



Brussels, 17<sup>th</sup> July 2006

TO:

**Commission of the European Communities  
Ms Catherine Day, Secretary General  
B-1049 Brussels, Belgium**

**Concerning:**

**Complaint to the European Commission concerning failure of Austria, Belgium, Denmark, Estonia, Finland, Germany, Hungary, Ireland, Poland, Sweden and The Netherlands to comply with the provisions of the EU Water Framework Directive 2000/60/EC ("WFD") Article 5§1.**

Dear Ms Day,

On behalf of the organisations mentioned below we hereby complain to the European Commission concerning the failure of **Austria, Belgium, Denmark, Estonia, Finland, Germany, Hungary, Ireland, Poland, Sweden and The Netherlands** to comply with the provisions of the EU Water Framework Directive 2000/60/EC Article 5§1.

We believe that correct and effective application of EU environmental law is paramount to deliver the necessary progress to achieve Europe's objectives of sustainable development and, specifically halting the decline of biodiversity by 2010. Our organisations support the ambitious implementation of the WFD at EU and national level. In this regard and following three consecutive NGO surveys of national implementation of the WFD and more specifically of Article 5§1, we noted numerous implementation problems. Based on this, we have decided to submit this collective complaint which focuses on one key issue of the Directive: the correct interpretation of "water services" in Article 5. We consider this issue to be essential to make economics work for the environment and facilitate the effective implementation in order to achieve the overall objective of the Directive- the good ecological status.

We are concerned about a narrow interpretation of the Directive's definition of what constitutes a "water service". This is paramount as Member States are only required to carry out an assessment of the recovery of costs for water services from users, including environmental and resource costs, and not for any other activity. Thus a careful identification of water services is the basis of providing adequate information and making a fair and transparent decision about who will pay for what to achieve sustainable water management.

The above-mentioned countries have in practice decided to apply a very narrow interpretation of "water services", as documented in their Article 5 reports, which we believe violates the definition and jeopardise the objectives of the exercise as laid down in the WFD. This leads to a situation where many water infrastructure works, like dams, weirs and dykes serving hydropower, navigation, agriculture irrigation and flood defence are excluded from any transparent economic appraisal including their environmental and resource costs. Those infrastructure works are identified in the same reports in most cases as a major environmental problem, contributing to the failure to achieve the WFD's overall objective.

If this failure to comply with the Directive's provisions is not corrected in 2008, the programmes of measures -to be put in place in December 2009 and made operational in December 2013- will neither be cost-effective nor ensure an adequate distribution of costs between households, industry and agriculture.

We therefore expect the European Commission to do everything in its powers conferred by the Treaty to ensure the correct application of the water service definition in the above mentioned Member States.

In Annex I we provide the legal justification for our complaint cases, which are listed for each country in Annex II. In Annex III we provide the best practice cases we identified and which show that it is possible to do better. It is a matter of political will.

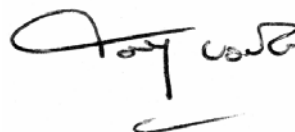
This complaint has been compiled on behalf and with the active involvement of the 17 organisations listed below. These organisations have made us their proxy to present this complaint to you. We are happy to provide you with the proxies if requested.

For matters of convenience and mutual ease of administration, the EEB and the WWF European Policy Office (EPO) shall be considered as the representatives for the collective complaint. All correspondence shall be addressed to the EEB and WWF EPO.

Yours Sincerely,



John Hontelez  
Secretary General  
European Environmental Bureau



Tony Long  
Director  
WWF EPO

WWF European Policy Office, 36 Av. de Tervuren Box 12, B-1040 Brussels, Tel: + 32 27438800  
The European Environmental Bureau, Bld. de Waterloo 34, B-1000 Brussels, Tel:+32 22891304

**On behalf of (in order of the cases presented in Annex II and III):**

- Gerhard Heilingbrunner, President, Umweltdachverband (Austrian Environmental Umbrella Association) - Complaint Case 1
- Gerd Wach, Coordinator, Wassernetz Niedersachsen/Bremen c/o BUND, Germany - Complaint Case 2 and 3
- Olaf Tschimpke, President, NABU, Germany - Complaint Case 4
- Hubert Weiger, Chairman, Bund Naturschutz in Bayern e.V., Germany - Complaint Case 5
- Annette Baumann, GRUNE LIGA e.V., Germany - Complaint Case 6
- Ferenc Márkus, Director, WWF Hungary - Complaint Case 7
- Ilse Dresscher, Director, Stichting Reinwater, The Netherlands - Complaint Case 8
- Michael Lofroth, Director for freshwater programme, WWF Sweden - Complaint Case 9
- Danny Jacobs, Directeur, Bond Beter Leefmilieu Vlaanderen v.z.w, Belgium - Complaint Case 10
- Mirjam de Rijk, Director, Stichting Natuur en Milieu, The Netherlands - Complaint Case 11
- Eero Yrjö-Koskinen, Director, Suomen luonnonsuojeluliitto (Finnish Association for the Conservation of Nature) - Complaint Case 12
- Ireneusz Chojnacki, Director, WWF Poland - Complaint Case 13
- Gunver Bennekou, Director, Danmarks Naturfredningsforening (Danish Society for Nature Conservation) - Complaint Case 14
- Gavin Harte, Director, An Taisce - National Trust for Ireland - Complaint Case 15
- Nikolaus Geiler, Speaker, Freiburger Arbeitskreis Wasser im BBU, Germany - Complaint Case 16
- Taave Nuum, Chairman of the Board, Estonian Green Movement - Complaint Case 17
- Cedric de Monceau, Director, WWF France - Best Practice Case 1

# Annex I

## Legal Justification

1) The undersigned organisations hereby complain to the European Commission for the failure by **Austria, Belgium, Denmark, Estonia, Finland, Germany, Hungary, Ireland, Poland, Sweden and The Netherlands** to correctly apply Article 5§1 of the WFD which provides that each Member State shall undertake an economic analysis of their river basin. We are of the view that Member States are failing to comply with their obligations under the WFD and more generally under the EC Treaty.

2) Whereas, Article 5§1 of the WFD states that: "*[...] Each Member State shall ensure that for each river basin district or for the portion of an international river basin district falling within its territory [...] an economic analysis of water use is undertaken according to the technical specifications set out in Annexes [...] III [...]*".

3) Whereas, Annex III specifies "*The economic analysis shall contain enough information in sufficient detail (taking account of the costs associated with collection of the relevant data) in order to: (a) make the relevant calculations necessary for taking into account under Article 9 the principle of recovery of the costs of water services [...] (b) make judgments about the most cost-effective combination of measures [...] under Article 11 [...]*".

4) Whereas, therefore Article 5§1 of the WFD provides the basis for using economic instruments applying the principle of recovery of costs of water services and the "polluter pays principle", as referred to in Recital 38 of the WFD and required by Article 9.

5) Whereas, Article 9 requires Member States to establish by 2010 water pricing policies to ensure 1) adequate incentives for water uses to contribute to the achievement of the objectives of the WFD and 2) an adequate contribution of water uses to the cost of the water services.

6) Whereas, the integration of economics into the environment is also a principle enshrined in the EC Treaty<sup>1</sup> through the application of the "polluter pays principle" and is highlighted by Europe's Sustainable Development Strategy.

7) Whereas, the basis and the most crucial element for an environmentally meaningful economic analysis is the adequate definition of water services.

8) We find that Member States have failed to adequately define water services thus failing to comply with Article 5§1 of the Directive.

### **A broad interpretation of "water services" shall prevail**

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<sup>1</sup> Article 174§2 of the EC Treaty provides that: "Community policy on the environment shall aim at a high level of protection taking into account the diversity of situations in the various regions of the Community. It shall be based on the precautionary principle and on the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source and that the polluter should pay."

9) Under Article 2 paragraph 38 of the WFD, water services are defined as :*"all services which provide, for households, public institutions or any economic activity: (a) abstraction, impoundment, storage, treatment and distribution of surface water or groundwater, (b) waste-water collection and treatment facilities which subsequently discharge into surface water."*

11) We are of the view that this definition should be broadly interpreted.

12) First, a broad interpretation of the term water services is suggested by the WATECO guidance<sup>2</sup>, which in its Annex B.3 page 73 states:

*"Overall, a water service represents an intermediary between the natural environment and the water use itself. The main purpose of the water service is to ensure that:*

- *Key characteristics of natural waters are modified (i.e. the service offered is this modification) so as to ensure it fits with the requirements of well-identified users (e.g. provision of drinking water), or*
- *Key characteristics of water 'discharged' by users are modified (i.e. the service offered is also this modification, e.g. waste water treatment) so that it can go back to the natural environment without damaging it.*

*Overall, a water service per se does not consume water nor produce pollution, although it can directly lead to morphological changes to the water ecosystem. Characteristics of waters that are modified through a water service include:*

- *Its **spatial distribution**, e.g. a water supply network for ensuring that water is reallocated spatially to every individual user;*
- *Its **temporal distribution**/flows, e.g. dams ;*
- *Its **height**, e.g. weirs and dams;*
- *Its **chemical composition**, e.g. treatment of water, and wastewater;*
- *Its **temperature**, e.g. temperature impact on water."*

This suggests that water services are, inter alia, characterised by changes in the spatial or temporal distribution of water, as they occur from infrastructure like weirs and dams.

This guidance, although not legally binding on Member States, is of decisive significance as it was endorsed by the Water Directors of the European Commission and Member States, following a consensus-based decision-making process established under the WFD Common Implementation Strategy. It aims at facilitating a clear and homogeneous implementation of the Directive and applies without prejudice to the WFD provisions;

13) Second, a broad interpretation of the definition of water services is supported by the fact that in most of the cases presented here Member States have identified hydromorphological impacts, as they arise from infrastructures like dams, weirs and dykes serving inter alia navigation, flood control, hydropower, as a major environmental problem for achieving the WFD objective of good ecological status. It would therefore be inadequate to limit the interpretation to public water services, like drinking water supply and waste water collection and treatment;

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<sup>2</sup> COMMON IMPLEMENTATION STRATEGY FOR THE WATER FRAMEWORK DIRECTIVE (2000/60/EC), Guidance Document No 1, Economics and the Environment – The Implementation Challenge of the Water Framework Directive, European Communities, 2003

14) Third, a narrow interpretation of water services based on the argument of proportionality - ie the means compared to the results obtained are not proportionate - is not valid at this stage. The issue does not arise from the interpretation of water services itself but from the level of detail in assessing the cost recovery of those services. In addition, no country has put forward an argument that a wide interpretation of water services would be disproportionate. For example, the lack of economic data and capacities to undertake a cost-recovery assessment for public water supply and sewerage in the German cases has not been used as an argument to exclude those services from the scope of the water services, but rather to promise a follow-up.

15) Fourth, a narrow interpretation of water services based on the argument that only remunerated activities are "services" is not acceptable either. This would run against the intention of the WFD to use water pricing to provide incentives for achieving the environmental objectives, as all activities not currently remunerated would not be automatically excluded. This would lead to increasing differences between Member States as countries with an already wide interpretation of what constitutes a service would further build on that, while others with a narrow definition would not. And indeed, in most cases, Member States have already identified "self services" - which are not remunerated- as water services.

16) Finally, there seems to be nothing in the record of the negotiation leading to the adoption of the WFD that would support a narrow interpretation of water services as endorsed by these 12 countries.

#### **A very or narrow interpretation of water services mostly prevails**

17) In the case of **Austria, Belgium, Denmark, Estonia, Finland, Germany, Hungary, Ireland, Poland, Sweden and The Netherlands**, the interpretation of water services is mainly limited to public drinking water supply and waste water treatment/collection. None of the cases provided a justification for this narrow interpretation<sup>3</sup> In addition; some Member States specifically excluded certain infrastructures from the definition of water services without justifying that exclusion.

18) Changes of the Hydromorphology and/or the associated infrastructures (dykes, dams, weirs etc...) is identified in 14 of the studied cases by authorities as causing major environmental problems. This is either explicitly stated in the Article 5 reports assessed, or indirectly through the huge numbers of bodies of water preliminarily identified as heavily modified (based on substantial changes to their hydromorphology) or in the assessment of the risk in failing to achieve the environmental objectives. Precisely those infrastructures have been excluded in those cases from the scope of water services by the authorities. This means that the economic analysis will not contain *"enough and sufficient detailed information in order to make the relevant calculations necessary for taking into account under Article 9 the principle of recovery of the costs of water services"* and *"make judgments about the most cost-effective combination of measures in respect of water uses to be included in the programme of measures under Article 11 based on*

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<sup>3</sup> With the exception of the Netherlands which explains that it excludes major flood defence infrastructure from the definition of water services as without those infrastructures major areas of the country would be under water.

*estimates of the potential costs of such measures.”* as required by Annex III of WFD.

19) As a result of adopting such a narrow interpretation of water services, the 12 Member States violate Article 5§1, thus prejudicing the achievement of a meaningful economic analysis, which serves the purpose of the WFD to achieve sustainable water management and instead bringing the risk of undermining its achievement.

### **The European Commission should act as a matter of urgency**

20) The European Commission in its White Paper on Governance<sup>4</sup> stated that: *“Monitoring closely the application of Community law is an essential task for the Commission if it is to make the Union a reality for businesses and citizens. The Commission will therefore pursue infringements with vigour. In this context, individual complaints about breaches of Community law are important”*.

Finally, we rely on the Communication<sup>5</sup> to the European Parliament and European Ombudsman on relations with the complainant in respect of infringements of Community Law, in which the European Commission confirmed its willingness to handle all complaints from citizens, by taking actions against the alleged infringement.

21) As outlined previously we believe that **Austria, Belgium, Denmark, Estonia, Finland, Germany, Hungary, Ireland, Poland, Sweden, and the Netherlands** have failed to correctly apply the WFD, and in view of the above we ask the European Commission to act against these infringements in order to achieve an environmentally meaningful and common interpretation of the definition of “water services” before the programmes of measures are finalised in 2009.

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<sup>4</sup> 25/07/2001; COM (2001) 428 final: “European Governance”: a white paper

<sup>5</sup> Communication to the European Parliament and Ombudsman on relations with the complainant in respect with infringements of Community law (COM (2002) 141 final).

# **Annex II**

## **Complaints - Country Cases**

Complaint 1: Austria, Austrian Danube River Basin District

Complaint 2: Germany, Ems River Basin District

Complaint 3: Germany, Weser River Basin District

Complaint 4: Germany, Middle Rhine River Basin

Complaint 5: Germany, German Danube River Basin District

Complaint 6: Germany, Elbe River Basin District

Complaint 7: Hungary, Hungarian Danube River Basin District

Complaint 8: The Netherlands, Rhine Delta River Basin District

Complaint 9: Sweden, no River Basin District

Complaint 10: Belgium, Scheldt River Basin District

Complaint 11: The Netherlands, Meuse River Basin (International)

Complaint 12: Finland, Gulf of Finland, Kymijoki River Basin District

Complaint 13: Poland, Vistula River Basin District

Complaint 14: Denmark, Arhus Amt River Basin District

Complaint 15: Ireland, Shannon International River Basin District

Complaint 16: Germany, Upper Rhine River Basin District (International)

Complaint 17: Estonia, East Estonian River Basin District

## **COMPLAINT 1**

### **❖ Organisation**

- Austrian Environmental Umbrella Association (UWD)
- Alserstrasse 21/1 Stock/Tür 5
- 1080 Wien (Austria)
- + 43 1 40 113 0

Contact person: Mr. Georg Raffener: georg.raffener@umweltdachverband.at.

**❖ River Basin District**: Danube (Austrian section).

**❖ Reference documents**: Article 5 report

"*Österreichischer Bericht der IST-Bestandsaufnahme, Ökonomische Analyse der Wassernutzung*"

Available at: <http://www.wassernet.at/article/articleview/32069/1/5659>

### **❖ Interpretation of the "water services" definition in Article 5 Report**

Very narrow interpretation, inconsistent with the WFD requirements.

The interpretation of the definition of water services only covers public water supply and waste water collection / treatment. It specifically excludes dams for hydropower, navigation infrastructure and all flood measures.

Chapter 3.1, page 60

*„Im § 55e Wasserrechtsgesetz (WRG) wird der Umfang der Wasserdienstleistungen für Österreich festgelegt. In Österreich sind Wasserdienstleistungen primär im Zusammenhang mit der Erbringung von Dienstleistungen an Dritte im Wasserversorgungs- und Abwasserentsorgungssektor zu verstehen. Aufstauungen zu Zwecken der Elektrizitätserzeugung und Schifffahrt sowie alle Maßnahmen des Hochwasserschutzes fallen nicht in die Definition der Wasserdienstleistungen, können gegebenenfalls Wassernutzungen sein.*

*Die Analyse der Kostendeckung beschränkt sich demnach auf die Dienstleistungen der öffentlichen Wasserversorgung (Entnahme, Speicherung, Behandlung und Verteilung von Wasser) und Abwasserentsorgung (Sammlung, Behandlung, Einleitung der Abwässer). Die Wasserdienstleistung wird in Österreich vorwiegend von den Gemeinden erbracht (siehe dazu Kapitel 1.2.4).*

*Aus ökonomischer Sicht erbringen alle Wasserversorgungs- und Abwasserentsorgungsunternehmen (Gemeinden, Verbände, private Unternehmen) eine Wasserdienstleistung (d.h. eine Leistung für Endkunden). Das Entgelt für die Wasserdienstleistung ist eine Gebühr oder ein Preis. Demgegenüber werden Eigenleistungen (Selbstversorgung) in der Wasserversorgung und in der Abwasserentsorgung von privaten Haushalten, Genossenschaften nach dem WRG für den eigenen Bedarf erbracht, wenn sie eine eigene Wasserversorgung oder Abwasserentsorgung errichtet haben. Sie zahlen dafür keine Wasser- und Abwasserentgelte. Es ist davon auszugehen, dass von den Eigenleistungen keine signifikanten Belastungen auf die Gewässer ausgehen. Eigenleistungen werden*

*hinsichtlich ihrer Kostendeckung nicht untersucht, da davon auszugehen ist, dass sie ihre finanziellen Kosten decken (vgl. BMLFUW, 2002B)"*

❖ **Supporting information**

| Issue   | Findings in Article 5 Report  |
|---|---|
| Influence of hydro morphological changes on the achievement of objectives | Major problem for achieving objectives  |
| Sectors identified as causing environmental damage                        | Agriculture, hydropower, navigation and flood control   |
| Cost-Recovery Assessment  | Public water supply and waste water collection / treatment. Assumed full cost-recovery for self services.   |
| Environmental and resource costs assessment.                              | Not mentioned in the Report.  |
| Definition of "water services" in national legislation.                   | Reference: Wasserrechtsgesetz, §55e.<br>Similar as WFD but the definition refers specifically to public water supply and waste water collection / treatment |

## **COMPLAINT 2**

### **❖ Organisation:**

- Wassernetz Ni/HB (Lower Sax/Bremen)
- Goebenstr. 3a
- 30161 Hanover (Germany)
- +49 511 9656920

Contact person: Gerd Wach: wassernetz@nds.bund.net

### **❖ River Basin District:** Ems

### **❖ Reference documents:** Article 5 report:

"Report Anlage Wirtschaftliche Analyse zum deutschen teil der Flussgebietseinheit"

<http://www.wasserblick.net/servlet/is/30400/>

### **❖ Interpretation of the "water services" definition in Article 5 Report:**

Very narrow interpretation inconsistent with the WFD requirements

The interpretation of the definition of water services only covers public water supply, waste water collection / treatment (+ storm water) and self services (including irrigation infrastructures).

It specifically excludes impoundments for navigation and hydropower, navigation infrastructure and all flood control measures from the definition.

Chapter 1.1, page 6

*„Gemäß Artikel 2 Nr. 39 der EG-WRRL werden unter Wassernutzungen alle Wasserdienstleistungen sowie jede andere Handlung verstanden, die entsprechend Artikel 5 und Anhang II eine signifikante Auswirkung auf den Wasserzustand haben. Als Wasserdienstleistungen werden gemäß Artikel 2, Nr. 38 der EG-WRRL folgende Leistungen bezeichnet:*

*a) öffentliche Wasserversorgung (Anreicherung, Entnahme, Aufbereitung, Speicherung und Druckhaltung, Verteilung, Betrieb von Aufstauungen zum Zwecke der Wasserversorgung),*

*b) kommunale Abwasserbeseitigung (Sammlung, Behandlung, Einleitung von Schmutz- und Niederschlagswasser in Misch- und Trennsystemen).*

*Leistungen, die die Nutzer selbst durchführen, sind in den Fällen als Wasserdienstleistungen zu berücksichtigen, in denen sie einen signifikanten (erheblichen) Einfluss auf die wasserwirtschaftliche Bilanz haben. Dazu zählen die*

*industriell-gewerbliche Wasserversorgung (Eigenförderung),*

*landwirtschaftliche Wasserversorgung (Beregnung),*

*industriell-gewerbliche Abwasserbeseitigung (Direkteinleiter).*

*Dieses ist im deutschen Einzugsgebiet der Ems in der Regel der Fall. Aufstauungen zu Zwecken der Elektrizitätserzeugung und Schifffahrt sowie alle Maßnahmen des*

*Hochwasserschutzes fallen nicht unter die Definition der Wasserdienstleistungen, können aber ggf. Wassernutzungen darstellen."*

In comparison to the German Weser report, the Dutch Report for the Weser uses a wider interpretation for water services, including Groundwater and regional water management services (including dykes for flood management).

See Bericht ("Teil A") der internationalen Flussgebietseinheit Ems, (chapter 6.4 page110)

[http://www.wasserblick.net/servlet/is/30391/A\\_Bericht\\_Ems\\_DE\\_NL.pdf?command=downloadContent&filename=A\\_Bericht\\_Ems\\_DE\\_NL.pdf](http://www.wasserblick.net/servlet/is/30391/A_Bericht_Ems_DE_NL.pdf?command=downloadContent&filename=A_Bericht_Ems_DE_NL.pdf)

*„Hinsichtlich einer Definition der verschiedenen Wasserdienstleistungen hat es auf europäischer Ebene keine Abstimmung gegeben. Daraus resultiert eine unterschiedliche Handhabung der Begrifflichkeiten in den einzelnen Mitgliedsstaaten, so dass ein Vergleich der in der nachfolgenden Tabelle aufgeführten prozentualen Kostendeckungsgrade und Wasserdienstleistungen nicht möglich ist. Zudem sind die von den Niederlanden aufgenommenen Prozente untereinander differenziert zu betrachten. [...]*

*In den Niederlanden wurden u. a Tätigkeiten wie die Grundwasserbewirtschaftung und die regionale Gewässersystembewirtschaftung den Wasserdienstleistungen zugeordnet, so dass sich anstehendes Bild ergibt:..."*

**❖ Supporting information**

| Issue   | Findings in Article 5 Report  |
|---|---|
| Influence of hydro morphological changes on the achievement of objectives | Major problem for achieving objectives  |
| Sectors identified as causing environmental damage                        | Agriculture, hydropower, navigation and flood control.  |
| Cost-Recovery Assessment  | Public water supply and waste water collection / treatment<br>ONLY FROM PILOT STUDIES<br>Article 5 Report: chapter 1.3, page 19 |
| Environmental and resource costs.   | Only mentioned<br>Article 5 Report chapter 1.3, page 19   |
| Definition of "water services" in national legislation.                   | The definition is in an Ordinance: "Ordinance of Lower Saxony for a framework in water management.                              |

### **COMPLAINT 3**

#### **❖ Organisation:**

- Wassernetz Ni/HB (Lower Sax/Bremen)
- Goebenstr. 3a
- 30161 Hanover (Germany)
- +49 511 9656920

Contact person: Gerd Wach: wassernetz@nds.bund.net

#### **❖ River Basin District:** Weser

#### **❖ Reference documents:** Article 5 report

"A bericht, Beirtschaftungsplan Flussgebietseinheit Weser 2005, Bestandsaufnahme + Anhang 1 Methoden"

[http://www.fgg-weser.de/wrrl/bericht\\_2005.html](http://www.fgg-weser.de/wrrl/bericht_2005.html)

#### **❖ Interpretation of the "water services" definition in Article 5 Report:**

Very narrow interpretation, inconsistent with the WFD requirements

The interpretation of the definition of water services only covers public water supply, waste water collection / treatment (+ storm water) and self services (including irrigation infrastructures)

It specifically excludes impoundments for navigation and hydropower, and all flood control measures from the definition.

Annex 1, Chapter 1.3.3, page 20

*„Die Definition von Wasserdienstleistungen Bei der Betrachtung der Kostendeckung ist zunächst der Begriff der Wasserdienstleistungen festzulegen. In Deutschland werden folgende Leistungen als Wasserdienstleistungen verstanden:*

*öffentliche Wasserversorgung (Anreicherung, Entnahme, Aufbereitung, Speicherung und Druckhaltung, Verteilung, Betrieb von Aufstauungen zum Zwecke der Wasserversorgung),*

*kommunale Abwasserbeseitigung (Sammlung, Behandlung, Einleitung von Schmutz- und Niederschlagswasser in Misch- und Trennsystemen).*

*Leistungen, die von den Nutzern selbst durchgeführt werden, sind in den Fällen zu berücksichtigen (als Wasserdienstleistungen zu qualifizieren), in denen sie einen signifikanten (erheblichen) Einfluss auf die wasserwirtschaftliche Bilanz haben:*

*industriell-gewerbliche Wasserversorgung (Eigenförderung),*

*landwirtschaftliche Wasserversorgung (Beregnung),*

*industriell-gewerbliche Abwasserbeseitigung (Direkteinleiter).*

*Aufstauungen zu Zwecken der Elektrizitätserzeugung und Schifffahrt sowie alle Maßnahmen des Hochwasserschutzes fallen nicht unter die Definition der Wasserdienstleistungen, können aber ggf. Wassernutzungen darstellen.*

**❖ Supporting information**

| <b>Issue</b>  | <b>Findings in Article 5 Report</b>  |
|---|--|
| Influence of hydro morphological changes on the achievement of objectives | Major problem for achieving objectives   |
| Sectors identified as causing environmental damage                        | Agriculture, hydropower, navigation and flood control.   |
| Cost-Recovery Assessment  | Public water supply and waste water collection / treatment. Only from pilot studies                      |
| Environmental and resource costs.   | Only mentioned and figures for given for waste water charges and nature protection compensation payments |
| Definition of "water services" in national legislation.                   | The definition is in an Ordinance: "Ordinance of Lower Saxony for a framework in water management".      |

## **COMPLAINT 4**

### **❖ Organisation:**

- NABU
- Herbert Rabius Str. 26
- 53225 Bonn (Germany)
- +49 613 11 40 3922

Contact person: Mr. Friedrich Wulf: [friedrich.wulf@nabu-rlp.de](mailto:friedrich.wulf@nabu-rlp.de)

### **❖ River Basin District:** Middle Rhine

### **❖ Reference documents:**

"Bewirtschaftungsplan Mittelrhein 1. Bestandsaufnahme 2004, Stand 1 Feb 2005."

<http://www.wasserblick.net/servlet/is/29557/>

### **❖ Interpretation of the "water services" definition in Article 5 Report:**

Very narrow interpretation, inconsistent with the WFD requirements.

The interpretation of the definition of water services only covers public water supply, waste water collection / treatment (+ stormwater) and self services (including irrigation infrastructures)

It specifically excludes impoundments for navigation and hydropower, and all flood control measures from the definition.

Chapter 6.2, page 77: Wirtschaftliche Bedeutung der Wassernutzung

*„Unter Wasserdienstleistungen werden gemäß Artikel 2, Nr. 38 der EU-WRRL folgende Leistungen verstanden:*

*a) öffentliche Wasserversorgung (Anreicherung, Entnahme, Aufbereitung, Speicherung und Druckhaltung, Verteilung, Betrieb von Aufstauungen zum Zwecke der Wasserversorgung),*

*b) kommunale Abwasserbeseitigung (Sammlung, Behandlung, Einleitung von Schmutz- und Niederschlagswasser in Misch- und Trennsystemen).*

*Leistungen, die von den Nutzern selbst durchgeführt werden, sind in den Fällen zu berücksichtigen (als Wasserdienstleistungen zu qualifizieren), in denen sie einen signifikanten (erheblichen) Einfluss auf die wasserwirtschaftliche Bilanz haben:*

*industriell-gewerbliche Wasserversorgung (Eigenförderung),*

*landwirtschaftliche Wasserversorgung (Beregnung),*

*industriell-gewerbliche Abwasserbeseitigung (Direkteinleiter).*

*Aufstauungen zu Zwecken der Elektrizitätserzeugung und Schifffahrt sowie alle Maßnahmen des Hochwasserschutzes fallen nicht unter die Definition der Wasserdienstleistungen, können aber ggf. Wassernutzungen darstellen, für die ggf. die Umwelt- und Ressourcenkosten zu beachten sind."*

❖ **Supporting information**

| Issue   | Findings in Article 5 Report                                     |
|---|--|
| Influence of hydro morphological changes on the achievement of objectives | Major problem for achieving objectives                           |
| Sectors identified as causing environmental damage                        | Agriculture, industry, hydropower, navigation and flood control. |
| Cost-Recovery Assessment  | Public water supply and waste water collection / treatment e.    |
| Environmental and resource costs.   | Only mentioned   |
| Definition of "water services" in national legislation.                   | Not specified in the report                                      |

## **COMPLAINT 5**

### **❖ Organisation:**

- Bund Naturschutz
- Bauernfeindstrasse 23
- D-90471 Nürnberg (Germany)
- + 49 911 818 780

Contact person: Mr. Gerhard Nagl: Gerhard.nagl@donaufluss.de

### **❖ River Basin District:** Danube, Germany

**❖ Reference documents:** Bericht zur Bestandsaufnahme für das Deutsche Donaugebiet <http://www.wasserrahmenrichtlinie.bayern.de/>

### **❖ Interpretation of the "water services" definition in Article 5 Report:**

Very narrow interpretation, inconsistent with the WFD requirements.

The interpretation of the definition of water services only covers public water supply and waste water collection / treatment. It specifically excludes dams for hydropower, navigation infrastructure and all flood measures from the definition.

Chapter 4.2, page 106

*„In diesem Kapitel wird die Wassernutzung im Deutschen Donaugebiet und ihre wirtschaftliche Bedeutung durch ökonomische Kennzahlen beschrieben. Wassernutzungen sind Wasserdienstleistungen sowie jede andere Handlung entsprechend Artikel 5 und Anhang II WRRL mit signifikanten Auswirkungen auf den Wasserzustand. Wasserdienstleistungen sind Wasserversorgung und Abwasserentsorgung. Aufstau zum Zweck der Elektrizitätserzeugung und Schifffahrt sowie alle Maßnahmen des Hochwasserschutzes fallen nicht unter die Definition der Wasserdienstleistung, können aber Wassernutzungen darstellen.“*

### **❖ Supporting information**

| <b>Issue</b>  | <b>Findings in Article 5 Report</b>  |
|---|--|
| Influence of hydro morphological changes on the achievement of objectives | Major problem for achieving objectives   |
| Sectors identified as causing environmental damage                        | not clearly specified in the Report  |
| Cost-Recovery Assessment  | Public water supply and waste water collection / treatment.<br>Only from pilot studies |

|   |                             |
|---|-----------------------------|
| Environmental and resource costs.                       | Only mentioned              |
| Definition of "water services" in national legislation. | Not specified in the report |

## **COMPLAINT 6**

### **❖ Organisation:**

- GRÜNG LIGA e.V.
- Greifswalder Straße 4
- 10405 Berlin (Germany)
- + 49 30 44 33 91 -44

Contact person: Mr. Michael Bender and Tobias Schafer: wasser@grueneliga.de

### **❖ River Basin District:** Elbe

### **❖ Reference documents:**

"Zusammenfassender Bericht der Flussgebietsgemeinschaft Elbe über die Analysen nach Artikel 5 der Richtlinie 2000/60/EG (A-Bericht)":

Available at: <http://www.fgg-elbe.de>

### **❖ Interpretation of the "water services" definition in Article 5 Report:**

Very narrow interpretation, inconsistent with the WFD requirements.

The interpretation of the definition of water services only covers public water supply, waste water collection / treatment (+ storm water) and self services (including irrigation infrastructures)

It specifically excludes dams for hydropower, navigation infrastructure and all flood measures from the definition.

Chapter 5.3.1, page 97

*"Bei der Betrachtung der Kostendeckung ist zunächst der Begriff der Wasserdienstleistungen festzulegen. In Deutschland werden folgende Leistungen als Wasserdienstleistungen verstanden:*

- *öffentliche Wasserversorgung (Anreicherung, Entnahme, Aufbereitung, Speicherung und Druckhaltung, Verteilung, Betrieb von Aufstauungen zum Zwecke der Wasserversorgung),*
- *kommunale Abwasserbeseitigung (Sammlung, Behandlung, Einleitung von Schmutz- und Niederschlagswasser in Misch- und Trennsystemen).*

*Leistungen, die von den Nutzern selbst durchgeführt werden, sind in den Fällen zu berücksichtigen (als Wasserdienstleistungen zu qualifizieren), in denen sie einen signifikanten (erheblichen) Einfluss auf die wasserwirtschaftliche Bilanz haben:*

- *industriell-gewerbliche Wasserversorgung (Eigenförderung),*
- *landwirtschaftliche Wasserversorgung (Beregnung),*
- *industriell-gewerbliche Abwasserbeseitigung (Direkteinleiter).*

*Aufstauungen zu Zwecken der Elektrizitätserzeugung und Schifffahrt sowie alle Maßnahmen des Hochwasserschutzes fallen nicht unter die Definition der Wasserdienstleistungen, können aber ggf. Wassernutzungen darstellen."*

❖ **Supporting information**

| Issue   | Findings in Article 5 Report   |
|---|--|
| Influence of hydro morphological changes on the achievement of objectives | Major problem for achieving objectives   |
| Sectors identified as causing environmental damage                        | Agriculture, industry, navigation and urbanisation                                 |
| Cost-Recovery Assessment  | Public water supply and waste water collection / treatment Only from pilot studies |
| Environmental and resource costs.   | Not mentioned  |
| Definition of “water services” in national legislation.                   | Not specified in the report  |

## **COMPLAINT 7**

### **❖ Organisation:**

- WWF Hungary
- Németvölgyi Ut 78/b
- 1124 Budapest (Hungary)
- + 36 1 214 55 54

Contact persons: Laurice Ereifej: laurice.ereifej@wwf.hu

### **❖ River Basin District:** Danube (Hungary).

### **❖ Reference documents:** Article 5 summary report:

„Az európai közösségi intézkedések kereteinek meghatározásáról a víz politika területén a Duna vízgyűjtőkerület magyarországi területének jellemzőiről, az emberi tevékenységek környezeti hatásairól és a vízhasználatok gazdasági elemzéséről”

Available at: <http://www.euvki.hu>

And the Roof Report (Danube report).

Available at: [http://www.icpdr.org/icpdr-pages/maps\\_wfd\\_rr2004.htm](http://www.icpdr.org/icpdr-pages/maps_wfd_rr2004.htm)

### **❖ Interpretation of the “water services” definition in Article 5 Report:**

Very narrow interpretation, inconsistent with the WFD requirements.

The interpretation of the definition of water services only covers public water supply, waste water collection / treatment and infrastructure for irrigation.

- Definition of water services in the economic report:

Volume: III, Chapter 3, Page 1

„A VKI határozott különbséget tesz a vízszolgáltatás, vízhasználat, tevékenységek között. A 2. cikk a következő fogalom meghatározásokat tartalmazza:

„38. “Vízszolgáltatás” mindazon szolgáltatás, amely a háztartások, a közintézmények és bármely gazdasági tevékenység számára a következőket nyújtják:

- a) a felszíni vagy felszín alatti víz kitermelése, duzzasztása, tárolása, kezelése és elosztása,
- b) a szennyvíz összegyűjtése és kezelése, melyet ezt követően a felszíni vizekbe juttatnak.

39. “Vízhasználat” jelenti a vízszolgáltatásokat bármely más, az 5. cikkbe és a II. mellékletbe tartozó olyan tevékenységgel együtt, amely jelentős hatással van a víz állapotára.” „

- References to water services in the Summary Article 5 Report

Article 5 Report: Chapter 5.2, Page 69-72 and in Chapter 5.4 Page 76.

5.2. A költségmegtérülés alakulása a vízszolgáltatásokban

...."A lakossági víz-és csatornaszolgáltatás díjtámogatása 2002-ben 4,9 Mrd Ft volt. A lakosság részére kiszámlázott ivóvíz-szolgáltatási díj 2002-ben 72 és 278 Ft/m<sup>3</sup> között, a szennyvízszolgáltatási díj pedig 50 és 490 Ft/m<sup>3</sup> között mozgott, a szolgáltatási területtől függően. Az iparnak átadott és a közületi vízszolgáltatás díjai ennél nagyobb szórást mutattak, ezeknél a vízdíjak átlaga 8 %-kal, a csatornadíjak átlaga pedig 19%-kal nagyobb, mint a lakossági díjaké. A háztartások ivóvíz- és szennyvíz-költségeinek az egy főre jutó éves jövedelemben képviselt aránya átlagosan 1,7 % volt 2002-ben, maximális díjak és alacsony jövedelmű háztartások esetén ez az arány az 5 %-ot is meghaladta.---

.....A bővítő jellegű fejlesztéseket az állami regionális vízművek esetén az állam, önkormányzati művek esetében az önkormányzat - állami támogatások segítségével - finanszírozza. A vízszolgáltatási díjak a bővítési költségeket csak esetlegesen tartalmazzák. Csak abban az esetben tartalmazzák fejlesztési hányadot, ha az önkormányzatok az új, nagy volumenű bővítő beruházásaikhoz nem rendelkeznek elegendő forrással, és a fejlesztési hányad beépítéséről

gondoskodnak a díjba. (pl. Budapesten) Az öt állami tulajdonú regionális víziközmű társaság beruházásait az állami költségvetés 100 %-ban finanszírozza...."

### Közüemi vízszolgáltatások pénzügyi költségei és bevételei országosan 2002. évben

| (millió Ft)  |               |               |                |
|--|---------------|---------------|----------------|
| Tőkeköltségek  | Víz           | Szennyvíz     | Összes         |
| Központi állami beruházások  | 1 182         | 592           | 1 774          |
| Önkormányzati beruházási kiadások (állami támogatások, bérleti díjak, saját források felhasználásával) | 3 133         | 68 098        | 71 231         |
| Vállalati beruházások (értékcsökkenés és eredmény terhére)   | 8 591         | 9 781         | 18 372         |
| <b>Összes tőkeköltség</b>  | <b>12 906</b> | <b>78 471</b> | <b>91 377</b>  |
| <b>Üzemi ráfordítás</b>  |               |               |                |
| Működési és fenntartási költségek  | 67 648        | 46 387        | 114 035        |
| Egyéb költségek (vízkészletjárulék, szennyvízbírság)   | 1 548         | 150           | 1698           |
| <b>Összes üzemi ráfordítás</b>   | <b>69 196</b> | <b>46 537</b> | <b>115 733</b> |
| <b>Bevételek</b>   |               |               |                |
| Díjbevétel   | 76 935        | 55 003        | 131 938        |
| Egyéb bevétel  | 3 967         | 8 529         | 12 496         |
| Ebből üzemeltetési támogatás   | 2 197         | 2 703         | 4 900          |
| <b>Üzemi bevétel összesen</b>  | <b>80 902</b> | <b>63 532</b> | <b>144 434</b> |
| <b>Üzemi bevételek üzemeltetési támogatás nélkül</b>   | <b>78 705</b> | <b>60 829</b> | <b>139 534</b> |

### Vízszolgáltatások nemzetgazdasági szintű pénzügyi költségmegtérülési rátája\*, 2002. évben

| (millió Ft)   |               |                |                |
|---|---------------|----------------|----------------|
| Megnevezés  | Ivóvíz        | Szennyvíz      | Összesen       |
| Tőkeköltségek**   | 12 906        | 78 471         | 91 377         |
| Üzemi ráfordítások  | 69 196        | 46 537         | 115 733        |
| <b>Összes költség</b>                                     | <b>82 102</b> | <b>125 008</b> | <b>207 111</b> |
| Díjbevétel  | 76 935        | 55 003         | 131 938        |
| <b>Nemzetgazdasági szintű költségmegtérülési ráta (%)</b> | <b>94</b>     | <b>44</b>      | <b>64</b>      |

\*összes díjbevétel/összes költség x 100)

\*\*A tőkeköltségek tartalmazzák az állami és önkormányzati forrásból történő fejlesztési kiadásokat, az amortizációból és a bérleti díjból megvalósuló pótlási kiadásokat.

### 5. 2. 2. Mezőgazdasági vízszolgáltatás

....Az állami főműveken keresztül történő öntözési szolgáltatási díj általában 100% körül fedezi a szolgáltatás üzemelési és fenntartási költségeit, a felújítási igényt viszont nem finanszírozza, a szükséges rekonstrukciókat és fejlesztéseket az állami költségvetés állja. A

vízitársulatok vízdíja szintén fedezi az üzemelési és fenntartási költségeket, és ezen túl fedezi még az értékcsökkenést és a szükséges fejlesztések egy részét. Pontos megtérülési ráta számítása adatok hiánya miatt nem lehetséges, ezért a rendelkezésre álló adatok alapján szakértői becslést lehet alkalmazni.

A mezőgazdasági vízszolgáltatási fejlesztéseket az évenként változó állami támogatási rendszer mintegy 42-47 %-ban finanszírozza. A működési költségek 6-36 % át fedezték a támogatások 2001-ben....”

„...Időben folyamatos feldolgozás és értékelés szükséges a mezőgazdasági vízszolgáltatás támogatásáról, működési és fejlesztési költségeiről. ...”

#### ❖ **Supporting information**

| Issue   | Findings in Article 5 Report  |
|---|---|
| Influence of hydro morphological changes on the achievement of objectives | Moderate problem for achieving objectives   |
| Sectors identified as causing environmental damage                        | Agriculture, households, industry, hydropower, navigation and flood control.                          |
| Cost-Recovery Assessment  | Public water supply, waste water collection / treatment, irrigation infrastructure and self services. |
| Environmental and resource costs.   | Included in the assessment  |
| Definition of “water services” in national legislation.                   | WFD definition in a transposition law.  |

## **COMPLAINT 8**

❖ **Organisation:** Stichting Reinwater

- Vossiusstraat 20
- 1071 AD Amsterdam (the Netherlands)
- 31 20 671 93 13

Contact persons: Remco Rosenboom: [r.rosenboom@reinwater.nl](mailto:r.rosenboom@reinwater.nl) and Reina Kuiper: [r.kuiper@reinwater.nl](mailto:r.kuiper@reinwater.nl)

❖ **River Basin District:** Rhine Delta

❖ **Reference documents:**

"Karakterisering Werkgebied RijnDelta (□abl 2004)"

Available at: [www.kaderrichtlijnwater.nl](http://www.kaderrichtlijnwater.nl)

❖ **Interpretation of the "water services" definition in Article 5 Report:**

Narrow interpretation, inconsistent with the WFD requirements.

The definition of water service includes public water supply, waste water collection / treatment (+stormwater), groundwater and regional management of water system and self-services (excludes major dykes and dams)

Chapter 6.4, page 167 Kostenterugwinning

*„Om duurzaam watergebruik te stimuleren, wordt in de KRW onder meer het principe 'de vervuiler/gebruiker betaalt' opgevoerd en uitgewerkt in de vorm van kostenterugwinning voor waterdiensten. In Nederland is kostenterugwinning voor waterdiensten heel gebruikelijk. Bij de indeling van waterdiensten in Nederland is uitgegaan van de institutionele structuur van het Nederlandse waterbeheer. Door de definitie van waterdiensten hiervan afhankelijk te maken, wordt op institutioneel niveau inzicht gegeven in de kostenterugwinning. Bovendien vereenvoudigt het de dataverzameling. Uitgaande van de huidige structuur in Nederland en de definitie van waterdiensten in de KRW<sup>6</sup> is besloten om de volgende activiteiten onder de definitie van waterdienst te laten vallen:*

- productie en levering van water;*
- inzameling en afvoer van hemelwater en afvalwater;*
- zuivering van afvalwater;*
- beheer van □able□al□er;*
- able□al watersysteembeheer<sup>7</sup>*

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<sup>6</sup> Waterdiensten: alle diensten die ten behoeve van huishoudens, openbare instellingen en andere economische actoren voorzien in: a. onttrekking, opstuwning, opslag, behandeling en distributie van oppervlaktewater of grondwater; b. installatie voor de verzameling en behandeling van afvalwater, die daarna op het oppervlaktewater loost (KRW, Artikel 1, lid 38).

<sup>7</sup> Voor wat betreft de waterdienst 'watersysteembeheer' is besloten om primaire waterkeringen niet onder het begrip waterdiensten te laten vallen, omdat zonder de primaire waterkeringen grote delen van Nederland onder water

*De bijdrage van gebruikers aan de kosten van de waterdiensten in het Nederlandse deel van Rijndelta is uit te drukken in een percentage kostenterugwinning (KTW). Tabel 6-3 presenteert de resultaten van de berekening van kostenterugwinning in Nederland. De -tabel laat zien dat de KRW-percentages erg hoog zijn, variërend van 78 procent voor de inzameling en afvoer van hemelwater en afvalwater tot 99 procent voor de productie en levering van water. In het Duitse deel van Rijndelta zijn naar de mate van kostenterugwinning geen alomvattende onderzoeken verricht. Op voorstel van de Länderarbeitsgemeinschaft Wasser (LAWA) is afgezien van dure inventarisaties van gegevens in de verschillende deelstaten. In plaats daarvan is de mate van kostenterugwinning onderzocht in drie pilot-gebieden die exemplarisch zijn voor de bondsrepubliek als geheel. Omdat het principe van kostenterugwinning in alle deelstaten op grond van wettelijke regels is verankerd, moeten de resultaten in de pilotgebieden Mittelrhein, Lippe en Leipzig in principe op alle deelstaten van toepassing zijn. Gemiddeld waren de uitkomsten als volgt:*

- openbare watervoorziening 100,95 procent kostenterugwinning;
- gemeentelijke riolering 95,53 procent kostenterugwinning."

#### ***❖ Supporting information***

| <b>Issue</b>  | <b>Findings in Article 5 Report</b>  |
|---|--|
| Influence of hydro morphological changes on the achievement of objectives | Major problem for achieving objectives   |
| Sectors identified as causing environmental damage                        | Agriculture, households, navigation, flood control and others.   |
| Cost-Recovery Assessment  | Public water supply, waste water collection / treatment. Assumed full cost recovery for self services. |
| Environmental and resource costs.   | Not mentioned  |
| Definition of "water services" in national legislation.                   | Not specified in the Report  |

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*zouden staan. Het is in ieders belang dat dit niet gebeurt (algemeen belang). Het benoemen van een activiteit als waterdienst impliceert dat gebruikersgroepen die belang hebben bij de waterdienst moeten meebetalen aan de kosten voor de waterdienst. Dit wordt voor primaire waterkeringen niet opportuun geacht.*

## **COMPLAINT 9**

### **❖ Organisation:**

- WWF Sweden
- Ulriksdals Slott
- 17081 Solna ( Sweden)
- + 46 70 221 03 67

Contact persons : Lennart Gladh : lennart.gladh@swipnet.se

### **❖ River Basin District:** None

**❖ Reference documents:** Article 5 general report: " *Beskrivning, kartläggning och analys av Sveriges vatten-sammanfattande beskrivning*"

Available at: <http://www.vattenportalen.se/>

### **❖ Interpretation of the "water services" definition in Article 5 Report:**

Very narrow interpretation, inconsistent with the WFD requirements.

The interpretation of "water services" only covers public water supply, waste water collection / treatment.

No definition of water service is provided in the Report. Water services are only referred to in a foot note in Chapter 4 page 112 "Kostnadstäckning för vattentjänster".

"Not: 1. Till "vattentjänster" räknas uttag, uppdämning, lagring, rening och distribution av ytvatten eller grundvatten, samt insamling och rening av avloppsvatten som senare släpps ut till grundvatten.

2. "VA-anläggningar" står för vatten- och avloppsanläggningar."

### **❖ Supporting information**

| <b>Issue</b>  | <b>Findings in Article 5 Report</b>                 |
|---|---|
| Influence of hydro morphological changes on the achievement of objectives | Major problem for achieving objectives              |
| Sectors identified as causing environmental damage                        | Agriculture, households, hydropower and navigation. |
| Cost-Recovery Assessment  | No cost-recovery included                           |
| Environmental and resource costs.   | Not mentioned                                       |

Definition of "water services" in national legislation.

No definition

## **COMPLAINT 10**

### **❖ *Organisation:***

- Bond Beter Leefmilieu Vlaanderen v.z.w
- Tweekerkenstraat 47
- 1000 Brussels (Belgium)
- + 32 2 282 17 37

Contact person: Mr. Wim van Gils: wim.van.gils@bblv.be

### **❖ *River Basin District:*** Scheldt

### **❖ *Reference documents:*** Article 5 report, economic analysis:

Available at <http://www.ciwvlaanderen.be/uploads/b304.pdf>

### **❖ *Interpretation of the “water services” definition in Article 5 Report:***

Very narrow interpretation, inconsistent with the WFD requirements.

The interpretation of the definition of water services only covers drinking public water supply, waste water collection / treatment and self services

Chapter 3, page 16

### 3. Waterdiensten en watergebruik

Voor de waterdiensten moet er rekening worden gehouden met het beginsel van kostenterugwinning, inclusief milieukosten en kosten van hulpbronnen en overeenkomstig het beginsel dat de vervuiler betaalt<sup>10</sup>.

Tabel 1 geeft een overzicht van de waterdiensten waarover Vlaanderen in 2004 rapporteert:

Tabel 1: Lijst van waterdiensten in Vlaanderen

| Waterdiensten  | Link KRLW   |
|--|---|
| Levering van water bestemd voor menselijke consumptie door waterleverancier, m.n. de exploitant van een openbaar waterdistributienetwerk       | 38 a/ Onttrekking, opstuwning, opslag, behandeling, distributie van oppervlakte- of grondwater        |
| Publieke inzameling en zuiveren van afvalwater hierbij worden volgende onderdelen onderscheiden:<br>gewestelijk niveau,<br>gemeentelijk niveau | 38 b/ Installaties voor verzameling, behandeling van afvalwater, die daarna in oppervlaktewater lozen |
| Levering van water bestemd voor menselijke consumptie door waterleverancier, exclusief de exploitant van een openbaar waterdistributienetwerk  | 38 a/ Onttrekking, opstuwning, opslag, behandeling, distributie van oppervlakte- of grondwater        |
| Zelfvoorzieningen inzake zuivering van afvalwater  | 38 b/ Installaties voor verzameling, behandeling van afvalwater, die daarna in oppervlaktewater lozen |

Onder 'watergebruik' wordt verstaan: waterdiensten, alsmede elke andere overeenkomstig artikel 5 en bijlage II geïdentificeerde activiteit met significante gevolgen voor de toestand van water.

Waterdiensten zijn alle diensten die ten behoeve van de huishoudens, openbare instellingen en andere economische actoren voorzien in:

- onttrekking, opstuwning, opslag, behandeling en distributie van oppervlakte- of grondwater;
- installaties voor de verzameling en behandeling van afvalwater, die daarna in oppervlaktewater lozen

#### ❖ Supporting information

| Issue   | Findings in Article 5 Report  |
|---|---|
| Influence of hydro morphological changes on the achievement of objectives | Major problem for achieving objectives  |
| Sectors identified as causing environmental damage                        | Households, agriculture, industry, navigation, flood control and urbanisation.                          |
| Cost-Recovery Assessment  | Public water supply, waste water collection / treatment<br>Qualitative cost-recovery for self services. |
| Environmental and resource costs.   | Only mentioned in the Report.   |
| Definition of "water services" in national legislation.                   | Definition of water services similar to that of the WFD.  |

## **COMPLAINT 11**

### **❖ Organisation:**

- Stichting Natuur en Milieu
- Donkerstraat 17
- 3511 KB Utrecht (Netherlands)
- 31 30 233 13 28

Contact persons: Ben Hermans: [b.hermans@natuurenmilieu.nl](mailto:b.hermans@natuurenmilieu.nl)

### **❖ River Basin District: Meuse (International)**

#### **❖ Reference documents: Article 5 Report:**

*"Kenmerken, beoordeling van de milieueffecten van menselijke activiteiten en economische analyse van het watergebruik, Overkoepelend rapport over de internationale coördinatie overeenkomstig artikel 3 (4) van de analyse zoals vereist door artikel 5 van de richtlijn 2000/60/EG tot vaststelling van een kader voor communautaire maatregelen betreffende het waterbeleid (Kaderrichtlijn Water); Luik, 23 maart 2005"*

<http://www.kaderrichtlijnwater.nl/download-document.php?id=767>

#### **❖ Interpretation of the "water services" definition in Article 5 Report:**

**For the largest part of the international River Basin District: Very narrow interpretation, inconsistent with the WFD requirements.**

There is a wide variety of interpretations ranging from France, Luxembourg, Belgium and Germany which only cover public water supply and waste water collection to The Netherlands which additionally covers groundwater management and regional water management. Overall, the interpretations are incoherent and inconsistent with the WFD.

**For the Dutch part of the River Basin\_District: Narrow interpretation, inconsistent with the WFD requirements:**

The interpretation of water services only includes public water supply, waste water collection / treatment (+stormwater), groundwater and regional management of water system and self-services (exclude major dykes and dams).

Bijlage 26

Raming van het kosten terugwinningspercentage (Definities, Gegevens en Berekeningsmethoden)

|                   | Onderwerpen  | FR   | LU  | WL  | VL   | NL   | DE   |
|-------------------|--|--|---|---|--|--|--|
| <b>Definities</b> | Waterdiensten  | Drinkwaterproductie<br>Behandeling afvalwater (riolering inbegrepen) | Drinkwaterproductie<br>Behandeling afvalwater (riolering inbegrepen?) | Drinkwaterproductie<br>Behandeling afvalwater (riolering inbegrepen)<br>Met uitzondering van de autoproduktie | Productie en distributie van drinkwater<br>inzameling en behandeling afvalwater (riolering inbegrepen) | Waterproductie<br>Riolering<br>Behandeling afvalwater<br>Kwantitatief beheer van grondwater<br>Regional water management | Drinkwaterproductie<br>Behandeling afvalwater (riolering inbegrepen) |
|                   | Selfservices   |  |   |   | inbegrepen drinkwater en behandeling afvalwater  | Inbegrepen   |  |
|                   | Milieukosten   | Niet in het rapport 2005   | Niet in het rapport 2005  | Niet in het rapport 2005  | Gedeeltelijk geraamd en inbegrepen in de drinkwaterproductie   | Geraamd op basis van de kostenpreventiemethode   | Niet in het rapport 2005   |
| <b>Gegevens</b>   | Informatiebronnen  | Beschikbare openbare gegevens  | Referentie-studie   | Beschikbare openbare gegevens   | Beschikbare openbare gegevens  | Beschikbare openbare gegevens  | Beschikbare openbare gegevens  |
| <b>Methoden</b>   | Detailniveau (Volgens WATECO-handleiding)                              | Toegepast  |   | Toegepast   | Niet integraal toegepast   | Niet integraal toegepast   | Niet integraal toegepast   |
|                   | Resultaten per groep van gebruikers (landbouw, huishoudens, industrie) | Ja   | Neen  | Ja met uitzondering voor de landbouw  | Neen   | Neen   | Neen   |
|                   | Resultaten per stroomgebied  | Ja   |   | Ja  | Neen   | Neen   | Ja   |
| <b>Resultaten</b> | Kosten terugwinningspercentage   | 59 - 89  |   | Waterproductie 84%<br>Behandeling afvalwater: 31%   | 100% (drinkwater)  | 80 - 100%  | 88 - 118 % (drinkwater)<br>94 - 126 % (afvalwater)                   |

Annex 26

Estimates for the cost recovery rates (including definitions, data and methods used for the calculation)

|                    | Item  | France  | Luxemburg   | Wallonia   | Flanders  | The Netherlands   | Germany   |
|--------------------|---|---|---|--|---|---|---|
| <b>Definitions</b> | Water services  | Production of drinking water<br>Wastewater treatment (including sewerage) | Production of drinking water<br>Wastewater treatment (including sewerage) | Production of drinking water<br>Wastewater treatment (including sewerage)<br>Except own water production | Production and distribution of drinking water<br>Wastewater collection and treatment (including sewerage) | Production of water<br>Sewerage<br>Wastewater treatment<br>Quantitative groundwater management<br>Regional water management | Production of drinking water<br>Wastewater treatment (including sewerage) |
|                    | Selfservices  |   |   |  | Included: drinking water and wastewater treatment   | Included  |   |
|                    | Environmental costs                                       | Not in the 2005 report  | Not in the 2005 report  | Not in the 2005 report   | Partly estimated and included in drinking water production  | Estimated using prevention cost method  | Not in the 2005 report  |
| <b>Data</b>        | Data sources used   | Publicly available data   | Benchmark study   | Publicly available data  | Publicly available data   | Publicly available data   | Publicly available data   |
| <b>Methods</b>     | Level of detail (according to Wateco guidance note)       | Applied   |   | Applied  | Not fully applied   | Not fully applied   | Not fully applied   |
|                    | Results by user group (agriculture, households, industry) | Yes   | No  | Yes, except for agriculture  | No  | No  | No  |
|                    | Results by basin  | Yes   |   | Yes  | No  | No  | Yes   |
| <b>Results</b>     | Cost recovery rates                                       | 59 - 89   |   | Production of water 84%<br>Waste water treatments: 31%   | 100% (drinking water)   | 80 - 100%   | 88 - 118 % (drinking water)<br>94 - 126 % (waste water)                   |

❖ **Supporting information**

| Issue   | Findings in Article 5 Report                                   |
|---|--|
| Influence of hydro morphological changes on the achievement of objectives | Major problem for achieving objectives                         |
| Sectors identified as causing environmental damage                        | Agriculture, households, industry, navigation and urbanisation |
| Cost-Recovery Assessment  | No cost recovery included                                      |
| Environmental and resource costs.   | Not mentioned  |
| Definition of “water services” in national legislation.                   | Depends on country   |

## COMPLAINT 12

### ❖ **Organisation:**

- Finnish Association for the Conservation of Nature
- Kotkankatu 9
- 00510 Helsinki (Finland)
- + 358 9 22 80 81

Contact persons: Jaana Marttila : jaana.martilla@sll.fi

### ❖ **River Basin District:** Gulf of Finland, Kymijoki

### ❖ **Reference documents:** Article 5 report:

“Suomen yhteenveto vesien ominaispiirteistä ja vesiin kohdistuvien vaikutusten alustavasta tarkastelusta”

Available at:  
[http://forum.europa.eu.int/Public/irc/env/wfd/library?1=/framework\\_directive/implementation\\_documents\\_1/wfd\\_reports/member\\_states/finland&vm=detailed&sb=Title](http://forum.europa.eu.int/Public/irc/env/wfd/library?1=/framework_directive/implementation_documents_1/wfd_reports/member_states/finland&vm=detailed&sb=Title)

### ❖ **Interpretation of the “water services” definition in Article 5 Report:**

Very narrow interpretation, inconsistent with the WFD requirements.

The interpretation of the definition of water services only covers public water supply. Article 5 report does not explicitly state what is meant by “water services”.

Page 27, Chapter 4 of Article 5 Report.

| Vesienhoitoalue                | VHA1 | VHA2 | VHA3 , | VHA4 | VHA5 | VHA6 | VHA7 | YHT. |
|--------------------------------|------|------|--------|------|------|------|------|------|
| Vesihuoltolaitost<br>lukumaara | 37   | 60   | 113    | 43   | 11   | 5    | 2    | 271  |
| Tuotot (milj. €)               | 75,3 | 308, | 222,   | 57,5 | 19,2 | 5,2  | 1,7  | 690, |
| Kulut (milj. €)                | 61,1 | 255, | 198,   | 42,8 | 16,1 | 4,8  | 1,1  | 580, |
| Voittoltappio<br>(milj. €)     | 14,2 | 53,0 | 24,4   | 14,7 | 3,1  | 0,3  | 0,7  | 110, |
| Kustannusten                   | 123, | 120, | 112,   | 134, | 119, | 107, | 165, | 126, |
| Kattavuus<br>ilman             | 2    | 7    | 3      | 3    | 4    | 1    | 3    | 0    |
| tukia (%)                      | 1,3  | 2,8  | 3,8    | 0,8  | 0,4  | 0,1  | 1,0  | 10,2 |
| (milj. €)                      |      |      |        |      |      |      |      |      |

❖ **Supporting information**

| Issue   | Findings in Article 5 Report                            |
|---|---|
| Influence of hydro morphological changes on the achievement of objectives | Major problem for achieving objectives                  |
| Sectors identified as causing environmental damage                        | Not well identified in the report                       |
| Cost-Recovery Assessment  | Public water supply, waste water collection / treatment |
| Environmental and resource costs.   | Not mentioned.  |
| Definition of "water services" in national legislation.                   | No definition.  |

## **COMPLAINT 13**

### **❖ Organization:**

- WWF Poland
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- 02520 Warsaw (Poland)
- + 48 22 849 84 69/ Ext 107

Contact persons : Magdalena Makles : mmakles@wwf.pl and Jacek Engel : jengel@wwf.pl (+48 608 38 42 42)

### **❖ River Basin District: Vistula**

### **❖ Reference documents: Article 5 national report:**

"Raport dla Dorzecza Wisły z realizacji art. 5 i 6, zał. II, III, IV Ramowej Dyrektywy Wodnej 2000/60/WE"

[http://www.bgw.gov.pl/raporty/Raport\\_art5\\_OD\\_Wisly.pdf](http://www.bgw.gov.pl/raporty/Raport_art5_OD_Wisly.pdf)

### **❖ Interpretation of Water Services' definition in Article 5 Report:**

Very narrow interpretation, inconsistent with the WFD requirements.

The interpretation of water services only covers public water supply and waste water collection / treatment. Article 5 report does not explicitly state what is meant by "water services".

### **❖ Supporting Information**

| Issue   | Findings in Article 5 Report  |
|---|---|
| Influence of hydro morphological changes on the achievement of objectives | <p><b>Major problem for achieving objectives</b></p> <ol style="list-style-type: none"><li>1. The Vistula basin report in the part concerning the impacts of flow regulations and morphological alterations summary mentions 207 water bodies in the Odra. River Basin District changed due to flow regulations and morphological alterations. (Chapter 5.1.1., pages 164-165)</li><li>2. The Vistula basin report in the part concerning the significant flow regulation and morphological alternations does not identify those impacts separately. In fact, "Estimation and identification of significant water flow regulation..." (Annex II 1.4) was not considered at all. (Chapter 5.1.6. pages 303 – 304)</li><li>3. In the Vistula basin report flow regulations impact on water bodies was not taken into consideration with reference to the likelihood that water bodies will fail to meet the environmental objectives of the WFD</li></ol> |

|  |  |
|--|--|
|  | 2000/60/EC. (Chapter 5.1.2.a pages 166 – 265)  |
| Sectors identified as causing environmental damage     | Agriculture, households and industry. Navigation, hydropower and Flood Control not identified.<br>(Chapter 5.1.1 pages 157-160)  |
| Cost-Recovery Assessment                               | Public water supply and waste water collection / treatment (Chapter 6,1, page 322 & Chapter 6.3 page 323)  |
| Environmental and resource costs                       | Excluded (Chapter 6,1, page 322, the last paragraph of the national report & Chapter 6.3, page 323, 1 <sup>st</sup> paragraph)   |
| Definition of "water services" in national legislation | Definition limited to services satisfying water needs only, other needs like transport, energy demand satisfied due to water abstraction, impoundment, storage... not mentioned<br><br>Art. 113a Ustawa Prawo wodne [Water Law Act of 2001] (definition binding since 30 <sup>th</sup> July 2005)<br>"Water services (...) are described as activity which allows households, public institutions and economic subjects to satisfy their water needs, in particular:<br><br>1) water resources maintaining and shaping and water abstraction, storage, treatment and distribution,<br>2) waste water collection, treatment and discharge |

## **COMPLAINT 14**

### **❖ Organisation:**

- Danish Society for Nature Conservation
- Masnedogade 20
- 2100 København (Denmark)
- + 45 39 17 40 00

Contact person: Mr. Henning Mork Jorgensen: [hmj@dn.dk](mailto:hmj@dn.dk)

**❖ River Basin District:** Arhus Amt Water district 70, subdistrict "Randers fjord/Gudenaen "

### **❖ Reference documents:**

1) Article 5 report: "Basisanalyse 2004, Århus Amt Natur og Miljø"

<http://www.aaa.dk/aaa/index/serviceomraader/nm/nm-vandmiljoe/nm-basisanalyse-2004.htm>

2) Danish national report on Economic analysis

Danmarks rapportering af basisanalysens del I > Notat om økonomisk analyse ifm basisanalysen.

### **❖ Interpretation of the "water services" definition in Article 5 Report:**

Very narrow interpretation, inconsistent with the WFD requirements.

The interpretation of the definition of water services only covers public water supply, waste water collection / treatment

## **Page 2 of the National report on economic analysis**

Definition of water services:

"1.2 HENSYN TIL PRINCIPPET OM OMKOSTNINGSDÆKNING VED FORSYNINGSPLIGTYDELSER

*Ved forsyningspligtigdelse forstås<sup>8</sup>: alle ydelser, som for husholdninger, offentlige institutioner eller økonomiske aktiviteter af enhver art stiller følgende til rådighed:*

- a) Indvinding, opmagasinering, oplagring og behandling af samt forsyning med overfladevand eller grundvand*
- b) Anlæg til opsamling og rensning af spildevand med efterfølgende udledning til overfladevand.*

*I Danmark er der ensartede regler for vandforsyning og spildevandsbortskaffelse i hele landet, hvorfor der vil være samme regelsæt gældende for alle vanddistrikter."*

(courtesy translation)

*"1.2 Considering the principle of cost recovery for water services*

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<sup>8</sup> Vandrammedirektivets artikel 2, nr. 38.

*By Water services is understood: All services which for households, public institutions or any kind of economic activity provides*

*a) abstraction, impoundment, storage, treatment and distribution of surface or ground water*

*b) wastewater collection and treatment facilities which subsequently discharge into surface water."*

*In Denmark uniform rules apply for water supply and waste water disposal all over the country, accordingly the regulation is the same for all water districts."*

***❖ Supporting information***

| Issue   | Findings in Article 5 Report   |
|---|--|
| Influence of hydro morphological changes on the achievement of objectives | Not specified in the Report  |
| Sectors identified as causing environmental damage                        | Not clearly specified in the Report  |
| Cost-Recovery Assessment  | <p>Public water supply and waste water collection / treatment Assume full cost-recovery for self services.<br/>(Article 5 River Basin District analysis, last chapter)</p> <p><i>"ØKONOMISK ANALYSE Basisanalysen skal indeholde en økonomisk analyse som skal belyse:<br/>1.Princippet om omkostningsdækning ved forsyningspligtydelser [...]<br/>Miljøministeriet har vurderet, at der allerede er fuld dækning af omkostningerne ved såvel vandforsyning som spildevandsrensning."</i></p> <p><i>Courtesy translation:</i></p> <p><i>"ECONOMIC ANALYSIS :The Article 5 analysis shall contain an economic analysis which must show:<br/>1. The principle of cost recovery for water services[...]<br/>The Ministry for the Environment has estimated that there is already full cost recovery on both water supply and waste water treatment"</i></p> |
| Environmental and resource costs.   | Included in the assessment   |
| Definition of "water services" in national legislation.                   | Similar as WFD.  |

## **COMPLAINT 15**

### **❖ Organisation:**

- AN-TAISCE
- The Tailors Hall Back Lane
- Dublin 8, Ireland.
- 00353 59 9142225/ 00 353 1 7077063

Contact persons: Mr. Eamonn Moore: [mooree@itcarlow.ie](mailto:mooree@itcarlow.ie), and/or Anja Murray: [anja.murray@antaisce.org](mailto:anja.murray@antaisce.org).

### **❖ River Basin District:** Shannon International

### **❖ Reference documents:**

Article 5 report on Shannon River Basin District: « *Shannon River Basin District Characterisation & Analysis Summary Report* ».

Available at: <http://www.shannonrbd.com/>

National Article 5 Report: "*The Characterisation and Analysis of Ireland's River Basin Districts*". Available at: <http://www.wfdireland.ie/>

National Economics report: "*Economic Analysis of Water Use in Ireland*" Final Report. Available at: <http://www.wfdireland.ie/>

### **❖ Interpretation of the "water services" definition in Article 5 Report:**

Very narrow interpretation, inconsistent with the WFD requirements.

The interpretation of the definition of "water services" only covers public water supply and waste water collection / treatment. Although there is no explicit definition of water services in the Shannon river basin district Report, water services are defined in the National Article 5 Report: "*Article 5 The Characterization and Analysis of Ireland's River Basin Districts*". Available at: <http://www.wfdireland.ie/>

Chapter 5.3: Assessment of costs and costs recovery of water services

*"The financial costs of water services – potable water supply and wastewater collection, treatment and disposal – are reported for each RBD, as are partial estimates of the environmental/resource costs associated with polluted wastewater discharges."*

### **❖ Supporting information**

| <b>Issue</b>  | <b>Findings in Article 5 Report</b>   |
|---|---|
| Influence of hydro morphological changes on the achievement of objectives | A moderate problem for achieving objectives<br>Executive Summary, Shannon RBD Characterisation & Analysis Summary Report, <i>Paragraphs 6 &amp; 7, pgs iii - iv</i> |

|   |   |
|---|---|
|   | Executive Summary National Characterisation & Analysis of Ireland's RBDs Report, <i>Paragraph 8, pg. ii</i>   |
| Sectors identified as causing environmental damage      | Agriculture, households, industry, and forestry<br><i>Chapter 3, Table 3.2, pg 26, Shannon River Basin District Characterisation &amp; Analysis Summary Report</i><br><i>Chapter 3.1.4, Table 3.5, National Characterisation &amp; Analysis of Ireland's RBDs Report</i>  |
| Cost-Recovery Assessment                                | Public water supply, waste water collection / treatment and private installation<br><i>Chapter 3.1.2. Economic Analysis of Water Use in Ireland Report</i><br><i>Chapter 5.3, pg 93-94, Shannon River Basin District Characterisation &amp; Analysis Summary Report</i><br><i>Chapter 5.3, National Characterisation &amp; Analysis of Ireland's River Basin Districts Report</i> |
| Environmental and resource costs.                       | Only mentioned<br><i>Chapter 3.1.3 Economic Analysis of Water Use in Ireland Report</i><br><i>Chapter 5.3.2 National Characterisation &amp; Analysis of Ireland's River Basin Districts Report</i>  |
| Definition of "water services" in national legislation. | No definition   |

## **COMPLAINT 16**

### **❖ Organisation:**

- Freiburger Arbeitskreis Wasser im BBU
- Rennerstr. 10
- 79106 Freiburg (Germany)
- + 49 761 275693

Contact persons: J. Lange, A. Sanner, D. Gommel and N. Geiler, nik@akwasser.de

### **❖ River Basin District:** Upper Rhine (international)

### **❖ Reference documents:** Article 5 report:

*"Internationale Flussgebietseinheit Rhein, Internationales Bearbeitungsgebiet Oberrhein, Bericht zur Bestandsaufnahme, Textband, 10. März 2005"*

Available at: <http://www.wrrl.baden-wuerttemberg.de/servlet/is/3577>

### **❖ Interpretation of the "water services" definition in Article 5 Report:**

Very narrow interpretation, inconsistent with the WFD requirements.

No specific definition, but states that "only public water supply, waste water collection / treatment" are water services

Chapter 8.3, page 108

*"Kostendeckungsgrad von Wasserdienstleistungen: Die wesentlichen zu betrachtenden Wasserdienstleistungen im Bearbeitungsgebiet sind die öffentliche Wasserversorgung und die kommunale Abwasserbeseitigung."*

### **❖ Supporting information**

| <b>Issue</b>  | <b>Findings in Article 5 Report</b>  |
|---|--|
| Influence of hydro morphological changes on the achievement of objectives | Major problem for achieving objectives   |
| Sectors identified as causing environmental damage                        | Agriculture, hydropower and navigation   |
| Cost-Recovery Assessment  | Public water supply and waste water collection / treatment. Only from pilot studies. |
| Environmental and resource costs.   | Only mentioned   |
| Definition of "water services" in national legislation.                   | No definition.   |

## **COMPLAINT 17**

### **❖ Organisation:**

- Estonian Green Movement
- PO Box 318
- 50002 Tartu (Estonia)
- + 372 52 13 882/ + 372 55 37 701 (cell phone)

Contact persons: Ms Maret Merisaar: roheline@online.ee

### **❖ River Basin District:** East-Estonian Basin

### **❖ Reference documents:**

Article 5 report: "Compliance with the Requirements of Article 5 of the WFD in Estonia Summary Report of River Basin Districts"

[http://www.envir.ee/orb.aw/class=file/action=preview/id=120632/veepoliitika\\_aruanne\\_eng.pdf](http://www.envir.ee/orb.aw/class=file/action=preview/id=120632/veepoliitika_aruanne_eng.pdf)

### **❖ Interpretation of the "water services" definition in Article 5 Report:**

Very narrow interpretation, inconsistent with the WFD requirements.

The interpretation of water services only covers public water supply, waste water collection / treatment

No actual definition of water services is provided in the Report.

Economic analysis of water use, Chapter 3, page 43.

"Assessment of the recovery of the costs of private households: The results of the analysis of individual cases have been used for the calculation of the costs related to water use in private households. Calculations of the total costs of a water undertaking and a private household were made in the course of the analysis of every individual case."

### **❖ Supporting information**

| <b>Issue</b>  | <b>Findings in Article 5 Report</b>                          |
|---|--|
| Influence of hydro morphological changes on the achievement of objectives | Major problem for achieving objectives                       |
| Sectors identified as causing environmental damage                        | Agriculture, industry, urbanisation and past polluted sites. |
| Cost-Recovery Assessment  | Public water supply and waste water collection / treatment   |

|   |   |
|---|---|
| Environmental and resource costs.                       | Included in the assessment.   |
| Definition of "water services" in national legislation. | Defined in the "Water Act" as "public water usage (bathing, water sport, navigation and angling) and specific water usage (abstraction, discharge, dredging, dumping of solid matters, changing groundwater level, changing physical, chemical or biological parameters of the water)". |

# **Annex III**

## **Best Practice Examples**

Best practice 1: Latvia, Lielupe River Basin District

Best practice 2: France, Seine-Normandy River Basin District

## **BEST PRACTICE 1**

### **❖ Organisation:**

- WWF France
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- 75116 Paris (France)
- + 33 1 55 25 84 69

Contact persons: Sarah Gillet/ Elena Gorchakova : [sgillet@wwf.fr](mailto:sgillet@wwf.fr) / [egorchakova@wwf.fr](mailto:egorchakova@wwf.fr)

### **❖ River Basin District: Seine-Normandie**

### **❖ Reference documents:**

Article 5 report : « *Etat des lieux du bassin Seine et cours d'eau côtiers normands* ».

[http://www.aesn.fr/fileadmin/mediatheque/Expert/Etat\\_des\\_Lieux/EDLV3chap4\\_5.pdf](http://www.aesn.fr/fileadmin/mediatheque/Expert/Etat_des_Lieux/EDLV3chap4_5.pdf)

### **❖ Interpretation of the “water services” definition in Article 5 Report:**

Wider interpretation, consistent with the WFD requirements.

The definition of water service includes public water supply, waste water collection / treatment (+storm water), dams for hydropower, infrastructure for navigation, infrastructure for irrigation and self services.

Chapter 5, A (p 122)

*"Selon les termes de la directive, l'analyse économique est limitée aux seuls usages de l'eau qui conduisent à la capter, la traiter, la transporter, la stocker ou la conserver. Autrement dit, sont concernés l'alimentation en eau potable et l'assainissement des eaux usées des usagers domestiques et industriels, qu'il s'agisse de services collectifs ou de services « pour compte propre », gérés par une entité publique ou privée (entreprises privées délégataires). Pour l'agriculture, sont concernées l'irrigation, l'eau pour le bétail et l'élimination des pollutions directes (en particulier celles produites par les bâtiments d'élevage). Les ouvrages (barrages, canalisations, dérivations...) associés à la navigation et à l'hydroélectricité sont aussi concernés par l'analyse, même si les données les concernant sont à l'heure actuelle moins complètes. De ce fait, cette définition exclut implicitement les pollutions dites « diffuses » : celles qui sont générées par épandage sur les sols (par exemple l'épandage d'engrais ou de produits phytosanitaires). Elle n'intègre pas non plus directement les impacts créés par l'aménagement urbain. Enfin, les loisirs nautiques et la pêche sont également exclus de cette définition. Tous ces usages sont des « utilisations de l'eau », et l'analyse doit nous conduire à examiner de quelle manière ils sont victimes de coûts en provenance des services ou bien causes de coûts pour les mêmes services, mais non d'examiner la question de leur tarification et des subventions les concernant. Autrement dit, l'analyse examine, par exemple, comment les pollutions diffuses induisent des coûts pour la production d'eau potable des ménages, mais non les*

*paiements et subventions les concernant. Ainsi, les aspects sur les utilisations de l'eau sont évoqués ici au paragraphe traitant des coûts environnementaux.*

**❖ Supporting information**

| Issue   | Findings in Article 5 Report   |
|---|--|
| Influence of hydro morphological changes on the achievement of objectives | Major problem for achieving objectives   |
| Sectors identified as causing environmental damage                        | Households, Agriculture, industry, navigation and others   |
| Cost-Recovery Assessment  | Public water supply, waste water collection / treatment, navigation, irrigation infrastructure and self services.  |
| Environmental and resource costs.   | Included in the assessment.  |
| Definition of "water services" in national legislation.                   | The definition is not in law but in an official information notice. It refers to the English definition, and specifically excludes the definition provided by the French translation of the WFD, and by doing so, excludes all flood defences measures from the definition.<br><br>In Circulaire DCE 2004/06 |

## **BEST PRACTICE 2**

### **❖ Organisation:**

- Baltic Environmental Forum
- Peldu Street 26/28-505
- 1050 Riga (Latvia)
- +371 735 75 51

Contact persons: Kristina Veidemane: Kristina.veidemane@bef.lv

### **❖ River Basin District:** Lielupe

### **❖ Reference documents:** Article 5 report

### **❖ Interpretation of the “water services” definition in Article 5 Report:**

Wider interpretation, consistent with the WFD requirements.

The interpretation of the definition of water service covers public water supply, waste water collection / treatment (+storm water), dams for hydropower, flood control measures, river/harbour dredging, drainage, water supply for agriculture and self services.

### **❖ Supporting information**

| <b>Issue</b>  | <b>Findings in Article 5 Report</b>   |
|---|---|
| Influence of hydro morphological changes on the achievement of objectives | Not specified in the Report   |
| Sectors identified as causing environmental damage                        | not clearly specified in the Report   |
| Cost-Recovery Assessment  | Public water supply, waste water collection / treatment. Not clear to what extent other services such as “water supply for agriculture” was investigated. |
| Environmental and resource costs.   | Included in the assessment  |
| Definition of “water services” in national legislation.                   | Similar to the WFD definition. In the “Law on Water Management”.  |