

Aggerverband ▪ Bergisch-Rheinischer Wasserverband
Erftverband ▪ Emschergenossenschaft ▪ Linksniederrheinische
Entwässerungs-Genossenschaft ▪ Lippeverband ▪ Niersverband
Wasserverband Eifel-Rur ▪ Ruhrverband ▪ Wupperverband



Arbeitsgemeinschaft der
Wasserwirtschaftsverbände
in Nordrhein-Westfalen

**agw-Position paper
on the EU Commission's
„Fitness Check on Freshwater Policy“
under the „Blueprint to safeguard
Europe's waters“**

**Directorate General for the Environment,
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The Water Board Association (**agw**) in the German State of Northrhine Westfalia (NRW) comprises the regional water boards: Aggerverband, Bergisch-Rheinischer-Wasserverband, Emscher-Genossenschaft, Erftverband, LINEG, Lippeverband, Niersverband, Ruhrverband, Wasserverband Eifel-Rur and Wupperverband. We operate on the principle of 'open responsibility for public water management'. As members of the **agw**, we are responsible for water management in an area covering almost two thirds of the NRW region, in which we operate 310 water treatment plants to serve approximately 19 million inhabitants. We also manage 29 dams and a river network of 17,700 kilometres.

The Water Board Association welcomes the EU Commission's initiatives "Blueprint to safeguard Europe's Waters" and the consultation process "Fitness Check on Freshwater Policy". We would like to make the following comments in relation to these initiatives:

Preliminary Note:

European water regulation strives to achieve universal standard of living, also with regard to water quality and environmental conservation, throughout the European Union. Once again, we greatly welcome these initiatives. Directives, such as the Communal Waste Water Directive and the Drinking Water Directive, were successful and enabled us to move a considerable step closer to achieving this defined objective.

We are optimistic that the Water Framework Directive on environmental quality standards for water policy, and the Flood Risk Management Directive will have a similarly positive effect. However, we have identified certain weaknesses in the Directives which effectively result in the policy becoming either non-sustainable and/or not possible to implement throughout all EU Member States. It seems particularly challenging to strike a balance between identifying the requirements applicable to all Member States and finding the necessary financial means to subsidise the measures needed to meet those requirements. In our opinion, these are the reasons for this problem:

Implementation varies throughout the Member States

Member States are granted a certain leeway to implement various Directives causing a divergence in the needs among water management stakeholders. This has resulted in uneven development in water quality and the overall resource management situation. A clear example is the Water Framework Directive and the recommended adherence to the cost covering principle for performing water management services. There is also the issue of water used for agricultural irrigation. The Fitness Check revealed water scarcity to be particularly extreme in some of the Member States. This clearly demonstrates that the Framework Directive's intention to better-manage agricultural water usage, for e.g. irrigation, was not universally observed and hence a sustainable water resource policy was not possible. The Communal Waste Water Directive provides a further example. The Member States' different approach to managing sensitive areas, for instance a favoured protection

of the North and Baltic Seas, means that we are observing a North-South divide in terms of sewage treatment standards.

Coherence

We would like to draw particular attention to coherence of measures in various Directives. We see significant inconsistencies especially regarding agricultural water usage with respect to the guidelines governing the use of pesticides in the Nitrate and the Drinking Water Directives as well as the Directive on environmental quality standards for water policy. We are also unable to identify coherence between the Groundwater Directive and in particular to Art. 7 of the Water Framework Directive. The guidelines for nitrate and pesticide content in the Drinking Water Directive are insufficient. They hardly address the contribution of agricultural waste affecting drinking water. Furthermore, the increased cultivation of energy crops is completely excluded from regulation. In our view, this calls for urgent action, also by the EU.

Effectiveness

The issues of drought and water scarcity, as well as appropriate strategies to address climate change, mean very different things in terms of water management and have varying degrees of relevance throughout the European Member States. We therefore see no need for EU-wide regulations to address this issue, which is best-regulated by Regional level competencies.

Even omission of community regulations can influence development in the EU Member States. The non-regulation of the so-called 'small IPPC' - i.e. the often indirect discharge of waste water from small businesses and industry into the public sewage system - resulted in the distortion of competition in environmental policy between Member States following the passing of the Water Framework Directive.

We request that the European Commission considers our comments in the course of this consultation.

General Comments on the Questionnaire

Generally, we would like to question the point of conducting the questionnaire. We find it regrettable that this tool is being used again in 2011 despite the poor response rate to the first survey. The response options are very limited and do not enable the depth of response needed to answer the complex questions. We have, however, agreed to complete the questionnaire and attempted to deliver comprehensive answers, and to clarify and supplement the insufficient response options by means of these comments. We also feel that it is outdated to use online surveys when the documents cannot be archived digitally in the process. Even a printout of the document proves to be insufficient as the 'dots' marked on the digital version are not visible on the print version.