

The Water Framework Directive: Many Questions, Few Answers

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On 13 and 14 May 2004, an international conference on the implications of the EU Water Framework Directive (WFD) for the management of coastal waters, in particular the Wadden Sea, was held in Leeuwarden, the Netherlands. The conference was organized by the Dutch Wadden Sea Council ("Raad voor de Wadden"), which is an independent advisory body to the government. Many participants of the conference will have returned home with more questions than answers, underlining the many (often still unresolved) problems in the implementation of this Directive.

The main issues discussed were (1) the classification of the Wadden Sea as a natural water body or as heavily modified water body, (2) the economic implications of the Directive and possibilities for derogation, (3) the procedure for inferring reference values and, finally, (4) the coordination of the WFD within the international Wadden Sea.

Wadden Sea: natural water body or heavily modified?

In her introductory speech, the Dutch State Secretary of the Ministry of Transport, Public Works and Water Management, Ms. Schultz van Haegen, stated that the Wadden Sea should be classified as a heavily modified water body. Such was also favoured by Mr. van der Kluit, director general of the Dutch Association of Water Boards. He argued that by doing so a much better coordination with inland water management would be possible. In the course of the conference, however, it remained largely obscure what the likely consequences of designating the Wadden Sea as either a natural or a heavily modified water body were.

Economic implications

An introduction to the possible economic impacts of the WFD was given by Mr. Strosser, former economist of the DG-Environment, who had been actively involved in the making of the Directive.

He touched upon the subject of 'disproportionate costs' which may, according to the Directive, give room for the setting of lower targets (derogation). He indicated that it might be wise to implement the WFD in such a way that there would be maximum room for manoeuvring.

Economic problems as a result of the implementation of the WFD were expected by Mr. Henries, director of the German Wasserverbandstag,

who underlined the poor financial situation of most German federal states.

Assessing ecological quality

Mr. Proudfoot of the Environment Agency for England and Wales presented a sophisticated methodology for assessing the ecological quality of coastal and transitional waters. According to the time frame for the implementation of the WFD, all member states must prepare a quality assessment of their waters by the end of 2004.

During the sub-group session on this issue, the poor transparency of the methodology applied in the WFD, especially with regard to the inference of reference values for biological quality elements, was heavily criticized. Also the lacking of functional ecosystem parameters in the assessment was commented.

Coordination across the Wadden Sea

A central theme in the conference was the coordination of the implementation of the WFD for the international Wadden Sea. Mrs. Freriks, associate professor in European and Environmental Law, wondered whether the WFD was tailored to coastal regions. She stated that the current approach, according to which the international Wadden Sea is split up over at least six river basin districts, is not based on ecological coherence and is in conflict with several trilateral agreements.

Mrs. Freriks made a plea for an integrated implementation of the WFD, the Habitat and the Bird Directives and considered the relationship between these Directives as a key opportunity for establishing the trilateral cooperation as the central focus for ensuring consistency and harmonisation within the Wadden Sea.

The proceedings of the conference will be published soon by the Wadden Sea Council (see: www.waddenadviesraad.nl). On the basis of the outcome of the conference the Council will prepare an advice to the responsible Dutch ministers. The option of preparing an advice for the 10th Governmental Wadden Sea Conference (November 2005) will be discussed in the Council after next summer.

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