

Potential implications for navigation (including ports, harbours, waterways and dredging) of EU Water Framework Directive Articles 16(1) and 16(7)

This paper has been prepared as a discussion document by representatives of the International Navigation Association (PIANC), the Central Dredging Association (CEDA) and the International Association of Dredging Companies (IADC). It has the support of the European Sea Ports Organisation (ESPO), and the European Federation of Inland Ports (EFIP).

The purpose of this paper is to raise awareness of the possible implications, for the wider navigation sector, of the discussion documents associated with the implementation of Article 16 of the EU Water Framework Directive (WFD)

General Concerns

1. Whilst it is appreciated that the WFD was not intended to deal with sediments, sediments are nevertheless an important part of the natural system, particularly in coastal and transitional waters
2. It is not possible, therefore, to implement Article 16 without ensuring that the methods are technically realistic with respect to naturally occurring suspended sediment levels
3. Article 16 implementation must, therefore, also take into account the potential consequences for navigation

Specific Concerns

4. Any interpretation of disturbance due to activities such as vessel movement, overflow from a dredger, or the aquatic disposal of dredged material, as a discharge, emission, loss or transfer to the water body under Article 16(1) of the Directive would have serious implications for the wider navigation sector
5. This would, in turn, contradict political efforts towards modal shift in European transport policy, as laid down in the White Paper on European Transport Policy
6. Quantitative environmental quality standards, derived from limited toxicological data, should not be employed as compliance criteria in complex natural systems
7. Setting quantitative water standards based on total water analyses has serious technical flaws, particularly in estuarine (transitional) and coastal waters and other water bodies with naturally high suspended sediment concentrations
8. This is because impacts on biota depend on whether or not the contaminants in suspended sediment are biologically available, rather than on total concentrations. The bioavailability of contaminants in a whole water sample is thus profoundly influenced by the presence of suspended sediments

Potential Consequences

9. Navigation, dredging, and disposal could potentially be significantly constrained by the measures required to achieve good status
10. Imposing constraints such as dredging without overflowing, using confined disposal sites, or treating dredged material (where practical) would be expected to lead to a massive increase in both the cost of dredging and disposal, and the complexity of such activities

11. Increased costs would be incurred in the form of trans-shipment and double handling costs. In addition, there would be further environmental costs (air quality, noise, congestion) if waterborne freight transfers to land transport, particularly road transport.
12. In certain estuaries, any constraints which preclude the relocation of dredged sediments within the aquatic system would bring the WFD into direct conflict with the objectives of the EU Birds and/or Habitats Directive - and indeed with the requirement under the WFD to meet good ecological status
13. Removal of sediment from many estuarine systems would also exacerbate coastal erosion

The Way Forward

14. The objectives of the WFD in delivering improvements in the status of surface water bodies and in preventing deterioration in status are fully supported
15. Sediment is vital to aquatic life: suspended sediments are an integral part of complex natural systems
16. Sediment management strategies will play a vital role in river basin management planning and in ensuring effective delivery of WFD objectives
17. Temporary increases in suspended sediment levels are unlikely to compromise the achievement of the WFD objectives.
18. Care has to be taken to ensure that economically vital activities such as navigation and associated dredging are not unjustifiably constrained, for example as a consequence of interpreting such activities as losses to a water body
19. The uniform Environmental Quality Standards set out in the discussion documents should be replaced by the development of guidelines similar to those already developed for the protection of the marine environment
20. It will be essential to ensure that disproportionate cost analysis, as described in Article 4(4) of the WFD, is properly applied in the daughter Directive
21. It will be important to develop appropriate monitoring methodologies, taking into account *inter alia* the two-directional movement of water and sediments in coastal and transitional water bodies

In conclusion

22. PIANC, CEDA and IADC seek assurances that the EC will draw on the extensive experience of relevant international conventions, and will make full use of the aquatic science expertise available, before making a final decision on their preferred approach to delivering WFD objectives in coastal and transitional waters and in other sediment-rich water bodies.

How can we help?

23. PIANC, CEDA and IADC, as professional Associations, have extensive networks of highly qualified and experienced members with access to relevant regional and global conventions as well as EU initiatives such as SedNet. Our Associations have also published a number of potentially useful reports and guidance documents. We encourage the EC to make maximum use of all these resources.
24. Our Associations will be pleased to act as facilitators in the important process of delivering the WFD objectives in a timely, realistic and cost-effective manner.

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