

COMMON IMPLEMENTATION STRATEGY FOR THE WATER FRAMEWORK DIRECTIVE



PRINCIPLES AND COMMUNICATION OF RESULTS OF THE FIRST ANALYSIS UNDER THE WATER FRAMEWORK DIRECTIVE

POLICY SUMMARY AND MAIN DOCUMENT

Note: This document was discussed and the policy summary endorsed at the Water Directors meeting on 22/23 June 2004 in Dublin. This version may be subject to editorial review and re-formatting.

**PRINCIPLES AND COMMUNICATION OF RESULTS OF THE FIRST ANALYSIS UNDER THE
WATER FRAMEWORK DIRECTIVE**

POLICY SUMMARY

The Water Framework Directive requires that the first characterisation and analysis on a river basin district scale will be completed by the end of 2004. This first important milestone is the foundation for sustainable water management as provided for by the Directive.

The results of the comprehensive analysis aim at identifying the current situation in all rivers, lakes, transitional, coastal and groundwaters. In addition, a first screening assessment is made whether or not the objectives of Directives are met or likely to be met in 2015. This gives an indication of what further steps need to be taken. Especially, this supports the establishment of the monitoring networks which is required by 2006 in order to confirm the results of the analysis and have a basis for planning of measures.

Building on preliminary discussions during the compilation of these reports, a number of common and cross-cutting issues emerged which were summarised in a document on the *“Principles and communication of results of the first analysis under the Water Framework Directive”*. Subsequently, the key elements of this document are summarised below.

In the context of the Common Implementation Strategy for the Water Framework Directive, a number of guidance documents have been developed which provide support on how the characterisation and analysis of pressures, impacts and uses can be carried out. Despite the ambition and challenges of the mandatory task, the first experiences from the pilot river basins clearly demonstrate that it can be done. The preliminary reports will be an asset for the preparation of the river basin management plans.

However, in order to succeed in finalising the characterisation and the analysis, a number of challenges have to be tackled. First, the available data were in some cases incomplete or not “fit for purpose”. Furthermore, the criteria defining the objectives of the Directive are still under development. Moreover, changes in time and spatial scale have to be accounted for and the available time was particularly challenging for ensuring appropriate international coordination and necessary interdisciplinary work. Finally, the communication of methodologies and the results of the analysis has often been given a too low priority. In particular, since the analysis is primarily a technical exercise it is important that following its completion, it is made subject to a wider political and public debate in order to build the support for the subsequent implementation steps.

Building on the first experiences and debates where positive examples of the characterisation and the analysis have been presented, e.g. in during the pilot testing exercise, a number of principles could be derived which should guide the finalisation

process of the analysis throughout Europe and lead to a more harmonised approach on some key issues. In addition, these principles should outline the road after the finalisation of the first characterisation and analysis and ensure that best use is made of the results as well as of the time available for the establishment of the monitoring networks, the preparation of the river basin management plan and the elaboration of the programme of measures.

These five guiding principles may be summarised as follows:

1. The process and the results of the analysis should be transparent, comprehensible and all data and information used in the analysis should be available to the public;
2. The analysis helps developing a targeted monitoring network. But, risk analysis is not classification of status;
3. Use the results to help identify and prioritise the appropriate and iterative follow-up actions for the next stages of the planning process. Ensure that the results are based on precaution;
4. Ensure a harmonised application of key issues such as the baseline scenario and the identification of heavily modified water bodies;
5. Lack of relevant data should not be an excuse. Demonstrate that you tried. Make a “gap analysis” and outline subsequent steps to fill the gaps identified.

Overall, the analysis should not be interpreted as a measure of how good or bad our EU waters are, at the moment, but rather as a first crucial step in integrated river basin management. This means that the results mainly steer the development of a targeted and efficient monitoring. Furthermore, it is an essential starting point for the development of measures which could not be envisaged without having sufficient information as regards the pressures, impacts and the economic aspects of water uses. Such information is the building block to ensure cost-effectiveness in water protection and thereby sustainable water management.

Another experience is that the presentation and communication of the rather technical analysis has led in many cases to misperceptions. In particular, a highly aggregated and non-differentiated presentation of the results did not lead to an understanding of the key issues that might need to be address in the water management. The methodological framework of the analysis in the Directive requires that the results are being presented on whether there might be a problem or whether there is not. However, the Directive does not exclude that possibility to be more differentiated and more detailed in presenting the results.

Effective communication of (i) what the results mean; (ii) the follow-up steps; and (iii) the role of the Directive’s provisions for extending deadlines and setting less stringent objectives including the economic elements, in particular the cost-effectiveness analysis, should be organised during the planning process in order to avoid misapprehensions and to encourage interested parties to support the implementation of the Directive.

During their discussion of the document on the meeting of 22/23 June 2004 in Dublin, the Water Directors drew the following conclusions:

“We, the Water Directors of the European Union¹, the Accession Countries² and the EFTA Countries³, welcome this policy document “Principles and communication of results of the first analysis under the Water Framework Directive”. The consideration of the principles and the communication of the results will be essential for a successful implementation process. The Water Directors agree to publish the document and disseminated widely amongst the community of experts dealing with or interested in the implementation of the Directive. The Water Directors encourage the use of the recommendations and examples made in this document not only in the remaining months for the finalisation of the analysis but also thereafter in the preparation of the river basin management plans.”

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

² (Absent: Bulgaria, Romania)

³ Iceland, Norway and Switzerland (Absent: Liechtenstein)

COMMON IMPLEMENTATION STRATEGY FOR THE WATER FRAMEWORK DIRECTIVE



PRINCIPLES AND COMMUNICATION OF RESULTS OF THE FIRST ANALYSIS UNDER THE WATER FRAMEWORK DIRECTIVE

Note: This document was discussed and the policy summary endorsed at the Water Directors meeting on 22/23 June 2004 in Dublin. This version may be subject to editorial review and re-formatting.

**PRINCIPLES AND COMMUNICATION OF RESULTS
OF THE FIRST ANALYSIS UNDER THE WATER FRAMEWORK DIRECTIVE**

Table of contents

1. Introduction	6
2. Purpose	7
3. First experiences	8
4. Principles for the analysis.....	9
5. Communication	15
6. Conclusions	17

**PRINCIPLES AND COMMUNICATION OF RESULTS
OF THE FIRST ANALYSIS UNDER THE WATER FRAMEWORK DIRECTIVE**

1. INTRODUCTION

The analysis required under Article 5 of the Water Framework Directive 2000/60/EC (WFD) is the first important assessment of the situation of surface and ground waters in Europe. It includes the characterisation⁴ of the river basin districts, the analysis of pressures and impacts from human activity as well as the economic analysis of water uses.

The central question of the analysis is: **“Which water bodies risk failing the environmental objectives set out by Article 4 of the Water Framework Directive?”**. At first sight, this appears to be a simple question but it includes a number of complex elements, in particular:

- (1) **The environmental objectives are manifold and numerous**; an assessment needs therefore to be carried out on various levels;
- (2) The **criteria** defining the environmental objectives are developed to a different level of detail and some will only become available after the analysis needs to be completed;
- (3) The concept of “risk” implies that there is an element of **likelihood and uncertainty** which is not further discussed in the WFD;
- (4) The **analysis** will need to be based on an **integrated evaluation of a large number of data** and information some of which are not (readily) available.

Several Guidance Documents⁵ provide specific support for the implementation of the obligations provided for in Article 5, in particular the IMPRESS⁶, the WATECO⁷, the water bodies⁸, HMWB⁹ and other documents. These documents focus on the technical

⁴ Characterisation for surface waters includes several aspects, mainly the identification of typology, water bodies, reference conditions and potentially heavily modified water bodies (details for groundwaters cf. Annex, section 2.1 and 2.2).

⁵ All guidance documents are published on the internet under:
http://europa.eu.int/comm/environment/water/water-framework/guidance_documents.html

⁶ Guidance Document No. 3. Analysis of Pressures and Impacts

⁷ Guidance Document No. 1. Economics and the Environment - The Implementation Challenge of the Water Framework Directive

⁸ Guidance Document No. 2. Identification of Water Bodies

⁹ Guidance Document No. 4. Identification and Designation of Heavily Modified and Artificial Water Bodies

aspects of implementing the analysis. No strategic and principle discussion has taken place yet on what approaches may be followed when the various elements are brought together and assessed in the wider water management context. It is recognised that the analysis is largely a technical one to build the scientific and technical basis for the later management. The identification of “water bodies at risk” is necessary to help differentiate the monitoring requirements and target the design of the programmes of measures. To do this effectively, prioritised improvement of the initial analysis may be necessary as indicated in Annex V, point 1.5:

“For those bodies identified as being at risk of failing the environmental quality objectives, further characterisation shall, where relevant, be carried out to optimise the design of both the monitoring programmes required under Article 8, and the programmes of measures required under Article 11”.

Therefore, there are a number of **follow-up steps** which stem from the analysis and which are necessary to ensure efficient, effective and prioritised river basin management. These should be included as one result in the report of the outcome of this analysis of which a summary must be reported to the European Commission by 22 March 2005.

Despite the technical nature until the finalisation of the analysis, it is evident that the results will and should be discussed in a wider strategic and political context. This document tries to address some of these strategic and principle points in order to trigger a wider discussion with the aim to achieve a common understanding of the importance and the context of the Article 5 analysis as a basis for the subsequent WFD implementation. The results of a risk analysis will be the foundation for all the subsequent steps of sustainable water management set out by the WFD. It is evident that this foundation should be solid, consistent and comparable throughout Europe.

2. PURPOSE

The purpose of this document is to build a common understanding between the participants in the Common Implementation Strategy of the principles behind, and strategies for effectively communicating the results of, the first Article 5 analysis. The document is based on some first experiences emerging from the analysis. On one hand, many challenges appear to be similar throughout Europe and on the other hand, there is a risk of dealing with some of the issues in a different way and thereby leading to lack of harmonisation and comparability of results which should be avoided.

Whilst being a challenge, the document underlines that analysis is a great opportunity to engage in an open and transparent dialogue with stakeholders on the founding elements of the WFD and to rally capacities and support for jointly working towards achieving meaningful environmental objectives.

Furthermore, the document aims at putting the results of the analysis into a wider context and clarifying the different consequences and follow-ups stemming from the analysis. The analysis is largely of technical nature and the document helps in interpreting the results and therefore making it more accessible to an informed political and public debate. In conclusion, the purpose of the document is to provide guidance in some of the key issues related to this first milestone of the WFD implementation.

3. FIRST EXPERIENCES

The considerations above already indicate that the analysis in accordance to Article 5 is ambitious, challenging and complex. However, there is an increasing number of preliminary reports, in particular from the pilot river basins¹⁰, available which clearly demonstrate that it is possible to carry out this mandatory task of the Directive in time and that the analysis is of tremendous value for water management.

Hence, the first key message is that it can be done, despite all obstacles!

The considerations below reflect some of the main challenges experienced by Member States in undertaking the first analysis. It is anticipated that many of these points will not be relevant for the second Article 5 analysis which is required for 2013. This implies that the first analysis involves an element of a **“learning experience”** which should be actively and openly addressed to ensure that future analysis will not encounter these issues and obstacles anymore.

The main challenges that are encountered by the authorities are, in particular:

Lack of (sufficient or the right) data

The WFD requires a comprehensive and complete analysis of all pressures and impacts in a river basin district. Inevitably, the available set of data will be incomplete for such a wide analysis covering all the various pressures resulting from agriculture, populated areas, forestry, aquaculture, industry, navigation, hydropower and so on. Another problem is that data may be available but they are not comparable throughout the river basin (scale and time inconsistencies). These issues are particular common in international river basins.

Uncertainties because of lack of criteria for objectives

The risk analysis is characterised by a number of uncertainties. In this first analysis in 2004, no final criteria for some environmental objectives were available (e.g. quality standards for priority substances). In addition, the classification for biological quality elements have not been intercalibrated at this stage and do not fulfil the requirements of the WFD in all aspects. Consequently, the analysis of impacts can only be carried out on the basis of a set of “preliminary objectives”.

Time and spatial scale

The analysis in accordance with Article 5 and Annex II of the WFD shall make an assessment whether a water body or a group of water bodies are at risk of failing the objectives. It is evident that pressures and impacts are a continuum and, hence, are never evenly distributed throughout a (group of) water body/bodies. In addition, we are dealing with a dynamic system, i.e. changes over time in the water status but also in the pressures subjecting them are certain. At this stage, it is unclear whether these variations of pressures and impacts in time and space have been dealt with in a harmonised way throughout Europe. Furthermore, the consideration of a baseline scenario extrapolating

¹⁰ E.g. “Odense Pilot River Basin - Provisional Article 5 Report” [List other examples of reports from pilot river basins or others from Member States]

the risk of failure for 2015 by taking into account agreed measures and economic developments is varying considerably despite the existing guidance on economics.

Time constraints (international coordination, interdisciplinary work)

The Water Framework Directive establishes an ambitious timetable to set up new administrative structures, develop appropriate methodologies and gather the necessary data to carry out the Article 5 characterisation and analysis. It was demonstrated already several times that meaningful reports can be prepared in this short timeframe. However, two aspects added to the time pressure for preparing a high quality product meeting the demands of the Directive. First, the co-operation and harmonisation of approaches in international river basins is more time consuming. Second, the Directive calls for an inter-disciplinary approach. Such a co-operation between disciplines such as chemists, biologists, water engineers, economists etc. had to be established anew and caused additional time losses.

Communication problems

The pressures and impacts analysis takes into account the impact on aquatic ecosystems of a much wider range of pressures than any other Community legislation for the protection of water. This means that the results of the analysis are likely to indicate that the condition of the water environment is much worse than impressions previously given by reports concerned with water quality rather than ecological quality.

Interested parties may be unclear why, despite many years of water quality improvements, large numbers of water bodies are being identified as 'at risk'. This confusion is likely to be exacerbated by the black-and-white picture painted by the Directive's requirement to simply identify water bodies as 'at risk' or 'not at risk'.

For water users in particular, it may appear that the achievement of the Directive's objectives can only result in enormous costs, which they will be unable to bear. For other interested parties, the identification of large numbers of water bodies 'at risk' may raise false expectations that all problems will be fixed by 2015. The results of the analysis will also tend to create uncertainty for water users. Identifying a water body as being 'at risk' will suggest to water users that some unspecified measures may be required, which may, or may not, affect their use of the water body. This could leave water users uncertain about how to plan for the future. So far, these communication aspects had given low priority in many cases.

4. PRINCIPLES FOR THE ANALYSIS

The Water Framework Directive sets out the requirements for the analysis mainly in the Annex II. However, these specific technical requirements do not specify some overall principles and approaches that should be applied in order to guide the analysis. Considering that the analysis is an essential interim step in the overall implementation process and putting the analysis in the overall context of integrated river basin management, the following principles may be derived from the reading of the Directive:

Principle 1:

The process and the results of the analysis should be transparent, comprehensible and all data and information used in the analysis should be made available to the public.

The transparent and open process of the analysis will avoid conflicts, confusions and needless discussions at a later stage. Given that the first analysis is dealing with incomplete data and a high degree of uncertainty, an open and transparent approach is considered the most sound and sustainable one. Any suspicions that covering up and hiding of facts has taken place will create distrust and open questions which may lead to a prolonged follow up discussion on the analysis report rather than concentrating on the large number of tasks which should be carried out in the subsequent steps of the implementation of the Directive. Finally, the involvement of stakeholders in the gathering and the communication of the results to a wider public is as important as the technical elaboration of the analysis itself.

Principle 2:

The analysis helps developing a targeted monitoring network. But, risk analysis is not classification of status!

As discussed above, by 2004 the classification systems are not in place yet and the monitoring of status has not commenced. Hence, care should be taken to avoid the interpretation that the classification of a water body being “at risk” is automatically interpreted as the water body is not in “good status”. These are two different assessments and a mixing of the two would be counterproductive. The identification of a water body at risk means there is a likelihood that the water body will fail to achieve one of the objectives of the Directive. For example, the analysis may conclude that it is likely that the water body is currently worse than good status or likely that the body will deteriorate in status before 2015. Operational monitoring (in accordance to Directive, Annex V, and the Monitoring Guidance) is subsequently required for these water bodies to provide the data necessary to classify the status of the body. If no indications exist, a wider surveillance monitoring will reduce the burden of in-depth investigation. Hence, one purpose of the analysis is to deselect those water bodies where no detailed operational monitoring is necessary to identify the status. For such water bodies, only the changes in pressures which result in a deterioration of status need to be watched. Furthermore, the results can assist in defining the specific situations where not every individual water body may need to be monitored¹¹. Thereby, the results of the analysis reduce the burden and increase the target of monitoring.

¹¹ Whenever reference is made to monitoring in this section, refer to “Guidance Document No. 7 on Monitoring under the Water Framework Directive” for more detailed elaboration on the specific circumstances where representational monitoring may be acceptable.

Principle 3:

Use the results to help identify and prioritise the appropriate and iterative follow-up actions for the next stages of the planning process. Ensure that results are based on precaution.

The pressures and impacts analysis is the first step in the river basin management planning process. It is important in planning terms that it helps identify and prioritise the appropriate steps to be taken in the next stages of the planning cycle. For example, the initial analysis should identify where further characterisation is needed to enable the monitoring programmes and the programmes of measures to be correctly targeted and therefore as cost-effective as possible.

Making clear the follow-up actions for the next stages of the planning process is also important when communicating the results of the analysis. In particular, it will provide reassurance that the next steps will be prioritised and proportionate, and include an appropriate follow-up. Being clear about the follow-up will also help to reduce some of the uncertainties stemming from the analysis.

The Directive requires the pressures and impacts analysis to identify water bodies as either 'at risk' or as 'not at risk'. However, this level of differentiation may not be sufficient to enable the appropriate follow-up actions to be adequately discriminated and prioritised. To assist the planning process, the Directive's 'at risk' and 'not at risk' categories may be sub-divided to better discriminate the intended follow-up actions. The number and nature of any such sub-divisions is for each Member State to determine, and will depend on the particular planning and communication issues experienced in the river basin districts. An example of potentially useful sub-divisions is described in Table 1.

The presentation of the results in disaggregated form may also assist in designing appropriate follow-up steps and in communicating the results of the analysis in a meaningful and transparent way. For example, breaking down the results by each of the main pressure types (e.g. point sources, diffuse sources, abstraction, etc.) may provide a far better indication of the issues that the river basin planning process is likely to have to address than would the use of a single, aggregated results map.

Table 1: Examples of potential sub-divisions of the results categories designed to help discriminate and prioritise different follow-up steps

Potentially useful sub-divisions	Prioritised follow-up actions
Water bodies for which it is already clear, without the need for further characterisation or additional monitoring data, that the objectives will be failed.	<ul style="list-style-type: none"> ▪ Start to plan measures ▪ Design operational monitoring
Water bodies for which it is probable that the objectives will be failed but more work is needed before planning for measures can be started	<ul style="list-style-type: none"> ▪ Prioritised further characterisation to support the production of the interim overview of significant water management issues required by 2007(cf. Article 14) ▪ Design operational monitoring or, where relevant, investigative monitoring
Water bodies for which it is possible that the objectives of the Directive will be failed but, because of inadequate data, further characterisation and operational monitoring are considered necessary to be sufficiently confident that this is the case	<ul style="list-style-type: none"> ▪ Further characterisation ▪ Design operational monitoring
Water bodies for which the data available does not indicate that there is a risk to the achievement of the Directive’s objectives but the quality and scope of the available data could be improved	<ul style="list-style-type: none"> ▪ Design monitoring to help supplement and validate the results ▪ Review the pressures and impacts analysis to improve data and check results
Water bodies for which it is already clear, without the need for further characterisation or additional monitoring data, that the achievement of the objectives of the Directive are not at risk	<ul style="list-style-type: none"> ▪ Watch for changes in pressures that might, for example, result in deterioration in status.

Finally, the basic consideration for the follow-up should be guided by precaution in order guarantee that long-term and/or irreversible negative impacts, which would hamper the achievement of the WFD objectives, are prevented. Therefore the level of uncertainty should be considered when qualifying the “at risk” or “not at risk” judgements. In cases of significant uncertainty, the specific water body should be reported as being “at risk”.

Principle 4:

Ensure a harmonised application of key issues such as the baseline scenario and the identification of heavily modified water bodies.

The first results emerging from the analysis in accordance with the Water Framework Directive suggest that some key issues have been dealt with in a different way in different river basin districts. It is important for the harmonised implementation of the Directive and for the comparability of the results to ensure that such key issues are dealt with in the same way. The points below reflect the most important and most common issues that have been raised in the discussions:

Baseline 2015

Some Member States extrapolate the current results of the analysis towards 2015 by taking into account changes in the period until then, in particular, already agreed measures and important economic changes. In consequence, the results for the analysis for the base year 2004 will be different in relation to the results for the base year 2015. This approach has been discussed at length in the economic guidance document¹². Some key questions arising from the different approaches are the comparability of the different results, the transparency of the assumptions made and the basis for the choice of monitoring, in particular the “operational monitoring”¹³.

In order to address these issues, the following principles should be respected. First, the different results of the analysis 2004 and 2015 should both be presented in a transparent and comprehensible way (see principle 1). It should be clear what the difference in result is and what assumptions have been made, i.e. what changes and developments have been taken into account. As regards already agreed measures, such agreements should be of a formal, legally binding nature and refer mainly to measure initiated between 2004 and 2008¹⁴. All measures thereafter should be included in the programme of measures required by the Directive and therefore not lead to an alteration of the risk analysis results between now and 2015. Second, the appropriate monitoring needs to be identified which, in accordance to the IMPRESS guidance is “operational monitoring” if the water bodies is identified as being at risk in 2004 or 2015 following the baseline scenario.

The results of the analysis outlined in the Figure indicate that a water body is likely to be less than good status in 2004 but a planned measure is expected to remedy the problem before 2015. If the water body is identified as ‘not at risk’, it may be necessary to explain to stakeholders that this is because the existing problem will be remedied by the planned measure. Alternatively, if the water body is identified as ‘at risk’, it may be necessary to explain to stakeholders that the planned measure has not been taken into account in the analysis. However, from a technical management point of view, there is no important practical difference between the approaches as long as it is ensured that it can be demonstrated through appropriate monitoring that the objectives of the WFD are met in 2015 in the water body concerned.

Heavily Modified Water Bodies

The link between the preliminary identification of heavily modified water bodies (HMWB) and the risk analysis for such water bodies is being handled in different

¹² Guidance Document No. 1. Economics and the Environment - The Implementation Challenge of the Water Framework Directive

¹³ Whenever reference is made to monitoring in this section, refer to “Guidance Document No. 7 on Monitoring under the Water Framework Directive” for more detailed elaboration on the specific circumstances where representational monitoring may be acceptable.

¹⁴ Note: Some of these measures may become effective and fully enforced only until 2012. However, all relevant new measures envisaged in 2009 and beyond must be part of the programme of measures under the Water Framework Directive which must be communicated as part of the river basin management plan.

ways despite the exhaustive guidance¹⁵ on this issue. It should be clear that despite similar data sets required, the two processes should be treated separately. The provisional identification of heavily modified water bodies is part of the characterisation procedure. The pressure and impact analysis for all such identified potential HMWBs has to be carried out independently taking into account all pressures and impacts including pressures due to substantial hydromorphological alterations. In addition, question on whether to compare potential HMWBs against the “good ecological status” or the good ecological potential should be treated by using the procedures agreed in the respective guidance documents.

Derogations

Derogations from achieving “good status” by 2015 for individual water bodies are set out in Article 4 of the Water Framework Directive, in particular the “extension of the deadlines” (4 (4)) and the “less stringent objectives” (4(5)). Whilst the setting of extended deadlines or less stringent objectives is part of river basin management planning process and the application of such derogations must be specified in the first plan in 2009, there is consensus that the Article 5 pressures and impacts analysis is only concerned with the risk of failing to achieve the default objectives specified in Article 4(1) of the Directive, and in particular the risk of failing to achieve good status by 2015 (see IMPRESS Guidance). Consequently, some water bodies which are identified as being “at risk” may later be exempted from achieving good status by 2015 if the specific criteria set out in Article 4(4) or 4(5) of the Directive are met.

Principle 5:

Lack of data should not be an excuse. Demonstrate that you tried. Make a “gap analysis” and outline subsequent steps to fill the gaps identified.

The lack of data should not be used as an excuse not to address certain issues or even carry out an analysis for certain pressures or impacts. There are steps that can be taken by all river basin districts following the process of consecutive improvement of the knowledge base:

No data => qualitative information => quantitative data => overall estimates for the entire river basin => more refined calculated or monitored data on water body level

It should be possible for every river basin district to estimate whether or not particular pressures are likely to be present. Such a first assessment can be the basis for a refined data gathering exercise if there is evidence that the pressures might be significant. A similar logic can be applied throughout the implementation process.

It should also be checked whether other data holders, such as water suppliers or local NGOs, may have some valuable information which, if properly quality assured, can complement the existing data in order to improve the quality of the assessment.

¹⁵ Guidance Document No. 4. Identification and Designation of Heavily Modified and Artificial Water Bodies and Guidance Document No. 3. Analysis of Pressures and Impacts

A gap analysis as regards missing or incomplete data should, as far as possible by the end of 2004, complement any incomplete Article 5 assessment. The next steps regarding monitoring but also as regards the compilation of further data on pressures and impacts should be presented as part of the analysis. This means that, together with the issues described under principle 3, where data gaps are identified that are likely to have significantly affected the results of the analysis, the analysis should be appropriately reviewed, updated and completed in the period 2005 to 2008. A comprehensive review of the analysis must be completed in 2013.

Such a prioritised “closing of the gap” will lead to a higher degree of certainty and knowledge for the preparation of the “programme of measures” and thereby reduce the risk of non-targeted and expensive measures and facilitate the public participation process by demonstrating that the proposed measures are well founded and justified.

5. COMMUNICATION

Early indication from several river basins give rise to the concern that a large majority of water bodies will have to be classified as “at risk”. Furthermore, the technical nature of the analysis might make it often impenetrable for those parties who have not been directly involved in the preparation of the results. Given the complexity of the issue and the importance of the analysis for the implementation process it would be counterproductive if the results of the analysis are perceived in the wrong way by decision-makers, stakeholders, NGOs and the public at large.

It is therefore essential that the communication of the results of the analysis is transparent and explains the reasons for the findings and therefore why a large proportion of water bodies may have been identified as ‘at risk’.

In this respect, it is not helpful that the WFD does only foresee two categories for the final outcome of the results: “at risk” and “not at risk”. A “black and white” (or “red” and “green”) approach may be sufficient for the technical implementation but not suitable for other purposes such as information. Also the terminology by using the work “risk” may create certain assumptions and expectations which are not envisaged by the technical approach provided for in the Directive.

Several Member States have already started diversifying the presentation of the results and introduced additional categories. Some generic considerations for such an approach have been described in principle 3 above. Such approaches which overall lead to present disaggregated rather than highly aggregated information are a key element for a successful communication strategy.

Moreover, it has to be acknowledged that different target groups may require a different way or format of communication. A technical report of several hundred pages may only be accessible and suitable for a very small group of specialists in the public and amongst the stakeholders. A variety of communication tools and products may be necessary to get the message across which emerges from the result of the analysis.

The support of decision-makers, water users, NGOs and other interested parties will be critical to the successful implementation of the Water Framework Directive. Gaining and maintaining their support will rely on effective communication.

Reporting the results of the Article 5 analysis will be the first major communication challenge for the river basin planning process. To meet this challenge effectively, Member States will need to develop appropriate communication strategies. This document recommends some core principles and messages for these strategies. The inclusion of common principles and comparable messages will enable the strategies to support and complement each other, rather than contradict each other.

The list below summarises examples for elements likely to support effective communication of the results of the Article 5 analyses

1. Explain what the pressures and impacts analysis is, and its role in the river basin planning process as a whole, on achieving the WFD objectives and on what these can mean for people.
2. Explain why it is different from any previous assessments of the water environment (e.g. its scope; etc)
3. Explain how the use of economics, in particular the cost-effectiveness analysis, the extended deadlines or the less stringent objectives are part of the planning process, and <ul style="list-style-type: none"> (i) Provides a mechanism for prioritising improvements over successive planning cycles; and (ii) Taking into account socio-economic and environmental costs and benefits using, <i>inter alia</i>, the cost-effectiveness analysis as required by the directive
4. Present the results of the analysis in disaggregated form (first) to help show: <ul style="list-style-type: none"> (i) What issues are responsible for the identification of water bodies as being ‘at risk’ ; and (ii) What issues are already being managed effectively and therefore not causing a significant number of water bodies to be ‘at risk’.
5. Explain the different follow-up actions for the next stages of the planning process, and sub-divide the Directive’s ‘at risk’ and ‘not at risk’ categories to the extent needed to adequately discriminate and prioritise the follow-up actions
6. If possible, develop a single communication strategy for the whole river basin district
7. If possible, involve stakeholders in the fact finding for the analysis, and take account of their information and contributions, before the report is finalised
8. If possible, provide a simple means by which stakeholders can get more details about the results for their local water bodies (e.g. web-based information)
9. Avoid: <ul style="list-style-type: none"> (i) The use of specialist technical language; (ii) Using the shorthand term, ‘at risk’, without clearly explaining that this refers specifically to the risk of failing the environmental objectives of the Directive (iii) Being overly focused on scientific difficulties

6. CONCLUSIONS

In early 2004, more and more preliminary examples for the analysis of pressures and impacts in accordance to the Water Framework Directive emerge. These first experiences show that it is possible to carry out such an analysis. However, a number of challenges and common issues have emerged across Europe. This document introduces a number of principles for the finalisation of the Article 5 analysis which aim to address the current obstacles such as lack of data and a high level of uncertainties. In addition the link to communication of the results of the analysis and its importance for a successful implementation is being made.

Further to a wide debate in the context of the Common Implementation Strategy, the document summarises the views of the Water Directors. This document shall provide input for the coming months when finalising the analysis and reports to the Commission. The main focus of the considerations is, however, directed to the period 2005 to 2008 when the “lessons” from the analysis need to be learned and the follow-up programme needs to be implemented in order to have an updated set of results available as a solid foundation for the preparation of the programme of measure.

The discussion and the process should not stop here but should be continued throughout Europe amongst those involved or interested in the implementation of the Water Framework Directive. Within the Common Implementation Strategy, consideration should be given to further develop some of the issues raised in the document in the coming years. It may be appropriate to gain further experiences through the pilot river basin exercise or to organise an information exchange between Member States on “best practices” of communicating results and conclusions of the Art. 5 analysis. Further details will be included into the work programme 2005/2006 of the Common Implementation Strategy.