



EU Water Policy
*Making the Water Framework
Directive work*

**THE QUALITY OF NATIONAL
TRANSPOSITION AND IMPLEMENTATION**

- A SNAPSHOT -

Results of an NGO Questionnaire by the
European Environmental Bureau

May 2004

TABLE OF CONTENTS

FOREWORD AND INTRODUCTION	3
CHAPTER 1: ASSESSMENT BASIS	4
1. ASSESSMENT BASIS	4
2. WAS THE WFD TRANSPOSED IN TIME?	5
CHAPTER 2: QUALITY OF TRANSPOSITION.....	6
1. THE 2015 OBJECTIVE.....	6
2. PREVENTION OF DETERIORATION	7
3. DEADLINES.....	8
4. ADMINISTRATIVE ARRANGEMENTS/INTEGRATION.....	9
5. PUBLIC PARTICIPATION.....	10
6. OVERALL RESULTS FOR QUALITY OF TRANSPOSITION.....	11
CHAPTER 3: QUALITY OF IMPLEMENTATION	12
1. PUBLIC PARTICIPATION (PP)	12
2. IDENTIFICATION OF WATER BODIES	13
3. PRESSURES AND IMPACT ANALYSIS AND ECONOMIC ANALYSIS.....	13
4. INTERCALIBRATION EXERCISE.....	13
CHAPTER 4: CONCLUSION	14

FOREWORD AND INTRODUCTION

Since 1997, the EEB has been closely following the development and implementation of Europe's new water policy, the Water Framework Directive (WFD). The EEB believes that the WFD provides a very important and holistic ecological objective for all freshwater sources. It requires the use of administrative and policy tools, such as river basin planning and water pricing in order to achieve the objectives. Since these objectives still need to be established in quantitative terms, however, the WFD remains rather open-ended. Therefore, transposition and implementation are critical in determining the final protection level.

The EEB has already explained the workings of the WFD in several publications. It has established demands to help make the WFD effective, and has assessed actions taken by the EU to help with its harmonised implementation.¹

But a mere analysis of Brussels-led activities in this area would be too one-sided. Increasingly, national and regional activities deserve careful scrutiny in order to understand how the WFD is evolving. For several reasons, 2004 will be a crucial year in this regard:

- Transposition laws in Countries have been finalised, or are in process.
- The characteristics of river basins, including pressures and impacts, and the economics of water usage must be analysed, and the risks of failing to meet the 2015 objectives must be assessed.
- Public participation should be advanced to ensure active involvement of interested parties.

Initial feedback has shown that different national and regional governments and authorities have chosen very different approaches. The first consideration is the quality and appropriateness of the national laws transposing the WFD. If these are flawed, the risk of faulty implementation, legal challenges and massive delays in protecting the aquatic environment increases. Transparency, communication and public involvement in the first implementation steps are sometimes claimed as impossible or unnecessary by authorities due to a perceived purely technical character of those decisions. But often these decisions have a strong political dimension. And finally many of the important activities required by the WFD in 2004 will also have important economic consequences.

In some cases, the preliminary results have been presented as threats to economic prosperity. In others, these have been interpreted as opportunities to improve water management and move towards sustainable development. Therefore, the EEB has decided to try an indicative assessment of, first, the quality of the transposition laws, and, second, of the quality of the implementation of selected elements. In January 2004, the EEB sent a questionnaire to its members and collected 22 replies from 17 countries. This report describes the most important results of the questionnaire.

This report is based on information obtained from NGOs, who have expressed their views and made their judgement about the situation in their countries of the transposition and implementation of the WFD as part of their questionnaire answers. These may or may not be based on careful legal analysis of the transposition laws or draft laws, conversations with officials, or information from other sources. Therefore, this report is based on soft evidence and is not intended to be conclusive, but rather provides an indication of the general progress that has been made in these areas.

I would like to thank the EEB Members and the WWF water network for their support. I would especially like to thank Karel van den Wijngaard, both for evaluating the responses and for writing this report.

Stefan Scheuer, EEB Policy Officer

¹ <http://www.eeb.org/publication/general.htm>

'Tips and Tricks' for Water Framework Directive implementation, EEB and WWF, March 2004

An Assessment of Actions taken by the EU to implement the Water Framework Directive, EEB May 2003

Making the WFD Work – Ten actions for implementing a better European water policy, EEB, July 2001

Handbook on EU Water Policy under the Water Framework Directive, EEB, January 2001

CHAPTER 1: ASSESSMENT BASIS

1. Assessment Basis

Twenty-two NGOs from the EEB Membership and the WWF water network participated in the questionnaire covering the following 17 countries:

- **EU Member States:** Austria (AUT), Belgium (BE), Germany (DE), Denmark (DK), Estonia (EE), Greece (EL), Spain (ES), France (FR), Ireland (IE), Italy (IT), Netherlands (NL), Portugal (PT), Sweden (SE), United Kingdom (UK)
- **EU Applicants:** Bulgaria (BUL), Romania (ROM)
- **European Economic Area Member State:** Norway (NOR)

Table 1 shows the countries from which the answering NGOs originate and the information the NGOs used for their answers.

Table 1: responding countries and information used

COUNTRY	INFORMATION USED FOR ANSWERS				Transposition laws partly or fully adopted by April 2004
	Draft law	Law	Other official documents	Other info (e.g. meetings, conversations)	
AUT		X	X	X	X
DK		X			X
EL		X		X	X
ES	X	X		X	X
FR	X	X			X
IE	X	X	X	X	X
SE		X		X	X
UK		X			X
BE (Flanders)	X	X	X	X	X ¹
DE (federal)		X	X	X	X ²
EE	X				
IT	N/A				
NL	X		X	X	
PT	X				
BUL			X		
ROM			X	X	
NOR			X	X	

The table shows that only in eight countries responses to the questionnaire are based on official laws. In BE a complete regional law and in DE the incomplete federal law and some draft and final regional laws were used. The rest are based draft laws or other source of information. The reason for this discrepancy is that not all countries have yet transposed the WFD into national legislation. (The next part of this chapter covers this in more detail.)

¹ Only the Flemish Region has transposed

² Transposition is competence of the Regions, federal law is therefore rather meaningless

2. Was the WFD transposed in time?

The transposition of the WFD into national law should have been completed by 22 December 2003.

Eight Countries have transposed the WFD so far¹. Of these, six met the December 2003 deadline². Six other Countries have yet to transpose the WFD^{3,4}. Of these six, Estonia had time until the first of May 2004. Some countries were not covered by the questionnaire, but according to information from the European Commission Finland and Luxembourg did not transpose the WFD.

The two Accession Countries involved in this questionnaire, Bulgaria and Romania, have not yet transposed the WFD, and at the moment are not obliged to do so. Romania has, however, stated its intention to do so this year.

Norway is obliged to transpose the WFD only after it is included in the EEA agreement⁵, which is likely to happen at the end of 2004. Nevertheless Norway has actively participated in the European Common WFD Implementation Strategy and has stated its commitment to implement the WFD.

Result:

Two-thirds of Countries did not transpose the WFD in time (BE, DE, FI, FR, IT, LU, NL, PT, SE).

¹ AUT, DK, EL, ES, FR, IE, SE, UK

² AUT, DK, EL, ES, IE, UK

³ BE, DE, EE, IT, NL, PT

⁴ BE and DE are special cases. In Belgium, Flanders has transposed the WFD, while Wallonia has not. In Germany, all states (Länder) are required to transpose the WFD individually. So far, four of the 16 German states have done so. (NB: The federal government transposes some general elements of the WFD; e.g. the designation of river basins.)

⁵ European Economic Area Agreement; this enables Norway to participate in the internal EU market, as long as it implements all relevant EU legislation and policies. The WFD should have been already included EEA agreement, but due to difficulties with Iceland this has been delayed. Despite of this delay WFD deadlines will not be affected.

CHAPTER 2: QUALITY OF TRANSPOSITION

1. The 2015 objective

The WFD's general objective is to guarantee that by 2015, all water sources comply with agreed standards. The EEB believes that national laws implementing the WFD should establish this objective in an appropriate and legally binding way.

*"Is the **general WFD objective** to achieve "good ecological status" by 2015 clearly stated in the national law?"*

Of the eight countries, which have already transposed the WFD:

- Four seem to state the objective in the transposition legislation (AUT, DK, FR, SE).
- Three do not state the general objective clearly in the national law (EL, IE, UK). For instance, the UK law does not establish the objective per se, but rather refers to the programme of measures. This appears as an inadequate method for establishing the overall objective.
- Spain states the general objective, but mixes it with a different water supply management objective.

Of the six Countries that are still undergoing the transposition process:

- The Flemish regional law in Belgium and the German federal law do state the general objective.
- Two Countries (EE and PT) do not seem to intend to state the objective in the transposition law (e.g. in draft versions of the law).
- The Dutch draft law makes a reference to WFD Article 4, but in a rather ambiguous way.

Of the Accession Countries, Bulgaria is setting the general objective in the River Basin Management Plans (RBMPs), which does not seem to be legally binding. Romania is planning to transpose the general objective in 2007 into national law.

Norway has no draft law yet, and has not yet offered any clear timeframe for doing so.

Result:

Half of all countries do not (or might not) state the general objective in an appropriate in the transposition law (EE, EL, ES, IE, PT, UK).

Two countries have chosen RBMPs as a starting point for establishing the general objective (BUL, UK).

Good ecological status is the most important objective of the WFD. It is bizarre that so few countries consider it as necessary to state this objective in a clear, legally binding way as part of their transposition legislation. Some countries seem to intend using river basin management plans to establish the objective, which could be a way to increase the room for manoeuvre.

2. Prevention of deterioration

A basic and essential obligation under the WFD is to prevent any further deterioration of the status of water bodies. This obligation is the first measure to ensure a standstill, to not let things get worse, and avoid the repetition of mistakes of the past. The EEB believes that this crucial objective and obligation should be clearly established within the national legislation of all countries with accompanying measures.

*“How is the obligation to **prevent the deterioration of status** formulated in the national law? Are interim measures introduced in the relevant (draft) national legislation to prevent further deterioration of the status of water bodies from now to the end of 2012 when the programme of measures must be operational?”*

Of the eight countries which have already officially transposed the WFD:

- Three mention it, but do not introduce interim measures (AUT, ES, FR).
- Three do not mention an obligation in the national law to prevent deterioration (DK, EL, SE).
- The UK maintains that it already has a ‘non-deterioration’ policy in place. The British government is not introducing interim measures.
- In Ireland, the government claims that the national law prohibits any such deterioration, but the wording of the actual legislation is rather vague.

Of the six countries that are still in the transposition process:

- In the Belgian region of Flanders, the prevention of deterioration has entered into force with the publication of the transposition law.
- The German federal law has a general clause concerning this obligation, but there is a tendency to postpone enacting any definite measures until the River Basin Analysis is completed.
- In the Netherlands, this ‘no-deterioration’ obligation is already stated in the national Environmental Law, but it is unclear whether specific measures are in place.
- Portugal will be mentioning the ‘no-deterioration’ obligation in their legislation, but no specific measures have been proposed.
- Estonia does not appear to mention this obligation in its draft law.

The two Accession Countries seem to attempt a clear stating of the obligation within their national legislation, together with the formulation of appropriate measures. But, as the Romanian NGO that responded to the questionnaire stated, enforcement of these measures will be ‘problematic’.

The Norwegian authorities indicated that the future official transposition would not make any clear and binding reference to the no-deterioration obligation, although current legislation seems to contain no such obligation. No interim measures are being officially considered.

Result:

Six countries do not (or might not) clearly state the obligation to prevent deterioration of water status (EE, EL, DK, IE, NO, SE)

No countries provide specifically for appropriate interim measures.

These are poor results. Prevention of deterioration must be seen as a critical component in fulfilling the general objectives of the WFD.

3. Deadlines

The WFD contains deadlines for the subsequent steps in which it should be implemented. Any and all national laws should transpose these deadlines.

*“Are all the **deadlines** of the WFD explicitly repeated in the national law?”*

Of the eight countries, which have already officially transposed the WFD:

- Six have all the deadlines repeated in the national law (AUT, DK, FR, IE, SE, UK).
- Two don't repeat all deadlines (EL, ES).

Of the countries that are still undergoing the transposition process:

- In Belgium, the Flemish law does contain all the deadlines of the WFD.
- In Germany, it depends on the states; the deadlines have to be transposed by each of the German states individually. Responses to the questionnaire do not contain much information on current developments in this area.
- It seems that PT and EE will not have all the deadlines repeated.
- For all other Countries, the situation in this area is unclear.

For the Accession Countries, no indication how the deadlines will be put into national law is available.

Norway is committed to transpose and implement the WFD but has huge delays, which would make it nearly impossible to keep to the WFD deadlines – even in the transposition laws.

Result:

More than one-third of responding countries do not (or might not) repeat WFD deadlines explicitly in national law (EE, EL, ES, NO, PT)

The difficulty of transposing something as apparently clear-cut as deadlines is perhaps indicative of future problems. If it is too hard to put deadlines into law, then implementation looks likely to be even more difficult.

4. Administrative arrangements/integration

The WFD states that Member States have to establish competent authorities for all river basin districts.

*In which way are **competent authorities** established (ie, one or several per river basin district, or one for the whole country)? What competencies do these authorities have (ie, do their powers include land use planning, navigation, hydropower, habitat protection, taxation, water pricing, etc)?*

Of the eight countries, which have already officially transposed the WFD:

- Two countries have established **clear authorities competent for river basin districts** (ES and FR). Spain seems to have authorities with competencies, including navigation, hydropower and water pricing, but excluding coastal management and nature conservation. But integration of competencies in Spain is judged as being insufficient. In France, the current situation is unclear.
- Two countries have **reformed** (Sweden) or are **about to reform** (Denmark) their relevant administrations. In Sweden, five new river basin district authorities have been created, but their competencies have yet to be clearly determined. In Denmark, so far counties remain the competent authorities.
- The UK follows a rather **centralist model**, with one competent authority for England and Wales, and another for Scotland. Competencies are limited and do not cover land use planning, hydropower, habitat protection, taxation or water pricing.
- Two countries (Greece and Ireland) have established a **co-ordination** between national and regional authorities. In Greece the responsibilities of the several authorities dealing with water management are not clear and overlap in some cases. That does not seem to ensure proper cooperation between authorities.
- To date, Austria seems to have **failed to establish** competent authorities.

Of the countries that are still undergoing the transposition process:

- Two countries (Belgium and Portugal) seem to rely on co-ordination between several administrations.
- Germany will have massive problems to ensure appropriate co-ordination between its different states. The situation remains unclear, but no new authority is currently being planned.
- Estonia maintains RBMP in the hands of county-level environmental services.

The two Accession Countries, follow a central model, with the competent authority being the national ministries. Additionally Romania has established competent river basin committees.

Result:

Only four countries have established competent authorities for each river basin district (FR, ES, ROM, SE).

Half of all responding countries have in one form or another established coordinated competencies, involving several different authorities (BE, DE, EE, EL, IE, PT).

Two countries (UK and BUL) rely on a more centralised administrative model.

It is a missed chance that most countries have not established one authority per river basin, and/or have not reorganised competencies in order to ensure integrated water management. This would have made the implementation of the WFD much more effective and success more likely.

5. Public Participation

Under Article 14 of the WFD, governments should promote public participation in the process of implementing the WFD, especially in developing RBMPs. The national transposition laws should establish the right measures for doing so.

*What provisions are made for **access to information and public participation** in developing the River Basin Management Plans?*

Of the eight countries, which have already officially transposed the WFD:

- Six have provisions on access to information and consultation (AUT, DK, EL, IE, SE, UK) according to the WFD. But none of these seem to provide further tools to ensure active involvement in all implementation steps. Nevertheless in some countries, e.g. UK, other legal provisions might be in place applicable to the implementation of the WFD and encouraging the active involvement of all interested parties.
- In Greece, NGOs are represented via the National Water Council and the Regional Water Council, which are no appropriate instruments of active participation. Additionally, the structure that the water law provides will not ensure active public participation because responsibilities of each authority are not clear.
- Denmark mentions possible fees for handing out background documents.
- Spain has not yet included Article 14 provisions within its transposition legislation.

Of the countries that are still undergoing the transposition process:

Two seem to include the basic provisions of Article 14 WFD provisions (BE (Flanders) and EE). In Flanders there seems to be legal provisions in place applicable to the WFD implementation and encouraging active involvement of all interested parties.

One does not seem to do it (PT) and for the others no information is available (NL, DE, IT).

The two Accession Countries, have enacted some provisions, although Romania provides them only via RBMPs.

Result:

Most or all countries have done, or will fully transpose the WFD provisions described under Article 14.

No country seems to provide specific new rules or tools to ensure active involvement.

6. Overall results for quality of transposition

Table 2 shows the overall indicative result of this chapter, considering the quality of transposition of the WFD.

It should be remembered that only eight Member States have actually officially transposed the WFD so far (AUT, DK, EL, ES, FR, IE, SE, UK), and that the judgements made below are rather more indicative than conclusive or objective. Additionally "surrounding" legislation, e.g. existing national legal provisions for public participation applicable to the WFD implementation, has not been considered in this indicative rating. Also, the results may change in the future. Especially for Member States which still have not officially transposed the WFD; but also for the ones which have. For instance, it seems that the new Spanish government is planning to revise its national transposition law.

Table 2: Quality of the national transposition laws, draft laws or officially expressed intentions based on the responses to the EEB questionnaire

Country	Objective ☺ clearly stated ☹ ambiguous ☹ not stated	No-deterioration ☺ with interim measures ☹ no interim measures ☹ not stated or ambiguous	Deadlines ☺ all stated ☹ not all stated	Authority ☺ strong powers ☹ weak powers / coordination only ☹ not established	Participation ☺ with active involvement ☹ minimalist ☹ not in line with WFD / missing
<i>Countries with completed transposition</i>					
AUT	☺	☹	☺	☹	☹
DK	☺	☹	☺	☹	☹
EL	☹	☹	☹	☹	☹
ES	☹	☹	☹	☹	☹
FR	☺	☹	☺	☹	?
IE	☹	☹	☺	☹	☹
SE	☺	☹	☺	☹	☹
UK	☹	☹	☺	☹	☹
<i>Countries with partial transposition laws</i>					
BE(Fla.)	☺	☹	☺	☹	☹
DE(fed.)	☺	☹	?	☹	?
<i>Countries without transposition laws</i>					
EE	☹	☹	☹	☹	☹
IT	?	?	?	?	?
NL	☹	☹	☺	?	?
NOR	?	☹	☹	?	?
PT	☹	☹	☹	☹	☹
BUL	☹	☹	?	☹	☹
ROM	?	?	?	☹	☹

? = no information or not relevant

CHAPTER 3: QUALITY OF IMPLEMENTATION

Due to the very late (see chapter 1) and intransparent (see following paragraph) transposition and implementation of the WFD, the responses to our questionnaire are incomplete and do not allow us to establish a clear overall picture on the quality of the technical implementation of key issues in 2004 – especially those concerning river basin characterisations and intercalibration. Therefore, we have chosen to focus chiefly on the public participation aspects, and have only reported highlights regarding the quality of the technical implementation.

1. Public participation (PP)

Besides questions on provisions for PP and funding for NGOs, the questionnaire contained five questions about whether national authorities were actively informing NGOs about key WFD implementation processes. Have NGOs received information about: 1. transposition of WFD into national law; 2. delineation of bodies of water; 3. pressure and impact analysis; 4. economic analysis of water uses; 5. setting ecological standards (intercalibration exercise)?

Table 3 shows the general results of the responses to these questions. The figures in the right column show the percentages of countries in which NGOs have indeed received relevant information.

Table 3: Are national authorities actively informing NGOs?

Have you been informed about or involved in ...	YES by X % of covered countries
Transposition of WFD	53% (BE, DE, DK, EE, ES, FR, NL, PT, SE, UK)
Identification of water bodies	18% (DE, FR, SE)
Pressures & impacts analysis	29% (BE, DK, EE, FR, UK)
Economic analysis of water uses	35% (AU, DE, EE, ES, FR, UK)
Intercalibration exercise	6% (EE)

In some cases, the reason given for not providing information was that the transposition process has not yet started in earnest, and therefore there is not much to relate information about at present. When NGOs have been *actively asking* for information, increasing information is made available. Considering that governments *themselves* should be *actively promoting* PP, this seems a rather negative phenomenon.

Is there a possibility of receiving financial support for NGOs participating in the RBMP development?

In the majority of Countries, funding for NGOs is non-existent at the moment. There are four exceptions:

- In France, variable financial support can be provided from one river basin to another (but not enough in the opinion of the answering NGO).
- In Ireland, negotiations are ongoing to set up a financial support.
- In Germany, some project finance support is available, both at the national level and within some states.

In the Accession Countries, provisions for PP are described, but in practice these have not been realised. The tools to make it work are missing. Funding for NGOs is non-existent at the moment.

Result: The overall picture for PP, taking all the points mentioned in this paragraph into account, looks quite discouraging. PP is one of the pillars of the WFD, but apparently most national governments still do not take it very serious.

2. Identification of water bodies

Every Member State has to identify and delineate water bodies, which are the WFD's operational units. All surface and groundwater sources must be attributed to a water body. Possible problems relate to:

1. *the size of the water bodies, which could be used to hide environmental problems:* Some countries (e.g. AUT, BUL) use minimum sizes for the identification (e.g. 10km² for rivers and 0.5km² for lakes)
2. *exclusion of important riparian zones:* the Netherlands and Ireland seem to be including riparian zones in the delineation. In Belgium and Romania, this is **not** being done.
3. *extensive use of preliminary identification of heavily modified water bodies in order to lower environmental ambition:* The Netherlands seems to identify nearly all water bodies as heavily modified. In Sweden, the number of HMWBs may apparently also become very high.

3. Pressures and impact analysis and economic analysis

For every river basin, relevant pressures and impact, as well as economic analysis, must be finished by the end of 2004 and reported to the European Commission. Very poor feedback has been received. Denmark has postponed essential parts of the analysis to after 2004.

NGOs identify problems, such as:

1. *excluding certain type of pressures, water uses or wetlands:* France and Estonia are including wetlands in the analysis.
2. *lack of data:* In France, Belgium (Flanders), Denmark, and Sweden, monitoring programmes are being established to fill data gaps. In Estonia and Ireland, data gaps are not being filled sufficiently. Bulgaria seems to establish monitoring programmes, whereas in Romania, the filling of information gaps seems absolutely insufficient. In Norway, there are also no sufficient monitoring programmes.
3. *definition of water services:* In France and Spain, there is a list of water services for the economic analysis, which includes self-services. In Austria, there is a list of water services. In Belgium and Norway, there is no such list. There was one peculiar answer from Sweden, where it seems that hydroelectric power was excluded from the economic analysis of water uses. 'User' is translated into 'polluter' in Sweden, which leads to the exclusion of hydroelectric power, because it is not polluting.

4. Intercalibration exercise

Intercalibration is closely linked to the pressure and impact analysis. Despite the far-reaching political implications of making estimations about the good ecological status and thus setting the level of environmental ambition, this process only happened behind closed doors.

One key question has been whether economic considerations have been made in selecting and proposing intercalibration sites – something that the WFD does not permit.

There have only been a few responses to this question. According to a reply from Spain, there is no official information on this point, but a consulted expert said that economic considerations are probably implicit in decisions on the choice of sites for the intercalibration exercise. A reply from the Netherlands reports that the government does not openly apply economic considerations, but probably does so behind closed doors. NGOs from Sweden and Estonia answered with a clear 'yes' to this question.

The WFD excludes the use of economic considerations in determining what 'good status' actually means. It will be difficult to monitor whether countries make such considerations implicitly, but one can assume that in most cases, this will happen. Therefore, it is of paramount importance to employ a transparent and accountable process, and to stop claiming that this is a purely technical process on which public involvement is unnecessary, or even disruptive.

CHAPTER 4: CONCLUSION

Overall, the assessment of the 22 NGO responses paints a rather dark picture as to the quality of WFD transposition and implementation. It is clear that the wide range of capacities and expertise available to those NGOs vary considerably, and thus do not always allow for a clear or direct comparison between countries or to present the results as verdicts for specific countries.

Nevertheless, important general indications can be derived. These present the 'bigger picture' and highlight the issues of greatest concern for the effective and ambitious implementation of the WFD.

Most worrying is the very low level of NGO participation in the transposition and implementation process. In general, governments made very little effort to encourage their involvement. In some cases, such involvement is even considered problematic. Only when NGOs request information do they receive relevant documents, and then generally only in a piecemeal fashion. The most important activities in 2004, such as river basin characterisation and intercalibration, are seen as overwhelmingly happening behind governments' closed doors.

The logical starting point for the successful implementation of European Directives is their correct and adequate transposition into national legislation. Only then can timely and efficient work be undertaken. Otherwise, long and complicated legal procedures and inquiries will divert our energy from protecting and improving our water sources.

Half of the countries covered in this report do not (or might not) state clearly the WFD's overall objective 'to achieve good status by 2015' within their transposition legislation. This poses serious and pressing questions about both the straightforwardness and the goodwill with which various countries are approaching the WFD. This clearly does not seem acceptable, as it undermines the leading role of the environmental objective for the overall water management. In some cases, the use of River Basin Management Plans to establish the objective has been suggested. Will that be an appropriate legal transposition? The EEB is very concerned that countries are trying to increase their room for political manoeuvring.

This unfortunate development is further expressed in the intransparency with which the intercalibration exercise is often being handled. NGOs are feeling very uncomfortable about this and - with reason - suspect that this process is being misused to prejudge the setting of environmental objectives, using assumptions of economic and political impacts of estimated measures.

WFD implementation in Europe is now experiencing massive delays, and many initial efforts have been quite discouraging, due to poor quality. If this does not rapidly change for the better, not only will Europe's new water policy be seriously undermined, but citizens' trust in the European legal system may also suffer as a result.

The few encouraging examples must start leading the way for others and help them from moving away from seeing the WFD as a threat towards understanding it as an opportunity.