ESC In Action

EU policies and legislation affecting dredging are of great importance to CEDA, even though part of the Association's membership is from outside the EU.

Within the World Organisation of Dredging Associations (WODA) structure, CEDA serves dredging professionals who live and work in Europe, Africa and the Middle-East — and information about, plus experience with, EU legislation is of interest and useful even to members not directly affected by it.

In fact, EU regulations, as examples, are also relevant for the other WODA Associations:
- The Western Dredging Association (WEDA), serving the Americas, and
- The Eastern Dredging Association (EADA) serving the Asian and Pacific region.

Learning from its experience with the EU's Birds and Habitats Directives, the Environmental Steering Committee recognised that it's essential for CEDA to engage in a dialogue with bodies responsible for the development and implementation of EU legislation in the earliest stages. By providing impartial technical and scientific information — and examples of good practice (win-win) case studies — CEDA tries to ensure that scientific, practical and economic considerations relating to dredging and dredged material disposal are taken into account.

And The Water Framework Directive (WFD) is the latest and possibly one of the most contentious pieces of EU legislation that the Environmental Steering Committee has had to take onboard.

Co-operation & Understanding

The WFD aims to protect and improve the quality of all European waters and may thus benefit dredging and navigation by reducing sediment contamination via effective source control. Its river basin approach might offer an opportunity to introduce river basin scale sediment management that could bring much needed clarity to dredged material management — now affected by a range of fragmented and sometimes even contradicting EU policies and regulations.

At the same time, however, parts of the WFD may have significant consequences for dredging and dredged material relocation by imposing serious, potentially unjustified constraints. In turn, that may lead to increases in project cost and to considerable project delays — without any...
added environmental benefits.

CEDA seeks to facilitate the WFD implementation process on both national and international levels, acting individually or in collaboration with other international associations. Two successful collaborative efforts merit attention:

1. **Nationally** – in the UK, the CEDA and PIANC chapters together set up the Ports, Navigation and Dredging Sector Group to discuss the WFD. The Group represents both the relevant government departments (DEFRA and the Environment Agency) and all major stakeholders potentially affected by the WFD – including the UK Major Ports Group, Federation of Dredging Contractors and others. It’s become an important forum for consultation and information exchange and is chaired by Dredging Research director John Land, chairman of CEDA’s UK Section.

2. **Internationally** – CEDA co-operates with other international organizations via the PIANC-led Navigation Task Group (NTG), which was set up in 2003 with the following objectives:

   ♦ To increase awareness of dissemination information to NTG members on the WFD and its implications for dredging, navigation and ports

   ♦ To develop an understanding, through exchange of knowledge and experience, of the implementation process in different EU states, and

   ♦ Communicate dredging and navigation knowledge to EU legislators.

   The NTG now has eight international organizations, professional and trade associations, as members and one organization as an observer. The group’s chaired by UK independent consultant Jan Brooke, who represents PIANC, while CEDA NTG members are Lindsay Murray (CEFAS, UK), Axel Netzband (Hamburg Port Authority, Germany), Graham Newman (British Waterways, UK) and Anna Csiti (CEDA general manager, Holland).

   Jan’s done an excellent job leading the NTG, which has now has established credit in the EC. As the group represents the majority of key stakeholders with interests in European navigation, ports and dredging – and as it has been able to speak with one voice on key issues – it now has the Commission’s ear.

### Key Issues...

...of fundamental importance to the dredging, ports and navigation sectors through the whole EU WFD implementation process were a vital part of the NTG’s role. In a May 2004 position paper entitled *Implications of the EU Water Framework Directive for Ports, Harbours, Commercial and Leisure Navigation, and Dredging*, the NTG associations identified the following:

♦ **Policy Integration** – between the WFD and other EU policies, especially transport and navigation

♦ **Clarity** – plus consistency in interpretation and transparency in reporting across member states to achieve a level playing field

♦ **Early Consideration** – of practical and economic implications of the implementation on dredging works, including possible increased costs, delays and uncertainties

♦ **Recognition** – of the natural role of sediments in aquatic systems and the fact that sediments should be addressed as part of the water policy.

### WFD Concerns Today

What follows is a short overview of the ESC’s main issues of concern in seeking to ensure rational and practical implementation of the Directive.

1. **Priority Substances (Article 16)** – after several delays, publication of the *Daughter Directive on Priority Substances*...
is now expected pretty much as you read this. The dredging, navigation and port communities' concerns relate to the following:

- Possible interpretation of dredging and dredged material disposal as activities resulting in 'losses' of priority and priority hazardous substances to water bodies. Should this happen, it could result in unjustified restrictions on dredging.
- The plan to introduce uniform quantitative Environmental Quality Standards (EQS) and performance criteria as proposed to developing guidelines to be used within a tiered risk assessment scheme similar to those used by such international conventions as London, OSPAR and HELCOM.
- The recommended approach to establishing EQS that will be used to determine the chemical status of surface waters - i.e. whole water analyses - to the more rational average annual.

In a November discussion paper last year, CEDA and the other NTG associations voiced these concerns. The paper was formally submitted to the EC while a shortened version was published by DPC.

2). WFD And Hydromorphology - the mandate for a new activity within the WFD implementation process called 'hydromorphology' was recently adopted by the Water Directors.

As it will include navigation, it will provide an opportunity to more explicitly address key navigation and dredging issues. The NTG participated in defining the mandate for this work and presented a statement at last October's Prague Hydromorphology Workshop. Key issues identified include the need to:

- Establish reference background concentrations of suspended sediment, especially for transition and coastal waters.
- Recognize and accommodate the effects of maintenance dredging and relocation of dredged material, vessel movement etc. in setting quality targets.
- Develop river basin scale approaches to sediment management.

- Ensure that conflicts between sediment management schemes in sites protected under the Birds and Habitats Directives will be avoided.

You can find the full statement on CEDAS website (www.dredging.org) and the NTG will have two representatives on the Strategic Steering Group - Jan Brooke (PIANC) for coastal and transitional waters and possibly, but not confirmed, Graham Newman (CEDA) for inland waters.

3). New Modifications and Exemptions (Article 4.7) - there's now general agreement that these thematic considerations should not be taken into account in defining environmental objectives, but should be addressed through the 'exceptions' mechanisms WFD provides for.

Under specific conditions, article 4.7 allows for failure to achieve environmental objectives when it's the result of new modifications to the physical characteristics of the water body.

Conditions for the exemptions include, for instance, the application of all practically possible mitigation measures; non-existence of any practical alternative; overriding public interest and benefit to the environment and to society.

Foresaking the practical difficulties of demonstrating exemption rights, the Water Directors agreed to develop a guidance document addressing key issues of the implementation - e.g. a common understanding of such concepts as 'overriding public interest' and 'practicable mitigation measures' - and links with other EU environmental directives. As the proper use of the exemption possibilities for dredging undertaken for navigation and port development is essential, this guidance document is very important to us.

4). Maritime Policy, Marine Framework Directive - the Green Paper on a new EU Maritime Policy is to be adopted soon. CEDA closely follows this development and seeks to facilitate the process.

Together with PIANC, CEDA prepared a statement for presentation at the recent More Forum conference - 'The New European Maritime Policy: Challenges and Opportunities' calling for a 'relevant, beneficial, practical and enforceable maritime policy for the conservation and protection of the marine environment, whilst also taking into account the broad picture of the benefits of dredging and navigation to the EC and the world as a whole.' EAC chairman Neville Hunt represented CEDA and PIANC.

FINALLY...

CEDA keeps corporate members up-to-date on the WFD and developments with the European Maritime Policy. Occasional updates are also published by DPC.

But if you want in-depth information, all referred documents, statements, position and discussion papers in this article are available on the CEDA website at: www.dredging.org