Critical questions in the evaluation of EU water policy

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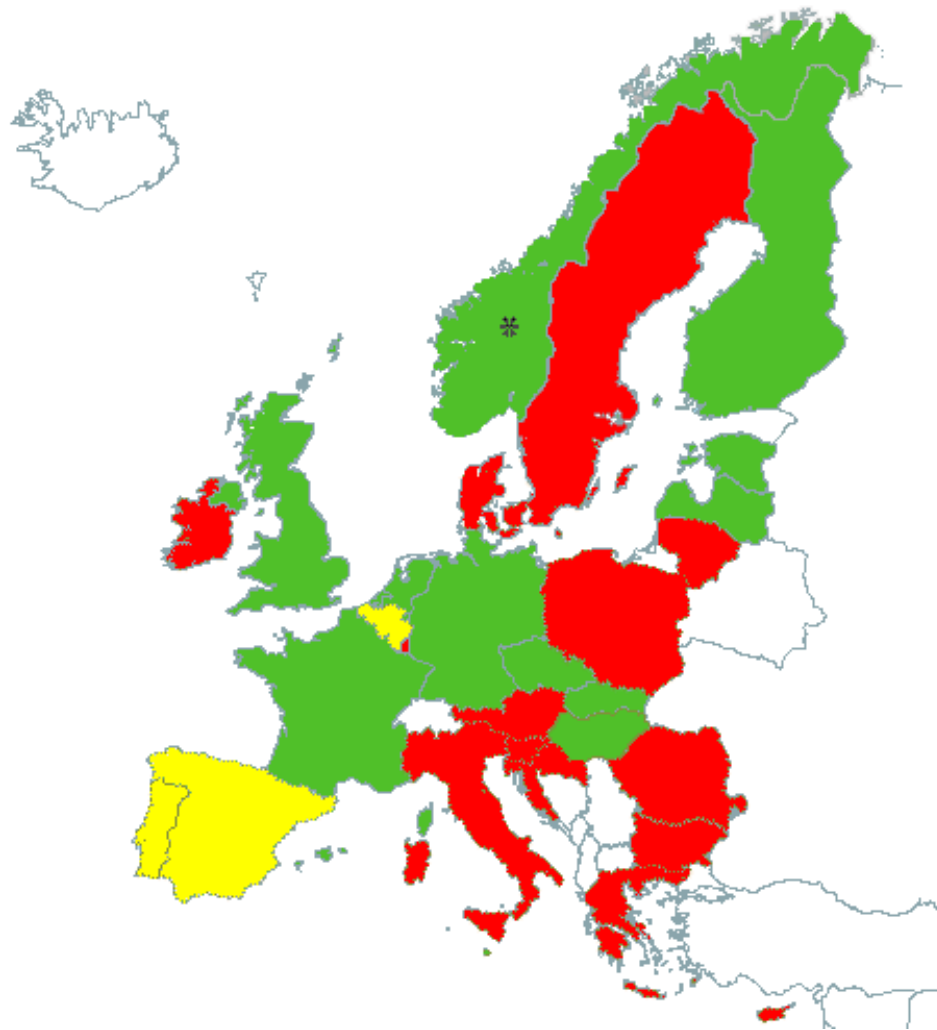**EEA, Copenhagen**

Introduction

- **Introduction to WFD review timetable and initial activity**

- **Framing evaluation – different perspectives and starting points**

- **Critical issues for WFD evaluation**

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Timetable

- **WFD Art. 19(2): "The Commission will review this Directive at the latest 19 years after the date of its entry into force [22/12/2000] and will propose any necessary amendments to it."**

- **Includes daughter directives and FD**

- **So it is not triggered by a need identified today!**

- **2nd RBMPs and 1st FRMPs reported to EC March 2016**

- **Reporting data being uploaded into WISE**

- **Current implementation is the starting point for a review**

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Status of adoption of 2nd RBMPs (EC, 15/6/16)

- **Some plans not adopted – challenge for assessment**

Commission approach to initial assessment

Main guiding questions for RBMPs:
- ✓ **Status of implementation of WFD requirements?**
- ✓ **Progress made since the 1st cycle?**
- ✓ **Follow-up of COMM's previous recommendations?**

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- ✓ **Identification of good practices**
- ✓ **Recommendations for the future steps**

- **Timing: draft assessment for consultation within 6 to 8 months after WISE reporting is completed. Draft for consultation with MS**

- **Forms baseline information for future WFD review – but is not the scope of the review**

5

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Different possible starting points for evaluation

- **Water needs**

- **Established legal framework**

- **Regulatory burden**

- **Opportunities to use evaluation results**

- **For each could design bespoke evaluation framework**

- **REFIT/Fitness check framework**

Needs of the environment/society

- **Was starting point for 2012 Water Blueprint – what are the problems, what actions to take?**

- **WFD is often environmental in objectives, with some societal objectives (eg DW)**

- **Examining water objectives by societal objectives – ecosystem service relationship and does WFD deliver this?**

- **E.g. Does assessment process in WFD (Art. 5) allow for these to be captured in decision making?**

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Legal framework – EU Treaty

- **In asking what EU law should do (as input or output of evaluation), must consider opportunities and constraints of the Treaty**

- **What is EU level competence, what is national, what is shared?**

- **Type of instrument also influenced by issues of competence**

- **A deficiency/gap in policy coverage may be for MS to address, not EU level**

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Framing evaluation around outcome opportunities

- **What is the possible outcome?**
  - Changing EU water law
  - Changing other EU law
  - Changing governance framework for WFD (improving guidance, etc)
  - Emphasis on improved implementation
- **Are there opportunities to act on evaluation results in these areas?**

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Evaluation framework (Better Regulation Toolbox)

- **Effectiveness, Efficiency, Coherence, Relevance, EU added value**

- **Each one of these begs questions, interacts, etc.**

- **Analytical vs political**

- **REFIT does not directly analyse the env objectives (eg an EQS) (different technical framework), but does aim to simplify its delivery**

- **Toolbox recommends focusing on what is important, but often too much included – leading to box ticking**

- **Sometimes big messages are above this – "just leave it all alone!"**

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REFIT framework

- **Effectiveness: captures core evaluation focus on objectives of instrument**

- **Efficiency: strong focus for Commission, questions processes, often difficult to get data, problems with counterfactual and politically sensitive. Cost/benefit difficult to compare.**

- **Coherence: can break policy boundaries of review. Where there is a problem, answers are not always simple!**

- **Relevance: captures core evaluation focus on instrument fitting broader needs**

- **EU added value: links to legal evaluation framework**

Core questions for WFD review

- **What are the big achievements? (not simply technical change in status) – what has the WFD actually delivered on the ground?**

  – Some achievements may be in pipeline

- **Secondly, what secondary benefits are there (data, participation, etc.)?**

- **What effort/cost has this required?**

- **What is not delivering/unnecessary?**

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What to include or exclude?

- **WFD (+daughters), FD, more?**
- **If starting point is environmental/societal needs for water, harder to exclude rest of water acquis**

- **Include too much, danger of being superficial and/or get lost in detail**

- **Focus on key principles – do these still work?**
- **Focus on core processes – are these efficient/effective?**

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Questions on WFD principles

- **WFD works towards a system functioning close to "natural" – is this right?**

- **"One out, all out" status determination: a hindrance or a driver?**

- **Ability of instrument to address long-term climate change**

- **Coverage: rivers, lakes, transitional, coastal waters – are they equally served?**

- **Cost recovery of water services – clarity needed!**

- **Transboundary co-operation**

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Questions on WFD processes

- **If implementation is slow – is this because it is difficult, MS have taken advantage of exemptions, there is a design problem, or…?**

- **What additional basic measures have been put in place, what works, what outcomes?**

- **What other policy areas need to deliver – what barriers are there?**

- **Active participation – what, where, outcomes?**

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Information on water

- **Status, measures, economic analysis – reporting through WISE (ongoing)**

- **Integrates WFD & SoE reporting**

- **Yet to know what evaluation questions the data can effectively answer**

- **WFD requires monitoring to evaluate effectiveness of measures – but is not an evaluation of the WFD**

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Conclusions

- Review is not triggered by a need but by law – so what are critical issues?
- Starting point/perspective of evaluation is critical – where should this be?
- Water needs – if so how determined?
- How much of WFD/aqcuis will be examined?
- How to capture things that are hard to capture?

- Now is the time to identify key issues of concern to stakeholders, MS, etc.
- BR: 'big on the big things, small on the small things' – what are stakeholder big things? Would the BR evaluation framework miss these?

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