

Informal meeting of Water and Marine Directors of the European Union, Candidate and EFTA Countries Malmö, 30 November – 1 December 2009

Final Synthesis

Introduction

The Water and Marine Directors of the European Union¹ (EU), Candidate Countries² and EFTA Countries³ met on 30 November – 1 December 2009 in Malmö (Sweden) in order to discuss, in particular:

- information points related to the implementation of the Water Framework Directive and the Marine Strategy Framework Directive;
- the progress of the Common Implementation Strategy (CIS) for the Water Framework Directive;
- the CIS work programme 2010-2012;
- a guidance on intercalibration process 2008-2011;
- a concept paper on floods reporting and reporting sheets on Competent Authorities and Units of Management and Preliminary Flood Risk Assessment;
- a guidance document on Climate Change and River Basin Management;
- the state of play on ratification of the Convention on the Law of the Non-Navigational Uses of International Watercourses;
- discuss the possibilities of improved implementation in the context of Macro-regional co-operation on water and marine issues;
- the progress of the working groups for the implementation of the Marine Strategy Framework Directive;
- joint aspects of the Water Framework Directive and the Marine Strategy Framework Directive.

The present note summarises the main elements discussed, and the agreements reached, during the Water and Marine Directors meeting. The agenda of the meeting is presented in [Annex 1](#), the list of participants is presented in [Annex 2](#).

Outcome of the meeting

PART 1: WATER DIRECTORS MEETING

Item 1.1: Commission activities – information points

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

- the state of play of the work on priority substances
- legal issues related to the WFD
- the 2009 follow-up report on Water Scarcity and Droughts
- agriculture (Article 38 of the rural development regulation and agricultural measures in the draft river basin management plans)
- article 4.7 of the WFD on new modifications
- implementation report on UWWTD

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

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

³ Iceland, Norway and Switzerland. Absent: Liechtenstein

- assessment of the quality of chemical monitoring
- streamlining of monitoring under the Nitrates Directive, WFD and the EEA's State of the Environment
- the establishment of a Steering Group on Impacts and Adaptation as a follow-up to the 2009 White Paper on Climate Change adaptation

The Water Directors took note of the importance to make resources available for the work on priority substances in early 2010. This is a critical moment of the process and the Commission needs the assistance of Member States to ensure a well balanced proposal comes out in early 2011. Resources are needed at expert level in the preparations of the dossiers for individual substances to serve as a basis for the expert review. Member States not participating in the Sub-group are encouraged to join.

In addition, the Water Directors were informed about the follow-up of the request at the last WD meeting to prepare a side-event on adaptation during COP15 in Copenhagen, in order to raise the profile of water issues in the climate change debate: a side event on the role of water in climate change will be held on 16 December 2009.

The Water Directors appreciated the information notes prepared for this agenda item.

At one of the next meetings, preferably in 2010, the Water Directors intend to discuss any remaining challenges under the Urban Waste Water Treatment Directive and the Nitrates Directive and the link to the WFD.

Item 1.2: Commission Activities - assessment of River Basin Management Plans

The Commission presented the approach to assessing the River Basin Management Plans (RBMPs). The Water Directors particularly appreciated the transparency of the process. Concerns were raised about the combination of strategic questions and legal questions in the presented document, and about the relations to WISE reporting, the RBMPs and the background documents. See Annex 3 (statement of the Commission on the nature of the assessment of RBMPs).

The Commission will take into account the discussions and the comments received in writing after the meeting in developing the process further but it does not intend to produce a new version of the document.

Item 2.1: Common Implementation Strategy – general progress

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

The Water Directors agreed to endorse the guidance on the Intercalibration Process 2008-2011, with the following changes:

- On page 8 the key principle 5 is replaced by the following text:

Although priority should be given to the quality elements for which intercalibration has not been completed in the first phase, it will be necessary to check if the results for BQEs that have been fully intercalibrated in Phase 1 are in agreement with the criteria defined in this guidance and to review the intercalibration results following the procedure described in this guidance where the criteria are not fulfilled. The results of the checking and, where necessary, the review should be discussed and endorsed by the ECOSTAT, the SCG and the WFD Committee. The results need to be reported by the GIGs in the format requested (Annex VI).

- On page 24, last sentence of first paragraph, the following modification is introduced:

As a guideline and where possible, a minimum of 15 sites meeting these conditions per common intercalibration type should be used to make a statistically reliable estimate.

The Water Directors requested the Working Group A on Ecological Status to finalise the Annexes III, V and IV and to present them for agreement at the next WD meeting (in Spain). The Annexes should be in line with the main text of the guidance already endorsed.

The Water Directors endorsed the Floods concept paper on reporting and the Floods reporting sheets on Competent Authority and Unit of Management and on Preliminary Flood Risk Assessment, the latter with a textual amendment to delete the word "soon" from page 4, second paragraph, in order to reflect that it is

important to have the requirements of article 5 completed in sufficient time to allow Member States to prepare the flood maps by 2013.

Item 2.1: Common Implementation Strategy – guidance on climate change

The Water Directors agreed to endorse the guidance on River Basin Management in a Changing Climate and thanked all who contributed to the preparations of the guidance.

The guidance document will be subject to final editing and lay out improvements and will be printed by the end of the year. In the mean time, it will be made available on Circa and the EC water web page.

Item 3: CIS Work Programme 2010-2012

COM presented the state of play of the preparations of the CIS work programme 2010-2012, and highlighted the need for input from Member States in organising the ad hoc activities on Economics and Biodiversity, as workshops on these topics are very much welcomed by the Water Directors.

Water Directors agreed that outlines for workshops under all ad hoc activities have to be agreed by the SCG and the Water Directors.

DE agreed to contribute to the preparations of the workshop in Biodiversity and Water. FR and NL also showed interest in participating.

The Water Directors agreed that the ad hoc activity on Hydromorphology should focus on hydropower, with a workshop in 2011 where all relevant players are present. DE and AT offered assistance in the preparations of such workshop.

The Water Directors suggested considering the possibility to invite representatives of the marine side in the further preparations of the workshop on Economics. FR confirmed their willingness to contribute to the preparations of the workshop in Economics and NL also indicated the intention to participate.

The Water Directors appreciated the suggestion to organise a joint ad hoc meeting with the Nature Directors, but they agreed that such decision could only be confirmed after the workshop on Biodiversity and Water in 2010.

The Water Directors support the ad hoc activity on the Science Policy Interface as laid down in the mandate of the group, particularly the focus on identification of research needs until 2015 coming from all CIS Working Groups and Expert Groups. They also invite the activity to list all relevant RTD projects for the implementation of European water policies and to maintain and update the WISE-RTD system.

Taking account of the issues stressed above, the Water Directors endorsed the CIS work programme 2010-2012, including the mandates of the Working Groups and the Expert Group, and they agreed that this work programme will be made available to the public. They agreed with the outlines for the ad hoc activities on the Science Policy Interface, Economics and Biodiversity and they stressed the need to execute the earlier agreed actions on better dissemination.

Item 4: Convention on the Law of the non-navigational uses of international watercourses

NL gave an introduction on the background of the UN Convention from 1997, its role, features and relevance and the ratification status and options. In order to have the Convention to enter into force 17 more states need to ratify. Twenty EU Member States have not yet ratified (no EU MS voted against the Convention in 1997). The Water Directors discussed the added value and main obstacles for ratification of the Convention. The ratification process is ongoing in some Member States. States bordering Russia and Belarus emphasize the need to involve these two countries in the process.

Some Water Directors pointed out that this Convention is not only important for the EU, and that EU ratification would put pressure on other states that are less advanced in water management. The Water Directors noted that the Millenium Development Goals are not likely to be met on time. Some Water

Directors had concerns that the Convention obliged for further measures than the present legal framework. The chair encouraged Member States to start domestic discussions as inter alia a gesture of loyalty to third countries. The Water Directors agreed to follow up at the next meeting in Spain. As regards the EU position, there is a need to coordinate as the Convention concerns a matter of shared competence. A preliminary screening of the Convention shows that unanimity might be needed in the Council for an EU accession.

Item 4b: Any other business Water Directors

The Water Directors noted the need for water to stay on the agenda of up-coming international fora such as Rio +20 and UNFCCC discussions after COP15. The World Water Forum in Marseille in March 2012 could be an arena to discuss this further.

AT announced that they will prepare a brief questionnaire on the experience on the application of the SEA Directive for River Basin Management Plans to have a discussion at the next SCG meeting in February.

PART 2: JOINT MEETING WATER AND MARINE DIRECTORS

Item 5: Recent and upcoming events

Spain introduced the up-coming 18-19 February 2010 International Conference on Water Scarcity and Droughts organised by ES in collaboration with FR, HU, PT and EU-COM. www.conferenciasequia.es.

Sweden informed that the informal Meeting of WFD Competent Authorities at the World Water Week in August 2009 in Stockholm gathered 131 participants from 24 countries. The Water Directors were requested to support a regularly occurring event.

Sweden informed that the economic value of ecosystem services from the Sea was discussed on a SE Presidency conference in September 2009.

Sweden presented the results from the Swedish Presidency high level meeting on the Baltic Sea Strategy and the Baltic Sea week on the 14-18 September. The strategy has the goal of a cleaner sea and a thriving industry.

Sweden informed about the conference "Inland Water Brings Life into the Sea - Water and Agriculture" that was held on the 21-23 September 2009 in Sweden. Both water and agricultural experts attended the meeting, which linked the WFD implementation with agricultural policies.
www.se2009.eu/en/meetings_news/2009/9/21/inland_waters_brings_life_into_the_sea

Sweden further informed about the UNECE water convention MOP held in Geneva in mid November.
www.unece.org/env/water/mop5.htm.

The process and content of the Strategy for Water in the Mediterranean was presented by Spain. The strategy is time tabled to be agreed by water ministers in 12-13 April 2010 in Barcelona.

Sweden reported from the Nature Directors meeting in Abisko on 7-8 October. A substantial part of the meeting consisted of workshops. A summary from the meeting can be found on the SE presidency website www.se2009.eu that also holds information from other SE presidency meetings.

Other activities

Spain presented the roadmap and main priorities of the up-coming ES-BE-HU Presidencies and the up-coming ES Presidency meetings during spring 2010. The next Water and Marine Directors meeting will be held in Spain on 27-28 May 2010.

Belgium informed on their up-coming Presidency meetings during autumn 2010 and that the Water and Marine directors meeting is scheduled for 2-3 December 2010.

Hungary informed that the Water and Marine directors meeting will be held on 26-27 May 2011, probably in Budapest.

Item 6: Regional co-operation on water and marine issues for improved implementation

The Water Directors discussed concerns, possible synergies and recommendations regarding improved implementation of the MSFD. The discussions covered issues like the need for a co-ordinated approach for setting funding priorities, to build on and if necessary revise existing structures and to report on implementation on other directives in WD-meetings. A summary of what was discussed can be found on circa.

PART 3: MARINE DIRECTORS

Item 7: Progress on work in Working Groups

Item 7.1 Working Group on Good Environmental Status (GES)

The Commission presented a summary of the ongoing work in developing criteria on Good Environmental Status (GES) based on the descriptors in Annex 1 of the Marine Strategy Framework Directive (MSFD).

The criteria and methodological standards shall be laid down in a European Commission decision due by 15 July 2010 (Article 9.3 MSFD). The timetable to make that possible has to be very tight. The meetings during early and spring 2010 are planned as follows: WG GES on 1-2 February followed by the Committee on 3 February, and then a WG GES on 17 March followed by a Committee on 18-19 March.

At the last GES meeting, 16 November 2009, the general discussion on the descriptors resulted in several conclusions for the further development, including:

- Not all descriptors have to follow the same format.
- Prioritisation between the descriptors might be needed.
- Need to use the work carried out by the Regional Conventions.
- Need to ensure consistency between the MSFD and the other relevant Directives and regulations.

The Commission reported briefly on the progress in each descriptor. The final summary recommendations by Task Groups (scheduled for 11 January) will be 3-4 pages per descriptor focused on the necessary elements to produce criteria. Now 10 Task Groups are working and, further to the voluntary support by France on marine litter, all descriptors except descriptor 7 are covered.

Following a discussion by the Marine Directors, it was concluded that the work done in the GES is a valuable scientific base but also that the end product must be more operational and policy oriented.

Item 7.2 Working Group on Data, Information and Knowledge Exchange (DIKE)

The Commission presented the output from the first meeting of WG DIKE. The aim was to start early to think about reporting and data, e.g. develop a WISE Marine, linkages to earlier work in EMMA and with the development of EMODNET. This work is largely dependent on the development of the GES indicators, which is one reason that the planned second meeting has been postponed to spring 2010.

The Terms of Reference for WG DIKE were discussed at the Marine Directors meeting in Brno 28 May 2009 and already tentatively approved, subject to further review at the first meeting of WG DIKE. Only a few editorial changes were made by the WG DIKE. After additional comments proposed by several Marine Directors, the meeting approved the **revised Terms of Reference for WG DIKE, annexed** to these minutes.

Item 7.3 Working Group on Economic and Social Assessment (ESA)

The WG ESA is co-led by Sweden and the United Kingdom with a secretariat in Sweden. The outcome of the first meeting held 30 October 2009 was presented by Sweden. The WG will primarily focus on developing recommendations on the economic and social aspects to the initial assessment (Article 8.1.c).

Next meeting is planned by 8-9 March 2010. After additions by the Marine Directors, the meeting approved **the Terms of Reference, annexed** to these minutes.

The Commission has launched a scoping study to look into all direct and indirect economic requirements in the MSFD. The study will be finished in May and will provide an input to further work in ESA.

Item 7.4 Other issues from the Marine Strategy Coordination Group (MSCG)

The Commission reported from the MSCG held on 23 November and summarized the main points from the meeting, including:

- There is a need for a more operational output and to ensure consistency with other Directives and with the Regional Conventions;
- The aggregation within and between descriptors may need further reflection as they relate to progress to achieve good status, although some delegations did not consider it a priority at this stage;
- There is a need for further related research relevant for the GES process, both at EU level and national level to the extent possible;
- There has to be increased consistency between MSFD and other EU initiative e.g. Marine Spatial Planning and ICZM.

The Marine Directors stressed that regional specificities have to be taken into account within the ongoing process. There is still a need to keep this in balance with the need to ensure coherence at European level.

Item 7.5 Possible new activities – Co-leadership proposals

The MSCG held on 23 November pointed out that additional work may be required in relation to several issues, such as the overall initial assessment, the aggregation within and between descriptors and on prioritising between descriptors. Marine Directors had therefore to consider whether additional working groups or sub-groups would be useful at this stage.

The Marine Directors agreed that there is a need to make the descriptors more policy oriented and operational. Although some Marine Directors expressed the need to be cautious in establishing any additional working groups or subgroups, they agreed on an ad hoc group looking into several issues to facilitate a successful process towards the establishment of GES criteria.

The Commission presented a suggestion for Terms of Reference for an *Ad Hoc Steering Subgroup on GES (SSG)*. After taking comments from the Marine Directors into account, **the ToR were approved as annexed** to these minutes. Several Marine Directors expressed their readiness to take an active role (D, IT, SW, ES, EL, UK, F, DK).

Item 8. The MSFD Committee

The Commission described briefly the discussions held at the second meeting of the regulatory Committee, held back-to-back with the WG GES. It was an open discussion on expectations and challenges relating to the drafting of the decision on GES criteria, which anticipated to a large extent the strategic debate held on this issue at Marine Directors. There was also a first exchange among Member States on specific descriptors, preparing the further work on this issue in 2010.

Item 9. Status of transposition process in the Member States

The Commission recalled that a detailed exchange had taken place at the MSCG, which indicated that there was good progress in most MS. Any MS that would find internal difficulties in the later stages should alert the Commission if possible. The Commission invited Member States to provide a summary note on their respective situation relating to transposition, which would be updated in Circa.

Item 10. Linkages between the Marine Strategy Framework Directive and the European Integrated Maritime Policy

The Presidency informed of the successful Council conclusions on Integrated Maritime Policy of 16 Nov.2009, which highlighted the linkages with the MSFD. The Commission indicated that, similarly, this interaction has been achieved in a series of recent Communications from the Commission on IMP, in particular the Progress Report on IMP from 14 October. It would be important for all Marine Directors to keep pursuing the coherence between IMP and the ecosystem approach laid down in the MSFD, for instance in the development of Maritime Spatial Planning. It was pointed out that the MSFD also provides a useful platform to develop many components of IMP, because of its integrated nature and several of the activities scheduled (such as the economic and social assessment). There was a need to envisage possible mechanisms to ensure the coherence of the IMP and the MSFD throughout its implementation cycle.

11. AOB

Spain presented some **priorities of its next Presidency** in relation to marine environment (**enclosed**). It was proposed by Spain to hold separate meetings of Water Directors and Marine Directors (possibly Madrid). The Marine Directors recommended Spain to make all possible efforts to continue to ensure that these meetings can be combined back-to-back.

Annex 1: Agenda

Monday 30 November

9.00 **Opening of the Water Directors' meeting**

Item 1: Commission activities

1.1 Information

9.15

- a) Priority substances (*presentation and document*)
- b) Water scarcity & drought (*presentation and document*)
- c) Agriculture (*presentation and document*)
- d) Legal issues (*presentation*)
- e) Article 4.7 (*presentation and document*)
- f) Other issues

1.2 Approach compliance checking RBM Plans
(*presentation and document with key questions*)

10.30 **Coffee break**

Item 2: Common Implementation Strategy Activities

2.1 General progress and batch endorsement of documents
(*document and presentation by COM*)

11.00

- a) progress report
- b) batch endorsement: intercalibration guidance, floods reporting sheets

2.2 Guidance document on River basin management in changing climate, "Climate change guidance" (*presentation and document*)

Item 3: CIS Work programme 2010-2012
(*general document, WG and EG mandates, outline ad hoc activities, general presentation on mandates*)

11.45

- a) Overall work programme
 - b) Presentation mandates
 - WG A Ecological Status
 - WG C Groundwater
 - WG D Reporting and WISE
 - WG E Chemical Status
 - WG F Floods
 - EG Climate change
 - EG Water Scarcity & Droughts
-

- EG Agriculture
 - ad hoc activity: Biodiversity
 - ad hoc activity: Water Science-Policy Interface
 - ad hoc activity: Economics
-

13.00 **Lunch**
Lunch at S:t Gertrud

14.30 **Item 4: Convention on the Law of the Non-navigational Uses of International Watercourses – ratification**
(Introduction by NL followed by discussion – document with key questions)

15.30 **Coffee break**

16.00 **Joint Water Directors' meeting and Marine Directors' meeting**

16.10 **Item 5: Recent and upcoming events**

- a. Upcoming Conference on Water Scarcity and Droughts (*ES*)
- b. Informal Meeting of WFD Competent Authorities at the World Water Week in Stockholm (*SE*)
- c. The economic value of ecosystem services from the Sea (*SE*)
- d. High level meeting on the Baltic Sea Strategy (*SE*)
- e. Inland Water Brings Life into the Sea - Water and Agriculture (*SE*)
- f. UNECE water convention MOP
- g. UfM Water Strategy (*ES*)
- h. Nature Directors meeting, Abisko
- i. Other activities

16.45 **Item 6: Macro-regional co-operation on water and marine issues for improved implementation**
(introduction and workshop, document with key questions)

Tuesday 1 December

Time	Activity
	Marine Directors' meeting
	Item 7: Progress on work in Working Groups <i>(information and discussion)</i>
	7.1 Working Group on Good Environmental Status (GES)
9.00	7.2 Working Group on Data, Information and Knowledge Exchange (WG DIKE)
	7.3 Activity on Economic and Social Assessment (ESA)
	7.4 Other issues from MSCG (including subdivisions)
	7.5 Possible new activities – Co-leadership proposals
	Item 8: The Marine Strategy Framework Directive Committee <i>(Information)</i>
11.00	Coffee break
11.30	Item 9: Status of the transposition process in Member States <i>(discussion based on input from Member States)</i>
	Item 10: Linkages between the Marine Strategy Framework Directive and the European Integrated Maritime Policy
	Item 11: Any other business
	Item 12: Adoption of summary report
13.00	Closure of meeting

Annex 2: List of participants

<See separate document on Circa>

Annex III: Statement of the Commission on the nature of the assessments of RBMP

- The Commission welcomes the comments made by Water Directors on the Concept paper on the assessment of the RBMPs and thanks the Member States for their appreciation of the transparency of the process.
- The Commission seeks to establish a fluid relationship with the Member States along the assessment process. The diversity of situations is very broad in the EU and it is important for the quality of the assessment that the Commission gets a better understanding on how Member States built their RBMPs.
- One issue that has been raised by several delegations is the need to distinguish between legal requirements and the strategic assessment. The paper covers both assessments and this has created some uncertainties. The assessment of the RBMPs should cover technical, legal and strategic issues.
 - The technical assessment will underpin the legal and strategic assessments
 - The legal assessment will address whether the obligations of the WFD are implemented
 - The strategic assessment will provide a policy assessment of achievements and gaps and will feed the political discussion; we should recall that the starting point of the process is the preparation of a Commission report to the European Parliament and the Council and therefore the broader policy assessment must be included.
- The questions included in the Concept paper cover these three aspects. In many instances it is difficult to decide if some of the questions are technical/legal or strategic.
- The legal assessment will be based only on the requirements and obligations of the WFD.
- WISE electronic reporting will be used mainly for the screening of the completeness. For in depth assessments, mainly RBMPs will be used, together with any background documents that are provided to the Commission, such as the full Programme of Measures.