

REMOC Conference "Water Days" Session 4: "Key questions of the Water Framework Directive (II)"

Public Participation (P2) in the EU Water Framework Directive (WFD)

Guido Schmidt. WWF/Adena. Spain 11 November 2003. Valencia



1. Aim of the presentation

- Highlight the importance of P2 in the WFD implementation.
- Explain the P2 guidance document and PRB process.
- Focus on the first steps.
- Focus on some RBO-relevant organizational issues.



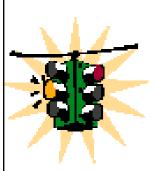
2. WFD and P2

Preamble 14

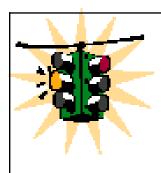
"The success of this Directive relies on close cooperation and coherent action at Community, Member State and local level as well as on information, consultation and involvement of the public, including users."



3. Aim of public participation



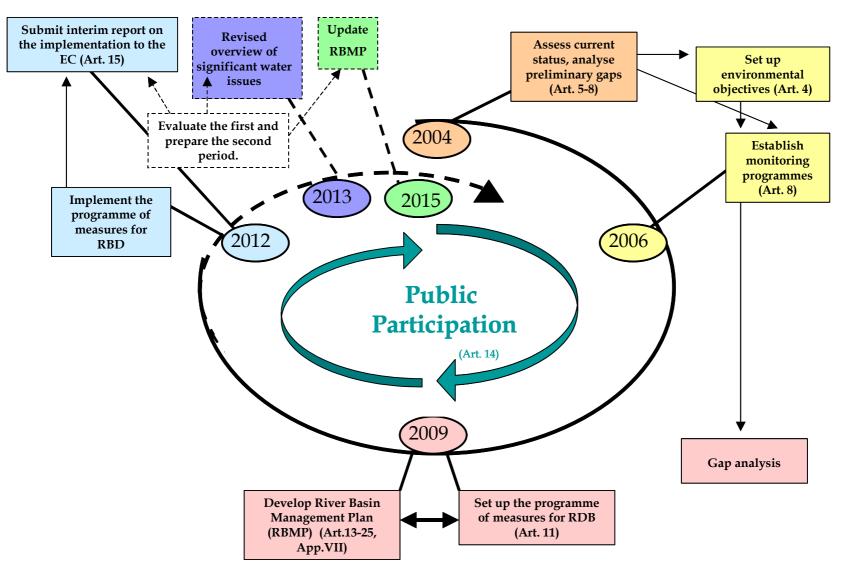
Look Out! Public participation is a means to improve decision-making. Public participation is not an objective in itself. Public participation helps to define the rationale, framework, outcomes and validity of decision-making processes.



Look Out! Public participation is not necessarily about: Everybody joining, everybody deciding, always participation, losing control, or achieving consensus at all expense.



3. Art. 14 in the planning cycle





4. WFD legal basis for P2

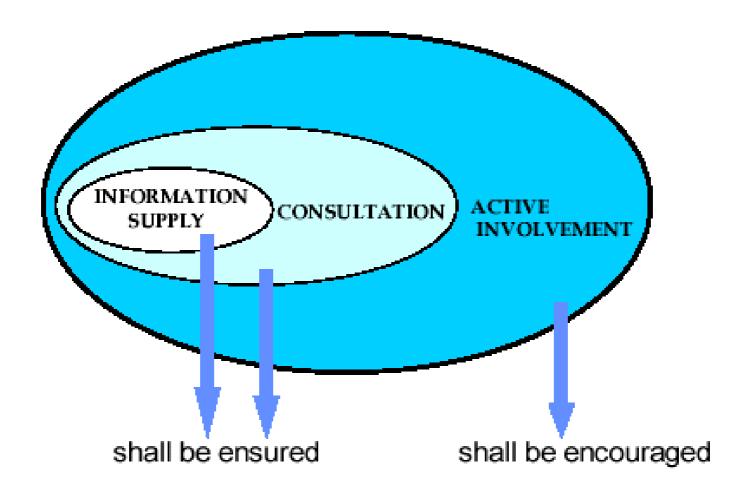
Article 14 prescribes three main forms of public participation:

- Active Involvement in all aspects of the implementation of the Directive, especially but not limited to the planning process
- Consultation in three steps of the planning process
- Access to background information

The Member States have to *encourage* active involvement and *ensure* consultation and access to background information.

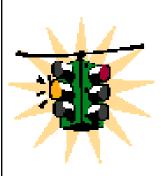


4. Legal basis (2)

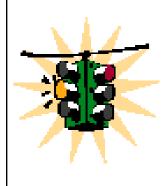




4. Legal basis (3)



Look Out! The Directive requires more than consultation. In addition active involvement in all aspects of the implementation of the Directive has to be encouraged. Moreover, access has to be given to background information.



Look Out! Public Participation is not only required for the river basin management plan. The programme of measures and individual measures are probably even more important.



5. Implementation Strategy

- Working Groups, formed by European Commission, Member States and stakeholders.
- Develop non-binding guidance documents based on "good practice" (and additional tools).
- "Guidance on public participation in relation to the WFD" + Annexes.
- Further testing in Pilot River Basins.



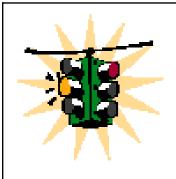
5.1. Good practice

- Recommendations on the context (capacity building, organisational changes, political commitment,...).
- 9 participation "steps" in the planning process.
- Process recommendations (early involvement, create ownership, external facilitation, evaluation, ...).



5.2. Guidance on P2: Who?

- Consultation: "the Public".
- Active involvement: "all interested parties".
 Transparent selection with a set of "common sense" criteria:
 - -interest,
 - -capacity,
 - -level of involvement,
 - -scale,
 - -social context...



Look Out! Stakeholder Analysis.

Stakeholder analysis will help you to prepare for public participation at any scale.

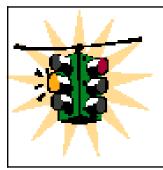


5.2. Stakeholder analysis

- 1. Define the stage of the process that will be subject to a stakeholder analysis.
- 2. Brainstorming session to identify units.
- 3. Split up into sub-units/organised in types;
- 4. Identify a **concrete name** of stakeholder (and address/contact information);
- 5. Check the result.
- Order by degree of involvement of each actor in each stage.
- 7. Check if there are no **big gaps**;
- 8. Use the result! e.g. for communication.
- 9. Be very clear with each stakeholder about his **expected role** and involvement;

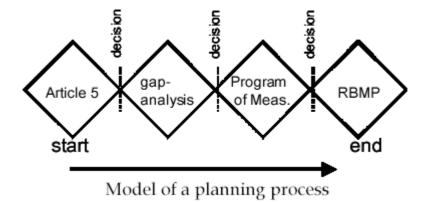


5.2. Guidance on P2: when?



 Look Out! Timing. Start public participation as soon as possible and do not wait until 2006.

- Proportionality (mutual C/B analysis).
- Case by case levels and criteria.





5.4. Planning process coherence

• P2 included in planning flowcharts of "Guidance on the Planning process".

No.	Key activities for the first planning cycle	VVFD articles	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	201
116	Develop river basin management plans	13, Annex VII															
117	Active involvement of stakeholders (e.g. workshops, inventory of key issues, expert sessions and field observations)																
118	Prepare and consult the timetable and work programme for the production of the RBMP																
119	Publish and make available to the public a timetable and a work programme for the production of the RBMP	14.1.a															
120	Allow a period of at least six months for comments by the public							4	*								
21	Provide an interim overview of significant water management issues	14.1.b							_								
22	Publish and make available for comments to the public an interim overview of the significant water management issues identified in the RBs										3	.1					
23	Allow a period of at least six months for comments by the public								•		+						
24	Complete the draft river basin management plans and make it available for comments to the public	14.1.c															
125	Complete the draft river basin plans																
26	Allow a period of at least six months for comments by the public									•	,	-					
127	Produce a summary of the programme of measures									4		ĺ					
129	Finalise and publish river basin management plans	13.6									>	Ė					
130	Summary of public information and consultation measures taken, results and changes to the plan made as a consequence										>						
31	Active involvement of stakeholders to ensure a continuation of PP after the normal consultation period										>						
132	Finalise and publish river basin management plans										4						
133	Send copies of the river basin management plans to the EC	15									4	2 2	2/03				
34	Implement the programmes of measures and prepare the interim report on the implementation																
135	Active involvement of stakeholders (e.g. workshops, inventory of key issues, expert sessions and field observations)																
136	Make the measures of the programme of measures operational	11.7													7		
138	Establish incentive water-pricing policies	9											•				
140	Prepare an interim report describing progress in the implementation of the planned programme of measures	15.3															
142	Submit the interim report to the EC													1	23/1	2	
143	Evaluate the first and prepare the second period																
144	Active involvement of stakeholders (e.g. collecting information and knowledge and assessment)																
145	Update the RBD status	5															
147	Review the programme of measures and the RBMP	13.7, 11.8, Annex VII															
148	Prepare a new timetable, work programme and make it available for public consultation																
149	Review and update of analyses and reviews of significant water management issues mentioned in Art. 5.1	5.2															
50	Prepare a summary of changes or updates since the publication of the previous version of the RBMP including a summary of the reviews to be carried out under Art. 4, 5,6 and 7																
51	Review of MEP and GEP values for AWB and HMWB																
52	Prepare a summary of and explanation for any measures foreseen in the earlier version of the RBMP which have not been undertaken																
53	Assess the progress made towards the achievement of the environmental objectives including a presentation of the monitoring results for the period of the previous plan in map form and an explanation of the unachieved environmental objectives																
54	Prepare a summary of any additional interim measures adopted under Art. 10 since the publication of the previous version of the RBMP																
55	Review of MEP and GEP values for AWB and HMWB																
56	New draft river basin management plan and public consultation														4		
57	Publish the updated river basin management plan															4	
158	Interim measures to prevent further deterioration of the status of aquatic ecosystems	1, 4.3-4.9										i					
159	Information and consultation of the public, active involvement of interested parties in accordance with the Public Participation Guidance document	14	1														



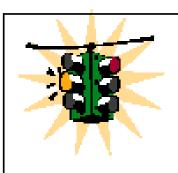
5.5. First steps for P2

	2002	2003	2004	2005	2006	2007	2008
Provide WFD information via existing structures							
AI in WFD legal transposition							
Develop strategy for stakeholder identification							
Design P2 procedures							
AI in the Analysis of RBD characteristics							
AI in Review of pressures/ impacts							
AI in identification of AWB & HMWB							
AI in economic analysis							
Information of public on results of RBD analysis							
AI in intercalibration exercise							
AI in establishment of the monitoring programme							
AI in gap analysis							
AI in the set up of programme of measures							
Information of public and interested stakeholders							



5.6. Consultation for RBMP

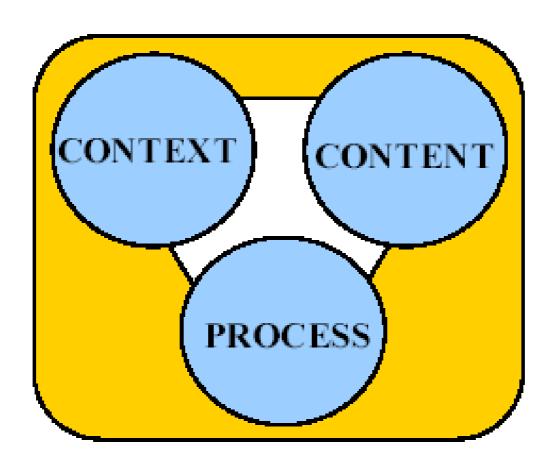
- 2006: time table & work programme
- 2007: overview over significant water management issues
- 2008: draft copies of river basin management plan



There are timing problems!
Start now!

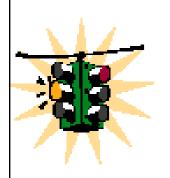


5.7. Context factors





5.8. Context factors



Look out! Existing conditions 'set the scene' for public participation:

- political culture of decision-making
- culture of stakeholder involvement
- organisational or institutional practices
- budget and resources
- history of previous attempts to engage stakeholders
- environmental conditions
- the scale of the project



5.9. RBO practices + changes

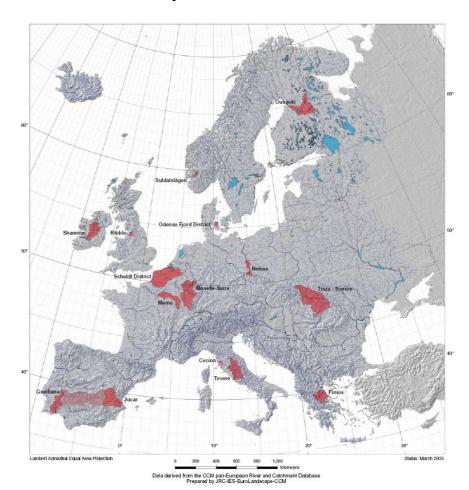
- review its current organisational structure
- review the skills, experience and competencies of staff
- review the current budget and resources allocated to public participation.
- making the results of the planning process
 more open-ended
- a flexible approach to the contributions of stakeholders.
- flexible approach to financial planning.
- retaining a local rather than organisational perspective.



6.1. PRB testing exercise

Reality check overall Europe.

	GUIDANCES													
RIVER BASIN	Water Bodies	IMPRESS	HMWB	REFCOND	COAST	Inter calibration	WATECO	Monitoring	Ground Water	Public Participation	Planning Process	GIS	Wetlands	
ODENSE/FJORD													?	
O ULUJOKI													?	
Mosselle-Sarre													?	
MARNE													?	
NEISSE													?	
Somos													?	
SCHELDT													?	
PINIOS													?	
SHANNON													?	
GUADIANA													?	
JUCAR													?	
TEVERE													?	
CECINA													?	
SULDALSVASSDRAGET													?	
RIBBLE													?	





6.1. PRB testing exercise

- First results.
- Testing of guidance vs. "business as usual" approach: often inadequate responses to ToR
- Level and timing of involvement of stakeholders / public
- Real life vs. virtual testing
- Unidirectional information flow vs. involvement (eg. Websites).
- Transnational coordination



7. P2 in practice: upcoming challenges

- (Historical) conflicts RBO vs. e-NGOs re current water infrastructure projects (SNHP, etc.).
- Complexity of WFD is a difficulty for P2 (transboundary, deadlines, technical data vs. P2, PRB = virtual exercise, ...).
- P2 is key to success.