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From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

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Subject: Special Report No 23/2015 from the European Court of Auditors entitled
"Water quality in the Danube river basin: progress in implementing the
water framework directive but still some way to go"
- Adoption of Council conclusions

1. On 28 January 2016 the Council received the European Court of Auditors (ECA) Special report No. 23/2015 entitled "Water quality in the Danube river basin: progress in implementing the water framework directive but still some way to go"¹. On 10 February 2016 the Committee of Permanent Representatives instructed the Working Party on Environment (WPE) to examine the report² in accordance with the Council conclusions governing this matter³.
2. At its meeting on 17 February 2016 the WPE examined the report after a presentation of its main findings by the representatives of the Court of Auditors. On 14 March 2016, the WPE considered the draft Council conclusions prepared by the Presidency⁴, reaching an agreement in principle on the basis of a revised text. The text as agreed is set out in Annex to this note.

¹ OJ C 30, 27.1.2016, p.6.

² Doc. 5739/16.

³ Doc. 7575/00 + COR1.

⁴ Doc. 6739/16.

3. The Committee of Permanent Representatives is therefore invited to submit to the Council the draft conclusions as set out in the Annex to this note for adoption as an "A" item on the agenda of one of its next meetings.
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**Special Report No 23/2015 from the European Court of Auditors entitled
"Water quality in the Danube river basin: progress in implementing the water framework
directive but still some way to go"
- Draft Council conclusions -**

THE COUNCIL OF THE EUROPEAN UNION:

RECALLING

Directive 2000/60/EC (the Water Framework Directive- WFD) (Article 4(1)) which establishes inter alia that (1) Member States shall implement the necessary measures to prevent deterioration of the status of all surface water and groundwater bodies, and that (2) Member States shall protect, enhance and restore all surface water and groundwater bodies with the aim of achieving good status or for artificial and heavily modified water bodies, good ecological potential and good surface water chemical status, at the latest in 2015, subject to the application of exemptions determined in accordance with a number of conditions (Article 4 paragraphs 4 to 7),

that in 2012 the European Environment Agency State of Water report¹ and the Commission assessment of the Member States' River Basin Management Plans (RBMPs)² developed under the WFD concluded that, based on the "one-out all-out" principle for status assessment, this objective was likely to be achieved in slightly over half (53%) of the EU waters by 2015,

the Council conclusions on the Special Report n°2/2015 "EU funding of Urban Waste Water Treatment plants in the Danube river basin: further efforts needed in helping Member States to achieve EU waste water policy objectives" from the European Court of Auditors³,

the Council conclusions on the Special Report n°4/2014 "Integration of EU water policy objectives with the CAP: a partial success" from the European Court of Auditors⁴,

¹ <http://eea.europa.eu/themes/water/publications-2012>

² adopted in the framework of the blueprint (Doc. 16425/12)

³ Doc. 13008/1/15 REV 1

⁴ Doc. 15563/14

1. WELCOMES the special report n° 23/2015 from the European Court of Auditors;
2. NOTES that the audit covers four out of nine Member States situated in the Danube river basin of which three joined the EU only in 2004 (the Czech Republic, Hungary, and Slovakia) and one in 2007 (Romania); EMPHASIZES the importance of efforts and measures taken by all countries situated in the Danube river basin to improve the water quality of the Danube river *inter-alia* to contribute to reducing the risk of eutrophication in the Black Sea;
3. NOTES that the report covers the time frame until 2013; ACKNOWLEDGES that further progress has been made since then;
4. UNDERLINES that the use of the river basin management plans is an essential tool for achieving better water quality; CONSIDERS that the identification of pressures and impacts and of the most significant water management issues has been an important accomplishment of the first management plans of the Danube river basin;
5. WELCOMES in this regard the efforts of the International Commission for the Protection of the Danube River (ICPDR), established by the Danube River Protection Convention (DRPC), to which 14 Danube basin countries and the European Union are contracting parties; it aims at sustainable management of the Danube basin's waters and implementation of the WFD throughout the entire basin. The Danube River Basin Management Plan developed by the ICPDR countries identifies joint actions on the basin-wide level, and is accompanied by detailed RBMPs at the national level;
6. UNDERSTANDS that the measures in the first RBMP were mostly targeted at reducing the gap with other EU Member States and that therefore the focus was on "basic measures" for the implementation of existing legislation;
7. AGREES with the Court's recommendation that the Member States should increase transparency as regards exemptions obtained from requirements of the WFD, and better justify their use and their planned evolution toward reaching a good water status;

8. NOTES that the Court points out that the so-called "one-out all-out" rule while being one of the cornerstones of the WFD, may mask progress towards achieving good status of water bodies; WELCOMES in this regard the efforts by the Commission and the Member States to address this situation by developing guidelines to enable reporting on partial improvements in water status; CALLS ON the Commission to take into account the progress made on individual quality elements during the upcoming 'fitness check' of environmental reporting as well as the upcoming review of the WFD;
9. RECOGNISES the essential role of enforcement mechanisms and the need to identify ways to improve implementation of controls and ensure their effectiveness; SUPPORTS the Court's recommendation that Member States should assess and ensure the effectiveness of the enforcement mechanisms, in particular the coverage to be achieved and the deterrent effect of the penalties applied and LOOKS FORWARD to the initiative on environmental compliance assurance across the EU which the Commission will present in 2016;
10. UNDERSTANDS the Court's concerns about diffuse pollution from agriculture, a sector which has a major role to play to address the water quality issues of the Danube river basin; CONSIDERS that more tools are provided for protecting water resources for the period 2014-2020, in particular through the cross-compliance rules and the obligations relating to good agricultural and environmental conditions (GAEC)⁵; NOTES, in addition, that RBMPs have an important role to play in the framework of rural development support⁶;
11. RECOGNISES the mutual dependencies and challenges between a good water quality and optimizing agricultural productivity and therefore the need for intensified cooperation between representatives of both the environment and agriculture sectors at national and EU level;

⁵ Articles 91-93 (cross compliance) and Article 94 (GAEC) of Regulation (EU) n° 1306/2013 on the financing, management and monitoring of the common agricultural policy and repealing... (OJ L 347 of 20.12.2013, p. 549)

⁶ Article 30 of Regulation (EU) n° 1305/2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing ... (OJ L347 of 20.12.2013, p.487)

12. AGREES with the Court's recommendation on the necessity for the Member States to define requirements, where needed, regarding the use of pesticides, phosphorus and nitrates that are sufficiently ambitious in order to achieve a reduction of fertiliser and pesticides input and an adequate protection from erosion, taking into account soil characteristics, while realising that the impacts of these measures may take several years or decades to become visible;
 13. HIGHLIGHTS the need to ensure appropriate funding for the implementation of the measures included in RBMP, as well as a better coordination between competent authorities that define measures in RBMP and those that approve projects for funding from national or EU sources;
 14. REITERATES the importance of better communication between the European Court of Auditors, the Commission and the Member States in the course of preparations of the Special Report.
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