



# **Compliance assurance activities – vital for implementation of WFD**

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# Overview

- *Assessment of WFD 1<sup>st</sup> RBMPS & POMs*
- *General issues for regulators*

## ***2 specific examples regulators could collaborate on***

- *diffuse pollution (agriculture)*
- *abstraction (agriculture)*



# WFD Achievements so far

*Expected result: 53% of EU waters in good status by 2015 if MS PoMs deliver (up from 43% in 2009)*

*WFD and "daughter" directives have contributed to improving water protection in EU*

*Effective dialogue with MS to improve implementation (CIS)*

*Increased trans-boundary cooperation in water management*

***But still a lot to do...***



# Findings & Recommendations

**PoMs:** MS included what is in place, in the pipeline or feasible rather than what is necessary

- Base PoMs on assessment of pressures to design cost-effective measures
- Provide appropriate justification for exemptions

**Water Abstraction:** insufficient measures to control abstraction and ecological flow

- Review permits to ensure sustainable use
- Improve monitoring and enforcement

**Water pricing** and **cost recovery** not applied across sectors & MS (e.g. lack of metering)

- Adjust inadequate pricing of water resources



**Agriculture:** still many gaps to address diffuse pollution

- Better controls for fertilizers needed
- Create incentives for more water efficient irrigation
- Review permits to allow achievement of GES
- Better use of EU Funds (i.e. RDF)

**Industry:** no systematic consideration of WFD objectives in the review of discharge permits

- Review existing permits to ensure good water status

**Household:** too slow planning and financing infrastructure investment (collection & treatment)

- Better use of EU Funds (i.e. Regional & Cohesion)



# Further information for your MS

## ***WFD Implementation Reports***

*The Commission has to assess the progress in the implementation of the WFD in certain intervals and to inform the European Parliament, the Council and the public about the results of its assessments (see Article 18 WFD).*

*4th implementation report on the Programmes of Measures (March 2015)*

*3rd implementation report on the River Basin Management Plans (November 2012)*

*[http://ec.europa.eu/environment/water/water-framework/impl\\_reports.htm](http://ec.europa.eu/environment/water/water-framework/impl_reports.htm)*





# General questions for regulators from 1<sup>ST</sup> RBMPs

- *WFD Good status and non-deterioration – are these legally binding ?*
- *Is there a legal requirement to review and revise existing and align future permits to achieve WFD good status ?*
- *Is there clarity on who has responsibility for delivering all POMs ?*





# Diffuse pollution from agriculture – WFD basic measure implementation

*\* ND – what is the actual state of implementation – compliance with achieving 50 mg/l ?*

*\* WFD – article 11.3.h – **controls** on diffuse pollution (agricultural phosphate?, sediment/soil erosion? nitrogen outside NZVs?)*

*\* WFD – article 7 – source protection measures to reduce the need for additional treatment of drinking water?*







# Diffuse pollution from agriculture – comprehensive data collection

*\*Farm audits – storage capacity (if it's not sufficient balanced nutrient management can't take place)*

*\*walk-over surveys - eg SEPA Scotland to identify new issues that need new controls*

*\*remote sensing/drones - opportunity?*

*\*utilisation of drinking water company data*





## **Diffuse pollution from agriculture – compliance assurance**

- \*Lack of storage – breach of ND, and cross compliance. Possible fine .....and then what?*
- \*How does the store get built ? (funding)*
- \*provision of advice on regulatory requirements and clarity on enforcement process*
- \*targeting in hot-spot or high value areas (increase inspections ....not the minimum but trying to achieve a result )*
- \*have the farming sector representatives on side*





# Achieving nutrient conditions consistent with good status

- *Nutrient standards set for all water bodies consistent with achieving good biological status ?*
  - *investigations in the environment to check compliance of existing point sources to permit conditions*
  - *controls on nutrients both N and P set for agriculture ?*





# Controlling abstraction

## – WFD basic measure implementation

*\*controls on abstraction including self-abstraction (GW) in law?*

*\*are they being complied with on the ground ?*

*\*does the law implementing WFD allow for all permits to be reviewed and revised to allow good status to be achieved ?*



## **Abstraction– comprehensive data collection**

- \*Well developed inventories and water balances held by permitting authority ?*
- \*data used to ensure ecological flows and good groundwater status*
- \*permits are turned down because they could lead to deterioration ?*
- \*existing permits are reviewed and revised where they are having an impact (abstraction reform)*
- \*earth observation tools to target inspections?*



## **Abstraction– compliance assurance**

*\*Taking more than in permit condition – how can this be detected ?*

*\*Breach of cross compliance. Possible fine .....and then what?*

*\* how is the farmer helped to comply – advice on changing to less water consumptive crops ?, funding for winter storage ponds?*

*\*targeting in hot-spot or high value areas (increase inspections ....not the minimum but trying to achieve a result )*

*\*have the farming sector representatives on side*



## ***Conclusions***

- for effective enforcement the legal basis must first exist*
- compliance assurance plans/strategies should help target scarce resources*
- inspections/penalties are not an end in themselves – sustained behaviour change should be the target*