The EU Water Framework Directive

Results to date and outlook for the future

September 2018
EEAC Working Group on Fresh Water Affairs

Mainline summary of the round table session
About the EEAC Network

The European Environment and Sustainable Development Advisory Councils (EEAC) is a network of advisory bodies established by national or regional governments. EEAC members offer independent advice to their respective national or regional governments and parliaments related to the environment and sustainable development.

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- **The Netherlands**: Council for the Environment and Infrastructure
- **Portugal**: National Council for the Environment and Sustainable Development
Introduction

In order to fulfil its obligation to review the Water Framework Directive (WFD), the European Commission published its evaluation roadmap in October 2017. As part of this evaluation process and in preparation for the review process in 2019, the EEAC Working Group on Fresh Water Affairs dedicated its latest round table session to possible explanations for the incomplete success of the WFD so far, as well as perspectives on the future of the Directive.

In order to discuss this topic, over 25 experts at the EU, national and sub-national level gathered in Brussels on 26 June 2018. This document contains a mainline summary of the debate and offers a set of preliminary recommendations originating from the round table session.

The summary first outlines the current state of affairs with regard to the WFD. Special attention is devoted to the balance between the output and the outcomes of the WFD. Secondly, possible explanations for the incomplete success of the WFD are described: the money/time conundrum, a lack of economic thinking, and/or an inadequate systemic approach.

The summary and preliminary recommendations were drawn up by myself in my capacity as Chair of the EEAC Working Group on Fresh Water Affairs. They are not directly committing for the participants to this round table session, nor to the advisory councils that sent participants to this session. However, I and my colleagues sincerely hope that the conclusions and arguments formulated in this summary will benefit the work of advisory councils on the environment and sustainable development and will be useful at the EU, national and sub-national level.

Jan Verheeke
Chair of the EEAC Working Group on Fresh Water Affairs
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Preliminary Recommendations

Despite its considerable output, the Water Framework Directive has not yet effectively delivered on its main objective, i.e. non-deterioration of water status and the achievement of a “Good Environmental Status” for all European waters. The EEAC Working Group on Fresh Water Affairs has identified three causes of this partial failure: (1) the money/time conundrum; (2) lack of economic thinking; and (3) an inadequate systemic approach.

Recommendations with regard to the money/time conundrum:

- Take the timetable of the WFD seriously
- Perform an investment gap analysis
- Increase certainty levels to promote the investment of (public) funds
- Re-direct European funding to hydro-morphological issues

Recommendations with regard to economic thinking:

- Reconsider the usage of the principle of cost-effectiveness
- Reconsider the contents of the concepts of cost recovery and transparency
- Add payments for ecosystem services to the WFD toolbox
- Revise the so-called "Wateco-guidance"

Recommendations with regard to systemic thinking:

- Use indicators as systemic knowledge instruments
- Ensure multi-pressure assessment to support a systemic approach
- Enhance a systemic approach to raise public awareness of water issues
- Look for synergies between various water policies

1.1. About the Water Framework Directive

The Water Framework Directive (WFD) (Directive 2000/60/EC) established a general framework for Community action in the field of water policy and was published in October 2000. It aims at “the protection of inland surface waters, transitional waters, coastal waters and groundwater”\(^1\), i.e. at the full range of the water environment “from source to sea”. Its goals include (mentioned first in a list of general objectives) the prevention of “further deterioration” and protecting and enhancing “the status of aquatic ecosystems”.\(^2\)

In practice, the WFD obliged all EU Member States to “identify the individual river basins lying within their national territory”\(^3\), to assign them to “river basin districts” and subsequently to identify, for each basin, “the appropriate competent authority, for the application of the rules of this Directive”\(^4\). Furthermore, Member States were obliged to prepare a description of the characteristics of the river basin districts they are assigned to manage, and to review the environmental impact of human activities on these basins.

Having defined river basin districts and competent authorities and having established the reference situation (i.e. the pristine conditions of the water body), and the monitoring mechanisms for the river basins, each Member State was required to establish, for the districts within its territory, a six-year cycle of “programmes of measures”, in order to achieve the environmental objectives associated with “Good Environmental Status”\(^5\).

The central obligation stated by the WFD was then to achieve “Good Environmental Status” for the river basins in 2015. In effect, this obligation encompasses a multi-layered assessment of water bodies. Surface waters must be assessed in terms of their ecological and chemical status, and groundwater in terms of its quantitative and chemical status. These multiple statuses are in turn linked to specific criteria.\(^6\)

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\(^1\) For definitions of these terms, see WFD, article 2(1) through (8)
\(^2\) WFD, article 1(a).
\(^3\) I.e. “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”, see WFD, article 2(13).
\(^4\) WFD, articles 3(1) and 3(2).
\(^5\) The system of a “programme of measures” is described in article 11 of the WFD, combined with Annex VI.
\(^6\) The ecological status of surface waters encompasses the criteria of biological quality (mainly biodiversity at species level), hydro-morphological quality (river continuity, flow, substrate, etc.) and physico-chemical quality (temperature, oxygenation, pH value, nutrient conditions, etc.). The chemical status of surface waters is measured by reference to quality standards for substances that are defined at the European level (i.e. maximum annual concentrations for a number of chemical pollutants). Additionally, the Priority Substances Directive (Directive 2013/39/EU) lists 45 “priority” substances for surface waters. The quantitative status of groundwater is expressed in terms of the extent to which a body of groundwater and/or its dependent surface waters are affected by direct and indirect abstractions. The chemical status of groundwater is measured by reference to the concentrations of specified pollutants and, moreover, by reference to electrical conductivity. Additionally, the Groundwater Directive (Directive 2006/118/EC) requires a limitation of the inflow of pollutants into groundwater. For details concerning the system underlying these environmental objectives, refer to article 4 of the WFD, combined with Annex V.
Each programme of measures includes “basic measures” and “supplementary measures”, as shown in Figure 1. The basic measures are generally those that were prescribed in the pre-existing water directives replaced by the WFD (the “first-generation” water directives), or the implementation of which the WFD was aimed at coordinating (the “second-generation” water directives). In addition, various other types -business-as-usual, technology-driven, source- or usage-based control measures- must be incorporated and implemented.

The “supplementary measures” are the additional measures that a Member State must introduce when it becomes clear (after monitoring) that “Good Environmental Status” in a river basin cannot be achieved. The Member State must examine why this is the case, and must design the additional measures to satisfy all the criteria established.

![Figure 1: Programmes of measures (source: European Commission (2015a), p. 5)](image)

1.2. Output compared to outcomes of the Water Framework Directive

The introduction of the WFD resulted in a significant level of policy-outputs. As indicated in Figure 2, common implementation strategies were drafted, river basin districts were identified by competent authorities, and River Basin Management Plans (RBMPs) were proposed. Monitoring programmes were implemented, programmes of measures were introduced, and reporting activities were carried out.
However, the balance-sheet changes when the actual outcomes of the WFD implementation process are taken into account. Reviews performed by the European Commission in 2012 already showed that only slightly more than half of all surface waters would achieve “Good Environmental Status” by 2015.

When summarizing the relevant developments, the participants in the round table session endorsed the evaluation that in the 18 years since its adoption, the WFD – despite the considerable volume of output it has generated – has not fully delivered on its main objective, i.e. non-deterioration of water status and the achievement of a “Good Environmental Status” for all European waters.

The participants then identified and discussed three ways of analysing this partial failure:

1. by looking at the money/time conundrum (including e.g. time frames, increase certainty levels to promote the investment of (public) funds;

2. by considering the poor quality of economic thinking that underpins the implementation policies (including e.g. the principle of cost effectiveness; payments for ecosystem services) and/or;

3. by pointing to the inadequate systemic approach of the relevant authorities. (including: one out/ all out principle; monitoring, etc).

7 Just a few days past the Round table session, the European Environment Agency reported that groundwater generally has the best status (74% has a Good Environmental Status); as anticipated by the Commission in 2012, however, around 40% of all surface waters (rivers, lakes and transitional and coastal waters) have good ecological status or good ecological potential, and only 38% have good chemical status. All in all, the second RBMP cycle showed limited changes in status. The proportion of water bodies with unknown status has, however, decreased thanks to increased status assessments / measurements. See European Environment Agency, “European waters — Assessment of status and pressures 2018” (July 2018), Copenhagen, Denmark.
2. Money/time conundrum

2.1. The issue
One potential explanation discussed by the participants in the round table session was that, since the adoption of the WFD, not enough budget has been available in all Member States to achieve the WFD objectives on time (i.e. 2015) or, vice versa, that the WFD defined an excessively optimistic time-frame for implementing and achieving the goals in relation to the available budgets. Both constraints – financial constraints and time constraints – seem to have operated as communicating vessels.

To begin with the time-constraints, the round table participants observed that the 2015 time horizon of the WFD was really a tight one, especially when one considers that Member States thereby had just 15 years’ time to undo the results of investments and negative practices over the past half century, in order to achieve “Good Environmental Status” for river basins. Furthermore, the participants endorsed the analysis that although measures have been taken, hydro-ecological systems often need time to return to their former “Good Environmental Status”. It was therefore reasonable that the WFD provided for a balanced mechanism through which the Member-States could extend the deadline of the Directive.

However, this mechanism expires in 2027. The roundtable participants observed that this 2027-expiry date for derogations must not be seen as a so-called sunset clause for the WFD as a whole: it is to be expected that the obligatory six-year cycle of programmes of measures, that is imposed by the WFD, will remain in force after 2027. Moreover, the participants considered this continuation as a positive thing, as climatic and other circumstances will continue to change after 2027, bringing new challenges and necessitating a continued cyclical re-evaluation of the water-policies that are in place.

Moreover, it should be taken into account that achieving “good environmental status” requires additional time once measures have been applied due to the fact that ecosystems need time to restore their own structure and functioning. One has to bear in mind that achieving “good environmental status” means settling a complex and suitable biological community structure and a good ecosystem functioning, close to the natural conditions, which implies that biological communities need to be settled back after the environment has been restored through a feasible programme of measures (e.g. purifying wastewater, or restoring habitats, or environmental flows).

In many cases, the relationship between measures to mitigate pressures or restore near natural conditions and ecosystem reaction is not clear or wellknown. In other cases, pressures that affect ecosystems take place at basin scale, so investments at site scale can be not enough. All that provides uncertainty in order to assure “good environmental status” achievement and to fit it in a clear schedule.

8 WFD, art 4.4 (a) (iii).
As to the budgetary constraints, the participants observed that there is no clear insight in the actual evolution of water-related investments of the past years and the influence of the WFD thereupon. Budgetary constraints were already evident before the existence of the Water Framework Directive, i.e. at the level of what the WFD now labels as the “basic measures”. On the other hand, within the implementation trajectory of the WFD, the budgetary situation seems to have worsened due to the financial crisis of 2008 and its aftermath. All in all, there is still no clear picture of the investment gap within Europe or within the Member-States. The round table participants therefore shared their appreciation for the gap analysis report which is currently being conducted by the OECD\(^9\). This report was commissioned by the European Commission, and the results are expected to be published in 2018.

Participants discussed the potential role of EU funding programmes in promoting successful WFD outcomes within the Member-States. Although the EU Multi-Annual Financial Framework (MFF) contains a dedicated environmental fund, the so-called LIFE fund, this source of finance has only a marginal significance within the EU-budget, and, moreover, finances to a large degree investments mostly related to nature protection and biodiversity. Besides that, it is a fact that structural funds such as the Interreg funding, the Cohesion Fund or the Agricultural support-mechanisms have been partially utilized to enhance the outcomes of the WFD. Nevertheless, modest funding allocations and complex funding restrictions made these contributions relatively ineffective.

The situation is especially difficult when one needs to fund investments in hydro-morphological issues, as the effects of these operations are still perceived as being less visible, clear or certain. The participants of the round table found that the “green infrastructure” thinking of the recent years could provide a potential base for clear funding programmes that would enhance water policy as well as nature policy.

Consequently, this discussion made the participants address the issue of “uncertainty” in general. If no direct link can be established between costly measures on the one hand and improvements in status of the water body on the other hand, the resulting uncertainty will reduce the willingness to invest (public) funds. Should we therefore reduce uncertainties by additional scientific endeavours, thus enabling efficient investments but with the risk of interventions occurring too late? Or should we strive for timely but uncertain interventions, with the risk of ineffective or inefficient investments? Though the round-table participants found that uncertainty should not lead to inaction, they also observed that not all uncertainty can be reasonably “studied away”.

2.2. Recommendations

- **Take the timetable of the WFD seriously**

Based on the outcomes of the round table session, the EEAC Working Group on Fresh Water Affairs recommends that Member-States take the timetable of the WFD seriously, i.e. they should strive for reaching the “good environmental status” in 2027, thus preventing as much

\(^9\) For more information on the work of the OECD, see https://www.oecd.org/water/.
as possible uncertainty or inaction with regard to WFD implementation in the future. The expiry of the derogation-clause in 2027 must therefore not be seen as a sunset-clause for the WFD as a whole: substantial challenges for water policy will continue to arise after 2027, due to climatic and other developments, and improvements can be made regarding the assessment criteria.

- **Perform an investment gap analysis**

  The EEAC Working Group on Fresh Water Affairs appreciates the gap analysis report currently being conducted by the OECD, the results of which are expected to be published soon. Furthermore, the working group recommends that this gap-analysis be used to direct investments in water policy more effectively.

- **Increase certainty levels to promote the investment of (public) funds**

  As the level of uncertainty has a negative influence on the willingness to invest, the EEAC Working Group on Fresh Water Affairs thinks efforts should be made to better manage uncertainty. The prime solution would be to establish clearer links between (policy) measures and improvements in the “Good Environmental Status” of water bodies, as enhanced predictability will lead to more certainty and therefore promote financial investments. Nevertheless, if this predictability cannot be generated at a reasonable cost and in a reasonable timeframe, policy implementation must continue at a certain pace, and be adjusted to engage actors in ways that generate contextualised knowledge, action and learning, in order to reach “the good environmental status” in time.

- **Re-direct European funding to hydro-morphological issues**

  In most EU financial programmes there are real possibilities and chances for funding of water investments. Nevertheless, as fundability of projects in principle depends upon clearness of project-goals and predictability of results, investments in hydro-morphological and hydro-ecological projects often lag behind. The EEAC Working Group on Fresh Water Affairs estimates that the concept of green infrastructure could lead to a redirection of funds to hydro-morphological issues, for instance to improve ecological and sediment flows.

**3. Economic thinking**

**3.1. The issue**

The WFD requires EU Member States to base their water management on cost effectiveness analyses, to implement the principle of cost recovery as well as incentive pricing, and to define exemptions in terms of disproportionality of costs10. As fulfilling these obligations would have

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the potential to solve at least part of the money/time conundrum, it is surprising that they were only poorly implemented. Just half of the second series of River Basin Management Plans includes an effective incentive system and a transparent water pricing structure. A further issue which indicates the lack of economic thinking concerns the insufficient levels of economic reporting. As a result, there is a lack of transparency concerning the questions of who uses water and water services, and who is exerting pressure on European water bodies. According to several participants, certain sectors still use and exert pressure on Europe’s fresh water bodies without making sufficient (financial) contributions. Furthermore, concerns were raised about cost recovery and the role of consumers.

The round table session participants explored the reasons for this relatively poor state of implementation of the economic aspect of the WFD. For one thing, these requirements turned out to represent a substantial administrative burden for Member States. In addition, the narrow interpretation of the concept of “water services” by some Member States themselves hindered progress in implementing cost recovery policies beyond drinking water and sanitation systems.

However, the roundtable participants also endorsed the analysis that an overambitious implementation of the cost recovery principle and/or “polluter pays” principle could backfire. With spuriously accurate calculations being part of economic reporting, the political legitimation of environmental policy measure is likely to be far more fragile, enabling interest groups to present calculations with different conclusions, raise doubts about the methods used, and mobilize political and/or societal resistance.

The participants suggested some ideas to cure the problem. One observation was that water systems that are in a “good environmental status”, provide a number of ecosystem services. The concept of “payment for ecosystem services” could therefore provide a reasonable method of revitalizing economic thinking in the implementation of the WFD, and be complementary on the implementation of the principle of cost-recovery (art.9). Another observation was that indirect economic benefits in the form of avoided costs are also relevant ecosystem services. A third observation was that in the field of health economics, the loss- and benefit-sides are expressed with the help of standardized units, i.e. DALY’s and QALY’s11: could it be a good idea to strive for comparable standardized units when assessing cost-effectiveness in water policy?

### 3.2. Recommendations

- **Reconsider the usage of the principle of cost effectiveness**

Based on the outcomes of the round table session, the EEAC Working Group on Fresh Water Affairs recommends the following: the WFD has a focus on cost-effectiveness of measures and

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11 QALY = Quality Adjusted Life Years; DALY = Years of Life with Disability (YLD) + Years of Life Lost (YLL). The usage of these units facilitates comparative evaluations between diverse medical interventions in relation to diverse pathologies, thus providing a basis for evaluation of investments in different types of medical treatment.
this focus should be taken seriously. However, the application of this approach was evident when there was a clear understanding of the relationship between policy measures and desired outcomes. As, in the past years, the more obvious measures have already been taken, more complex policy decisions with less tangible results are now left. An oversimplified focus on cost efficiency might therefore lead to inaction. A renewal of cost-effectiveness thinking is necessary in order to be adequately applicable within the field of integral water-policy.

- **Reconsider the contents of the concepts of cost recovery and transparency**

Water and water systems are in principle not to be considered as a commodity but as a common heritage that provides key services for life on Earth. Nevertheless, the EEAC Working Group on Fresh Water Affairs estimates that the concept of cost recovery should be taken more seriously. The focus should shift from “full cost recovery” towards the so-called “adequate contributions and transparency”. This should ensure the implementation of the “polluter pays” principle and fair pricing of water, with transparent and fair distribution across different water users and/or polluters. Introducing a tool with standardized units for measuring costs and benefits of water policy measures could be an interesting approach. Taken together, these elements need to be ensured by means of regulation. Consequently, there is a need for a proper governance structure to ensure that these principles function effectively.

- **Add payments for ecosystem services to the WFD toolbox**

“Payment for ecosystem services” should be added to the WFD “toolbox”. The EEAC Working Group on Fresh Water Affairs understands that the concept of such payments might in principle be at odds with the “polluter pays” principle. However, if the aims of the WFD are to be achieved within a reasonable timeframe, “payments for ecosystem services” should be added, especially in relation to the agriculture sector – all the more since this concept is in line with the objectives of the WFD and the way the Directive functions. Use could be made of experiences gained with payments for ecosystem services under the Habitat Directive.

- **Revise the so-called “Wateco-guidance”**

The previous recommendations – a renewal of cost-effectiveness thinking, the reformulation of the principle of cost-recovery, and making room for “payment for ecosystem services” – point to the guidance that the European Commission provided for the implementation of the economics of the WFD. The economic guidance document developed by the European Water Economics Working Group (Wateco) in 2002 for the Water Framework Directive (WFD) is one of the oldest of all guidance documents related to the WFD\(^\text{12}\), and should be revised.

4. Systemic thinking

4.1. The issue

A third possible explanation for the partial success of the WFD and its implementation, is that the paradigm shift to a systemic approach, that was claimed to be central to the WFD, has not been fully integrated into the water policies of the Member States. The systemic approach underlying the WFD was based on the Driver-Pressure-State-Impact-Response (DPSIR) framework; and would provide a systemic understanding of the relationship between environmental effects, environmental quality, the causes thereof (i.e. the pressures), the societal drivers of these causes and the measures taken. In a systemic approach, the focus should be on the real drivers and pressures: after all, water pollution, over-abstraction and structural change generate from concrete human activities and economic sectors. A systemic approach that concentrates on drivers is especially relevant in cases of diffuse pollution and/or abstraction.

This systemic framework was intended to result in a holistic approach in which “Good Environmental Status” means that the water system is such that social, ecological and economic requirements can be met simultaneously and in the long term. Measuring the state of a system would then imply the use of indicators that provide synthetic and action-oriented knowledge. The actual status of a water system would then be interpreted as an indicator of the distance between the current state and the desired “good status”. In reality, however, indicators have not been used as synthetic knowledge instruments, but as analytic instruments to initiate or continue specific policy measures. Moreover, as long as the water bodies in different Member-States are monitored using a variety of indicators, it remains difficult to obtain a consistent picture of the status of European water bodies as a whole.

A specific issue that was discussed in the light of systemic thinking concerned the “one-out all-out” principle. Round table participants observed that the “one-out all-out” principle can lead to misleading results. This criterion provides a strict classification system leading to a final binary result (good or bad) which does not allow to properly distinguish different quality statuses close to the good environmental quality.

Therefore, the principle could conceal an actual progress and/or a relatively good status. Furthermore, the “one-out all-out” principle, even when it generates a correct appreciation of

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13 In practice, the majority of the Member States seems to have designed monitoring programmes that focused “on the monitoring of individual structural parameters, on the assumption that good quality of such elements corresponds to good functioning of ecosystems”. Programmes of action that built on these monitoring endeavours, tended to concentrate on symptoms, rather than on “the causes of water degradation”. Consequently, “in 21 of 27 Member States there were no clear links between pressures and programmes of measures, and in 23 out of 27 Member States, the gap analysis had not been effectively implemented for the development of appropriate and costeffective measures. Quotations from VOULVOULIS, N., ARPON, K.D., GIAKOUMIS, T. (2017), The EU Water Framework Directive: From great expectations to problems with implementation, Science of the Total Environment 575 (2017) 358-366.
the status of a water body, may lead to a focus on symptoms and lead policies and measures away from drivers and pressures. Here as well, some participants drew some analogies with public health policy and with individual medical treatment.\textsuperscript{14}

The participants concluded that the “one-out all-out” principle should be preserved as a scientific principle and fundamental element of the WFD. Nevertheless, the way in which the monitoring that stems from the “one-out all-out” principle is communicated could be changed in order to encourage decision makers and economic actors – the driving forces – to act in the right direction. “\textit{Now, we are too narrow-minded... we focus on Good Environmental Status alone.}” After all, water systems and water resources are shared assets – and shared risks. By introducing broader participation, linking economic aspects and a systemic approach, it will be easier to turn political mechanisms and lobbying activities into forces that are helpful for the successful implementation of the WFD and the recovery of freshwater ecosystems.

4.2. Recommendations

\textbullet \hspace{0.5cm} \textbf{Use indicators as systemic knowledge instruments}

Based on the outcomes of the round table session the EEAC Working Group on Fresh Water Affairs recommends considering the role of indicators in establishing whether the “\textit{Good Environmental Status}” is within reach. In the context of the WFD, indicators should not in the first place be used as analytic instruments, i.e. to initiate or continue specific policy measures. Instead, indicators should be developed as systemic knowledge instruments. Such an approach requires the ability to deal with increased complexity as well as the ability to construe the data available in an integrated and systemic manner.

\textbullet \hspace{0.5cm} \textbf{Ensure multi-pressure assessment to support a systemic approach}

The EEAC Working Group considers that a systemic approach would be served by the introduction of proper multi-pressure assessments. If indicators reveal that a water body does not have “\textit{Good Environmental Status}”, the main drivers of the problem should be identified by means of multi-pressure assessments.

\textbullet \hspace{0.5cm} \textbf{Enhance a systemic approach to raise public awareness of water issues}

The systemic approach of the WFD, based on policy integration, remains very important. The approach and its advantages are however poorly understood outside the water community and more needs to be done to “sell” it, e.g. through “ambassadors” who can bridge the gap between basin organizations and national, regional and local territorial and sectoral authorities. Generally, people should gain awareness of the functioning of the “greater system”. Policy initiatives should not merely be aimed at investing in “water”, but also clearly

\textsuperscript{14} The questions were: “\textit{When can one say someone has caught the flu?}” … “\textit{is high fever a sufficient indication, and absence of fever a sufficient indication of absence of the flu?}”; further: “\textit{Why does someone get the flu? Because a mild epidemic is going around or because one is weakened?}”
aim at improving different domains which are all interconnected (agriculture, health, transport, etc.) and will benefit society as a whole.

- **Look for synergies between various water policies**

Issues such as water scarcity and flooding – and their related Directives – should also be included in a systemic approach. If synergies could be found, this would not only benefit the technical implementation of the WFD but would also help to further strengthen a positive attitude on the part of the general public, since these issues have a direct impact on people’s lives.

5. **Future of the Water Framework Directive**

The round table session the EEAC Working Group on Fresh Water Affairs has in essence focused on the implementation of the WFD, and not directly on the qualities or the fitness of the WFD itself. The discussion of the round table identified some plausible causes for the partial failure of implementation of the WFD. These causes were generally not due to the directive itself – the difficulty for properly implementing it doesn’t mean it is a bad directive.

Nevertheless, the discussion of the round table generated some clarity in relation to the future fitness check itself. The Working Group identifies three possible lines of action to be taken by the European Commission with regard to the future of the WFD, as three possible outcomes of the fitness check: (1) the fitness check demonstrates that the WFD serves its purpose in its current form, but that the guidance and support for implementation needs improvement – in retrospect, this has been more or less the line of the discussion of the roundtable; 2) the fitness check identifies several issues that need to be addressed within the directive, in order to improve the pace of implementation – some of the recommendations above could be interpreted in that fashion; 3) a full revision of the Directive is to be performed based on the fitness check, because the implementation thereof is proven to be structurally impossible – this was not the approach of the roundtable discussion.

Whichever path is taken, the EEAC Working Group on Fresh Water Affairs assumes that any serious changes would only affect the WFD after the start of the third six-year implementation term, i.e. after 2020. In the first place, it is unclear whether a new Commissioner (i.e. after 2019) would initiate changes with regard to the WFD in the near future. Even if a newly appointed commissioner would initiate such changes in the short term, these could only be implemented after the start of the third RBMP cycle in 2020. This means that a revision of the Directive would only be carried out after the presentation of the third generation of RBMPs. Moreover, if proposals for changes to the WFD were to be launched earlier, this could incentivize Member States to “kick the can further into the future”

Finally, it remains unclear whether a failure on the part of Member States to achieve “Good Environmental Status” would lead to court cases and infringement procedures. The round-
table participants consider it unlikely that such legal action would be undertaken before 2027. How the Commission will respond to a situation, in 2027, where a hypothetical significant number of Member-States would have not reached the desired good status for their water bodies, remains a matter for debate.
Appendix A: List of participants.

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<tr>
<th>Name</th>
<th>Organization</th>
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<tr>
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<td>Food &amp; Water Europe</td>
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<td>BULLA, Miklos</td>
<td>OKT (Hungary)</td>
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<td>CHIARETTI, Carla</td>
<td>EurEau</td>
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<td>CLAEYS, Christophe</td>
<td>VVSG (Flemish Cities &amp; Communities)</td>
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<td>Comas Lamarca, Eulalia</td>
<td>CADS (Catalunya)</td>
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<td>De Vries, Michiel</td>
<td>EEAC Network</td>
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<td>Dhot, Neil</td>
<td>Aquafed</td>
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<td>GAMMELTOFT, Peter</td>
<td>EWA</td>
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<td>GOJKOVIC, Jovana</td>
<td>Aqua Publica Europea</td>
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<td>HALET, Dirk</td>
<td>VLAKWA (Flemish water R &amp; D)</td>
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<td>IBANEZ, Carles (dr.)</td>
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<td>EurAqua</td>
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<td>Lootens, Frederik</td>
<td>De Watergroep (Flemish water provisors)</td>
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<td>MOROZ, Sergiy</td>
<td>EEB</td>
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