('MD') will be convened by each Presidency and meet therefore twice a year, back to back with WD. A Marine Strategic Coordination Group open to stakeholders would prepare the MD discussions (the first MSCG had taken place on 15 May 2009 in Leuven). The MSCG builds on the work of Working Groups (WG), the two initial one relating to good environmental status (WG GES) and the other on data, information and knowledge exchange (WG DIKE); other WG can be set up as needs arise (e.g. monitoring). This informal CIS structure is open to EFTA EEA countries and candidate countries. This structure was agreed by MD.

The terms of reference of the MSCG and the two WG were discussed. For the TOR of the WG GES, comments were made on the need for prioritisation in view of the short timeline, the need to make use of existing methodologies (including from existing EU law and regional sea conventions –'RSCs'-), the need to ensure that dialogue with RSCs is two-directional and that the EU process should take the lead in view of the regulatory targets, the importance of improving linkages (e.g. biodiversity and fisheries) and to consider the consequences of the criteria. The TOR of the WG GES was adopted further to agreement on slight adjustments.

In the case of the WG DIKE, comments were made by MD on the need to improve references to INSPIRE, the need to clarify further that the former EMMA activities will be carried out within the new WG, the importance of linkages with GES (and the data gathering that this will require) and of indicators for the purpose of WISE-Marine. Further to these comments, the TOR were agreed as they stand on an interim basis, subject to fine-tuning at the WG itself (to be held on 17 June) for further decision at the next MD in late November.

The working arrangements on MSCG were also adopted.

Item 2.2: Work Plan

The COM presented the work plan, the most important document for discussion. The COM had initially proposed a very slim structure, focusing on the areas requiring decision involving the regulatory Committee and expressing its readiness to engage in more activities for joint work should there be a clear demand. Further to comments from MS since February 2009, a number of possible additional activities were identified in the draft Work Plan. Most relate to coordinating approaches in relation to obligations due by MS from 2012. The COM underlined that, for this reason, it was important that, for such additional tasks, some MS come forward at the MD meeting to express a willingness to lead or co-lead. For activities where such agreement is not reached MS are invited to keep reflecting on such expressions of interest and to provide a reaction before the end of June 2009. Items for which resources are not identified by that time will be put on hold and listed for further discussion at the next MD in November.

Germany expressed its readiness to co-lead activities in the WG on GES, which the COM welcomed. One important issue would be to prioritise on tasks in this activity and to ensure

integration with other developments (e.g. biodiversity). Progress on GES was also important to start to work on monitoring, in view of existing links.

Sweden expressed its interest in (co-)leading in relation to the social and economic assessment related to the initial assessment, which the COM welcomed. The identification of another co-leader before the end of June would be welcome. This expression of interest implied that it was possible, in principle, to set up an additional Working Group on this issue (which relates closely to the Integrated Maritime Policy), on dates to be determined.

Comments were made on the activity relating to pilot projects, including a reference to be made to the HELCOM Baltic Sea Action Plan. HELCOM has indeed expressed an interest on the issue and a reflection will start on this issue both within COM and in dialogue with MS in the region (at this stage without any specific structure within the CIS).

Item 2.3: Planning of upcoming meetings

The COM explained the meetings ahead. Before the summer break, the first WG DIKE will be held in Brussels on 17 June 2009. In the second part of the year, the MD will be held back to back with WD at the end of November 2009 (Malmö). This will be preceded by a MSCG and a WG on GES in October 2009, as well as a second meeting of the WG DIKE (dates yet to be determined). Meetings on GES will be held in early 2010 and in March 2010, keeping in mind the requirements (Committee, EP scrutiny etc).

Item 2.4: National progress towards the transposition and implementation of the Marine Strategy Framework Directive

The MD made a presentation of the status of the internal process towards transposition of the directive. Some MS had provided a short document before the MD meeting, and the COM invited all MS to do the same before the end of the month, for circulation. MD agreed that the representatives at the MSCG also act as national focal points on transposition, for the purpose of regular exchange of information on progress in legislative processes.

Three RSCs had also presented a short note on their activities related to the MSFD implementation.

Item 2.5: Any other business

The COM made a brief presentation on the issue of the linkages between the MSFD and the Integrated Maritime Policy ('IMP'). Linkages exist in both directions. The COM mentioned that a presentation had been made by DG ENV at the Maritime Day in Rome on the importance of the MSFD for the success of the IMP, not only as its environmental pillar, but to the extent that it constitutes a legally binding framework for the integrated management of human activities (e.g. initial assessment by 2012, including social and economic assessment). The document made available in Rome to the High Level Focal Points on IMP will be circulated to MD. It would be important that this enhanced dialogue with IMP initiatives is also promoted at national level.

Spain intervened to announce that it was envisaging organising a marine event during its presidency in 2010. At this stage, possible issues could be to consider further the issue of the overall assessment of GES and/or to address linkages between MSFD and IMP. In this regard a possibility is to host the event on the occasion of the European Maritime Day in 2010.

Enclosures to this summary:

- Annex 1: Meeting agenda (see Part 2)
- Annex 3: List of participants

Annex 1: meeting agenda

28th May 2009 – Thursday

PART 1: WATER DIRECTORS

- 09⁰⁰-09²⁰ – Opening the meeting – Welcome speeches
09²⁰-10⁰⁰ – Commission activities
 – *Legal issues*
 – *Commission report on monitoring programmes April 2009*
 – *Report from the 2nd European Water Conference 1-2 April 2009*
 – *Report on Water Scarcity and Droughts December 2008*
 – *White Paper on Adaptation to Climate Change April 2009*
10⁰⁰-10³⁰ – Common Implementation Strategy
 – *Including endorsement of the Revised Eutrophication guidance*
10³⁰-10⁵⁰ – Coffee break
10⁵⁰-12¹⁵ – CIS work programme 2010-2012
 – *Including report from the HMWB Workshop 12-13 March 2009*

12¹⁵-13¹⁵ – Lunch

13¹⁵-15¹⁵ – Three parallel roundtables, all covering three topics:
 1. *Water and energy*
 2. *Water and agriculture*
 3. *Water and biodiversity*
15¹⁵-16⁴⁵ – Flood protection presentation + Coffee break
16⁴⁵-18⁰⁰ – Plenary – reports from the three topics and discussion

29th May 2009 – Friday

PART 2: MARINE DIRECTORS

- 09⁰⁰ Welcoming remarks/adoption of agenda

COMMON IMPLEMENTATION STRATEGY of the MSFD

 Item 1: Working arrangements at EU-level
 Item 2: Draft Work Plan
 Item 3: Planning of the upcoming meetings

NATIONAL IMPLEMENTATION of the MSFD

 Item 4: National progress towards MSFD transposition and
 implementation

11⁰⁰-11³⁰ – Coffee break

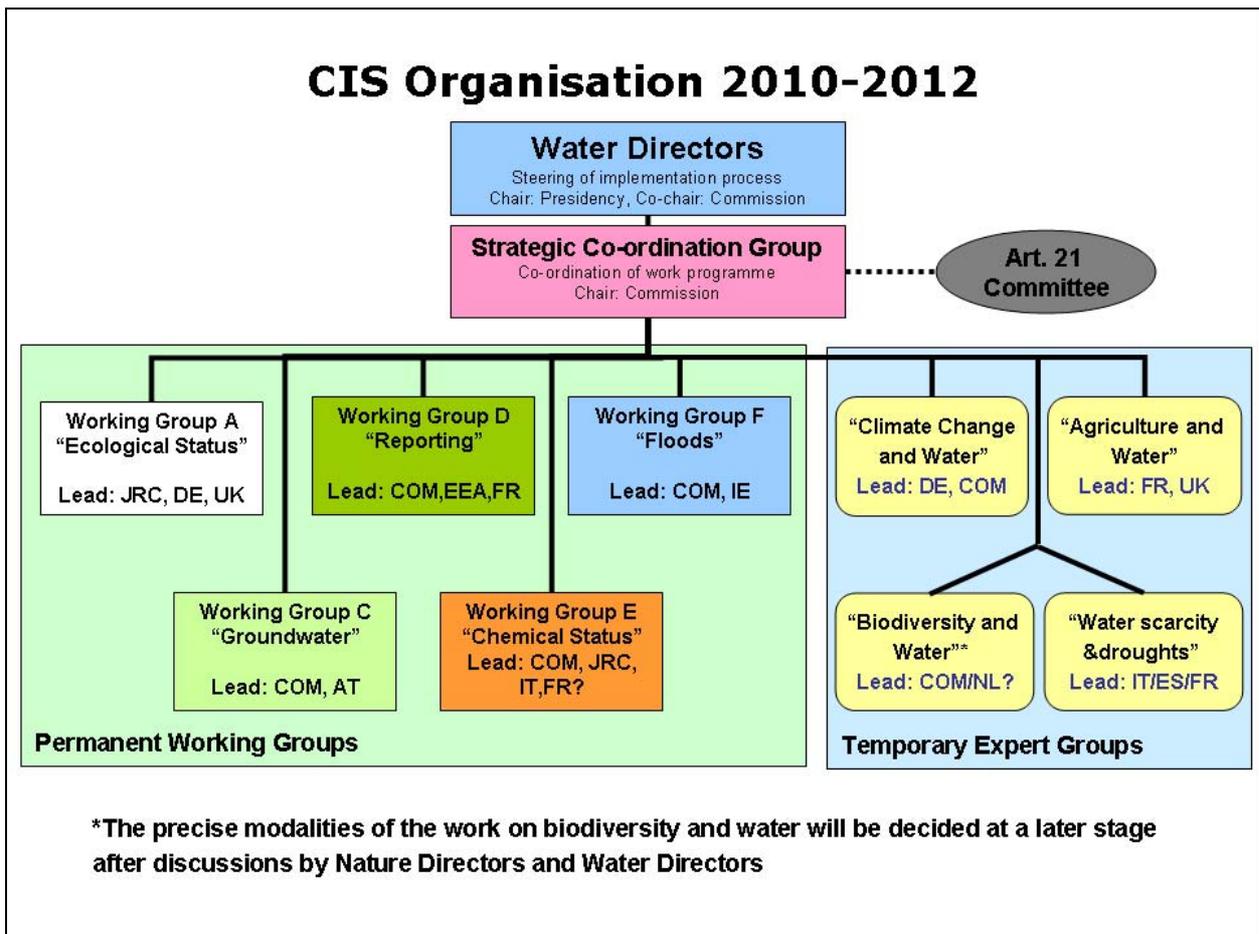
ADOPTION OF SUMMARY AND ANY OTHER BUSINESS

- 11³⁰-12³⁰ – Adoption of summary report EU – Water and Marine Directors Meeting
12³⁰-13⁰⁰ – Any other business

13⁰⁰-14⁰⁰ – Lunch
14³⁰ – Departure

Annex 2: List of WFD CIS activities and organisation chart

	Activity	Leaders	Type of activity
1	Ecological status	JRC/DE/UK	Working Groups
2	Groundwater	COM/AT	
3	Reporting	COM/EEA/FR	
4	Chemical status	COM/JRC/IT/FR (tbc)	
5	Floods	COM/IE	
6	Agriculture	FR/UK	Expert Groups
7	Climate Change	DE/COM	
8	Water scarcity and droughts	IT/ES/FR	
9	Water and Biodiversity *	COM/NL (tbc)	
10	Science Policy interface	FR	Workshops
11	Hydromorphology	DE/UK/COM	
12	Environmental Objectives and Exemptions	COM/DK	
13	Economic issues	COM/FR	
14	River Basin Management Plans	COM/ES	



Annex 3: List of participants Water and Marine Directors meeting

	Country	Water Director/ Marine Director	Name
1	Austria		Karl Schwaiger
2	Belgium	WD	Phillipe D'Hondt
3	Belgium		Catherine Latour
4	Belgium		Bruno De Kerckhove
5	Belgium	MD	Kyramarios Michael
6	Belgium		Veronique Van Den Langenbergh
7	Cyprus	MD	Myroula Hadjichristoforou
8	Cyprus		Charalambos Omorfos
9	Czech Republic		Libor Ansorge
10	Czech Republic	WD/MD	Veronika Jaglova
11	Czech Republic	WD	Pavel Puncochar
12	Denmark	WD/MD	Helle Pilsgaard
13	Denmark		Steen Pedersen
14	EC		Balazs Horvath
15	EC		Carlos Berrozpe Garcia
16	EC		Helmut Bloech
17	EC		Jorge Rodriguez Romero
18	EC	WD/MD	Peter Gammeltoft
19	EEA		Beate Werner
20	Estonia	WD/MD	Harry Liiv
21	Finland		Airi Karvonen
22	Finland	WD/MD	Ulla Kaarikivi-Laine
23	Finland		Kai Katra
24	France	WD/MD	Odile Gauthier
25	France		Thierry Davy
26	France		Jean Claude Vial
27	Germany		Bernard Melhorn
28	Germany		Heinrich Becker
29	Germany		Jens Götzinger
30	Germany	WD/MD	Fritz Holzwarth
31	Greece	WD/MD	I. Sibetheros
32	Greece		Pantelopoulos
33	Hungary	WD/MD	László Kóthay
34	Hungary		Gyula Holló
35	Hungary		Zsuzsanna Steindl Kerekes
36	Iceland	WD/MD	Kristin Linda Arnadottir
37	Ireland	WD/MD	Damian Allen
38	Italy		Liliana Cortellini
40	Italy		Angelo Ciasca
41	Latvia		Laura Jankovska
42	Lithuania	WD	Aldona Margeriene
43	Luxembourg	WD/MD	André Weidenhaupt
44	Luxembourg		Brigite Lambert
45	Malta	WD	John Mangion
46	Netherlands	WD/MD	Bob Dekker
47	Netherlands		Gerard Broseliske
48	Netherlands		Marc de Rooy
49	Norway	WD/MD	Per W. Schive

	Country	Water Director/ Marine Director	Name
50	Norway		Anders Iversen
51	Poland	WD	Leszek Baginski
52	Poland		Adriana Dembowska
53	Portugal	WD/MD	Ana Seixas
54	Portugal		Teresa Vinhas
55	Slovakia	WD/MD	Olga Sršňová
56	Slovakia		Zdenka Kelnarová
57	Spain	MD	Jose Luis Buceta Miller
58	Spain	WD	Marta Cristina Moren Abat
59	Spain		Cristina Danés
60	Spain		Jesus Yagüe
61	Sweden		Annika Nilsson
62	Sweden	WD/MD	Anna-Louise Mansson
63	Sweden		Anna Ahlén
64	Sweden		Peter Sörngård
65	Sweden		Kerstin Rosén Nilsson
66	Sweden		Björne Olsson
67	Switzerland	WD/MD	Stephan Müller
69	UK		Luis Clark
70	UK		Matt Wieckowski
71	UK		Darius Campbell
72	UK	MD	David Dawson
73	UK	MD	Mike Nilson
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74	Czech Republic		Emilie Nedvedova
75	Czech Republic		Josef Reidinger
76	Czech Republic		Helena Skalova
77	Czech Republic		Michaela Brejchova
78	Czech Republic		Martin Pytloun
79	Czech Republic		Martin Šnajdr
80	Czech Republic		Lenka Čerovská