



EUROPEAN COMMISSION

Brussels, 15.11.2019  
SEC(2019) 438 final

**REGULATORY SCRUTINY BOARD OPINION**

**FITNESS CHECK**  
*of the*

**Water Framework Directive, Groundwater Directive, Environmental Quality Standards Directive and Floods Directive**

**Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for the Community action in the field of water policy**

**Directive 2006/118/EC of the European Parliament and of the Council on the protection of groundwater against pollution and deterioration**

**Directive 2008/105/EC of the European Parliament and of the Council on environmental quality standards in the field of water policy, amending and subsequently repealing Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC of the European Parliament and of the Council**

**Directive 2007/60/EC on the assessment and management of flood risks**

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EUROPEAN COMMISSION  
Regulatory Scrutiny Board

Brussels, 15/11/2019  
SG.A2/FH

## **Opinion**

**Title: Fitness Check of the Water Framework and Floods Directives**

**Overall 2<sup>nd</sup> opinion: POSITIVE**

### **(A) Policy context**

Clean water is an international public good, as river basins and watersheds span borders. For these reasons, there is a role for EU policy to manage the quality of surface water and groundwater, and to control certain flood risks. An EU framework for water quality came into force in 2000, replacing a number of earlier directives. The European Environment Agency regularly reports on the state of water. Public interest in water issues recently led to a Citizens' Initiative that collected close to two million signatures.

This fitness check responds to legal requirements to review Europe-wide measures to improve the quality of freshwater resources, including groundwater quality standards and measures to reduce pollution. EU directives oblige Member States to draw up River Basin Management Plans and Programmes of Measures every six years. The 2007 Flood Directive aims to reduce flood damage by assessing and managing flood risk.

### **(B) Summary of findings**

**The Board notes extensive revisions to the report that have greatly improved its quality.**

**The Board gives a positive opinion. The Board also considers that the report could be further improved with respect to the following aspects:**

- (1) The report does not discuss whether Member States tend to have the same implementation problems or different ones.**
- (2) The report does not comprehensively assess the administrative burden of the various elements of the Water Framework Directive.**
- (3) The fitness check does not explain why the (self-) financing model of the Water Framework Directive had only limited success in solving funding problems.**

This opinion concerns a draft fitness check which may differ from the final version.

### **(C) What to improve**

- (1) The report should analyse why the implementation of various elements is so mixed across Member States, i.e., whether Member States struggle with the same or different problems. For example, is there more political will in some Member States to implement the provisions on cost recovery and water pricing, or do they simply face fewer practical obstacles? The report should not advocate for a more uniform approach unless it can show that the variation across countries stems from something else besides different local situations.
- (2) Many elements of the Water Framework Directive produce an administrative burden, for example, maintaining cross-border governance structures, drawing up plans, assessing pressures and impacts, doing economic analysis on water uses, doing monitoring and reporting, etc. The report should analyse systematically where the burden is disproportionate and the analysis could be simplified.
- (3) The conclusion on the extent to which the Water Framework Directive was able to address deterioration of water quality needs to be consistent across the report, including in the executive summary.
- (4) The report should be shortened. It is still very long. Readability would be improved with less bold type. A greater effort to make the executive summary simpler and more understandable would help communication of the results of the evaluation.

### **(D) Conclusion**

**The DG should take these recommendations into account before launching the interservice consultation.**

Full title	Fitness Check of the Water Framework and Floods Directive
Reference number	PLAN/2017/1661
Submitted to RSB on	21 October 2019
Date of RSB meeting	Written procedure



Brussels, 19/07/2019  
SG.A2/FH

## **Opinion**

**Title: Fitness Check of the Water Framework and Floods Directives**

**Overall opinion: NEGATIVE**

### **(A) Context**

Clean water is an international public good, as river basins and watersheds span borders. For these reasons, there is a role for EU policy to manage the quality of surface water and groundwater, and to control certain flood risks. An EU framework for water quality came into force in 2000, replacing a number of earlier directives. The European Environment Agency regularly reports on the state of water. Public interest in water issues recently led to a Citizens' Initiative that collected close to two million signatures.

This fitness check responds to legal requirements to review Europe-wide measures to improve the quality of freshwater resources, including groundwater quality standards and measures to reduce pollution. EU directives oblige Member States to draw up River Basin Management Plans and Programmes of Measures every six years. The 2007 Flood Directive aims to reduce flood damage by assessing and managing flood risk.

### **(B) Main considerations**

**The Board acknowledges the wide scope of the Water Framework Directive, and that it takes time for measures on water quality and quantity to take effect.**

**However, the Board considers that the report contains important shortcomings with respect to the following issues:**

- (1) The report does not clearly set out the objectives of the Water Framework Directive. It does not objectively assess the success of the Directive against these.**
- (2) The report does not adequately examine why the objective to achieve good environmental status in 2015 was missed.**
- (3) The report does not sufficiently assess the effectiveness and room for simplification of the planning and monitoring processes set up under the Directives.**

**Against this background, the Board gives a negative opinion. The Board considers that in its present form this report does not sufficiently respond to the mandate of the fitness check.**

**(C) Further considerations and adjustment requirements**

(1) The report should not give the objective of halting deterioration of water quality more weight than the other objectives of the Water Framework Directive, in particular, achieving good environmental status by 2015. Especially in the conclusions and the executive summary, the report should objectively describe which objectives were largely met (for example, setting up a monitoring system, drafting cross-border plans for river basins, halting deterioration) and which objectives were not or only partially met (for example, implementing the most cost-efficient measures, triggering additional investments, achieving good environmental status).

(2) The report should analyse why the target date of achieving good environmental status in 2015 was missed. It could more clearly explain that it takes time before measures show their full effect, so that in hindsight the target may have been unrealistic. In order to manage expectations for the future, the report should discuss to what extent current measures are on track to achieve good environmental status by 2027. The report should also explain how the impact of the Water Framework Directive depends on the implementation of other legislation, for example on agriculture.

(3) The report treats putting in place a system for monitoring, reporting and drafting plans as an end, and hence a success, in itself. The report should further discuss which of the mandatory River Basin and Flood Risk management plans appear to have delivered effective measures to achieve better water quality and quantity and decrease flood risk. The evaluation should report on any obstacles identified. It should explain what was missing in implementation to achieve the plans' objectives.

(4) The evaluation should explain why the (self-) financing model of the Water Framework Directive had only limited success in solving funding problems.

(5) The report should describe the problems that individual Member States face and discuss the reasons for these problems. Graphs and maps would also help to present the situation. The narrative could explain that Member States had the freedom to decide how to achieve better water quality and quantity. Based on the collected evidence, the report should draw operational conclusions on the deficiencies that would need to be tackled to achieve good water quality and quantity.

(6) The efficiency analysis should discuss whether it is possible to simplify rules and reduce burdens without compromising the objectives. It should also discuss the proportionality of the administrative burden for (regional and local) authorities.

(7) Given that the bulk of the responses of the public consultation were part of a campaign, it is particularly important not to aggregate across responses and to better indicate what is known about the views of different stakeholder groups.

(8) The report could be substantially shortened.

**(D) RSB scrutiny process**

**The Board advises the DG not to launch the interservice consultation before**

**substantially revising the report.**

**The DG may resubmit to the Board a revised version of this report.**

Full title	Fitness Check of the Water Framework and Floods Directive
Reference number	PLAN/2017/1661
Date of RSB meeting	17 July 2019