

LEGISLATION ON INLAND WATER PROTECTION

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INTERNATIONAL BACKGROUND

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

INTERNATIONAL BACKGROUND

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

Water is life !

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

EU LEGISLATION

Development in 4 waves :

- Drinking Water Directive (1975)
- Groundwater Directive (1980)

- Urban Waste Water Directive (1991)
- Nitrates Directive (1991)

- Water Framework Directive (60/2000)

- Marine Strategy Framework Directive (2008)

WATER FRAMEWORK DIRECTIVE

○ Repeal from 22/12/2007 of:

- Directive 75/440
- Directive 77/795
- Directive 79/869

○ Repeal from 22/12/2013 of:

- Directive 78/659
- Directive 79/923
- Directive 80/68
- Directive 76/464 (special transitional regime)

WFD daughter directives

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

LEGISLATION ON WATERS

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

48% of European rivers are exposed to hydromorphological pressures

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

which have significant negative impacts on water ecosystems.

The infographic features the European Commission logo at the top, a central flow diagram with icons of a dam, a river with a dam, a river with a dam, and a dam, and a downward arrow at the bottom. The background is blue with white text and icons.

WATER FRAMEWORK DIRECTIVE

- **Pollution control**
 - waste water discharge
 - chemical substances emissions and losses.
- **Water use control.**
- **Protection of aquatic ecosystems.**
- **Floods and droughts.**

WATER FRAMEWORK DIRECTIVE

The scope of the directive:

- Surface waters
- Groundwaters
- Coastal waters



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

WATER FRAMEWORK DIRECTIVE

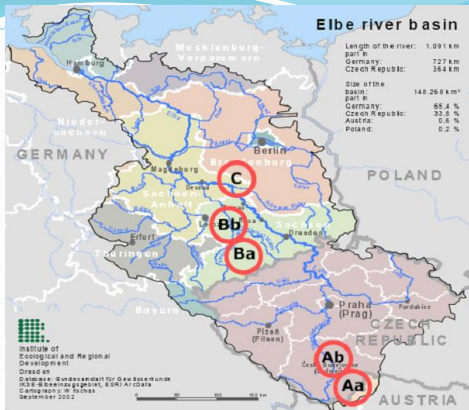
Regulation is based on **river basin approach**:



- MS have to organise their waters according to individual river basin districts
- the protection measures attach to those districts



- Duty to designate: river basin districts
international river basin districts



WATER FRAMEWORK DIRECTIVE

- **‘River basin’** means the area of land from which all surface run-off flows through a sequence of streams, rivers and, possibly, lakes into the sea at a single river mouth, estuary or delta.
- **‘River basin district’** is the **main unit for management of river basins.**

Hlavní povodí ČR



Povodí je oblast (plocha), ze které voda odtéká do jedné konkrétní říčky

WATER FRAMEWORK DIRECTIVE

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



number of exemptions

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

WATER FRAMEWORK DIRECTIVE

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

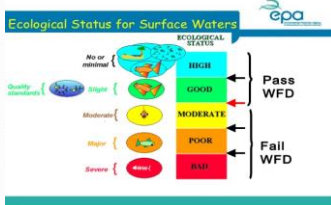


Identification and analysis of waters
Analysis should be revised every six years thereafter

WATER FRAMEWORK DIRECTIVE

Classification – 5 status classes:

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



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

WFD Art. 4: Environmental objectives

C – 461/13

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

C – 461/13

- 3 projects concerning the development of the lower Weser (navigable channel)
- ↓
- direct effects of excavation and consequent dredging can cause deterioration without that resulting in a change in the status class
- ?
- 1) How to interpret „deterioration“?
 - 2) Must EU MS – unless derogation is granted - refuse to authorize these projects?

C – 461/13

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

WATER FRAMEWORK DIRECTIVE

Regulatory instruments:

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

WATER FRAMEWORK DIRECTIVE

River basin management plans aim to:

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

WATER FRAMEWORK DIRECTIVE

Management plans

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

Programmes of measures

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

WATER FRAMEWORK DIRECTIVE

Areas requiring special protection (Annex IV)

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

WATER FRAMEWORK DIRECTIVE

List of priority substances (Annex X)



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



WATER FRAMEWORK DIRECTIVE

Economic instruments



Adequate incentives

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

WATER FRAMEWORK DIRECTIVE

Participation of the public in WFD implementation



participation especially with regards to management plans



WATER FRAMEWORK DIRECTIVE

Enforcement measures

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

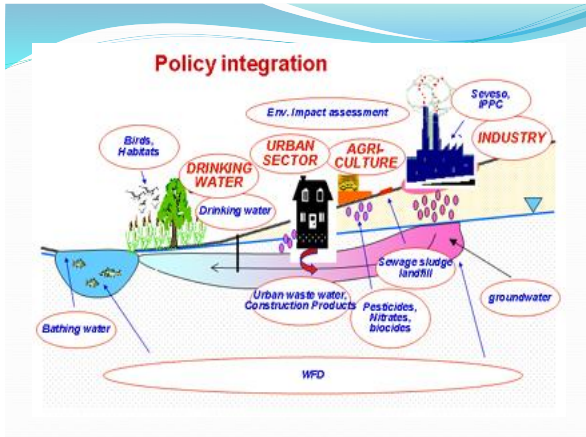


SYSTEM OF LEGISLATION

Water Framework Directive



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



LEGISLATION ON SPECIFIC PROTECTION AREAS

Water Framework Directive

Register of Protected Areas:

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

LEGISLATION ON PROTECTION OF SPECIFIC AREAS/WATERS

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

