ENFORCEMENT MECHANISMS FOR IMPLEMENTING LEGAL REQUIREMENTS MEETING WATER MANAGEMENT OBJECTIVES

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EU LIFE Programme integrated project

"Implementation of River Basin Management Plans of Latvia towards good surface water status"

WD - EU's new governance and adaptive governance paradigm

- The WFD grants Member States **the flexibility to design management regimes** they consider adequate and suitable for addressing specific environmental and social conditions, **provided that the objectives set at the EU level are achieved**.
- The Directives establish **a comprehensive, cyclical planning process for river basin management**, creating a framework that enables Member States to **progressively work toward meeting the defined water quality objectives.**
- This **procedural structure** includes assessing and monitoring water bodies and the pressures impacting them, setting more detailed targets, and **developing and implementing Programmes of Measures (PoMs)** to achieve the intended water quality goals.

Implementation of EU directives

- **Transposition** of the directive into national law
- **Operationalisation** - designate the national authorities responsible for further implementation and adopt the necessary rules on enforcement and procedural measures
- **Application** - the national rules are implemented.
- **Enforcement** - these provisions must be enforced, which means that the observance of the national rules based on the directive is monitored and, if necessary, secured by means of sanctions

WFD – water governance instrument

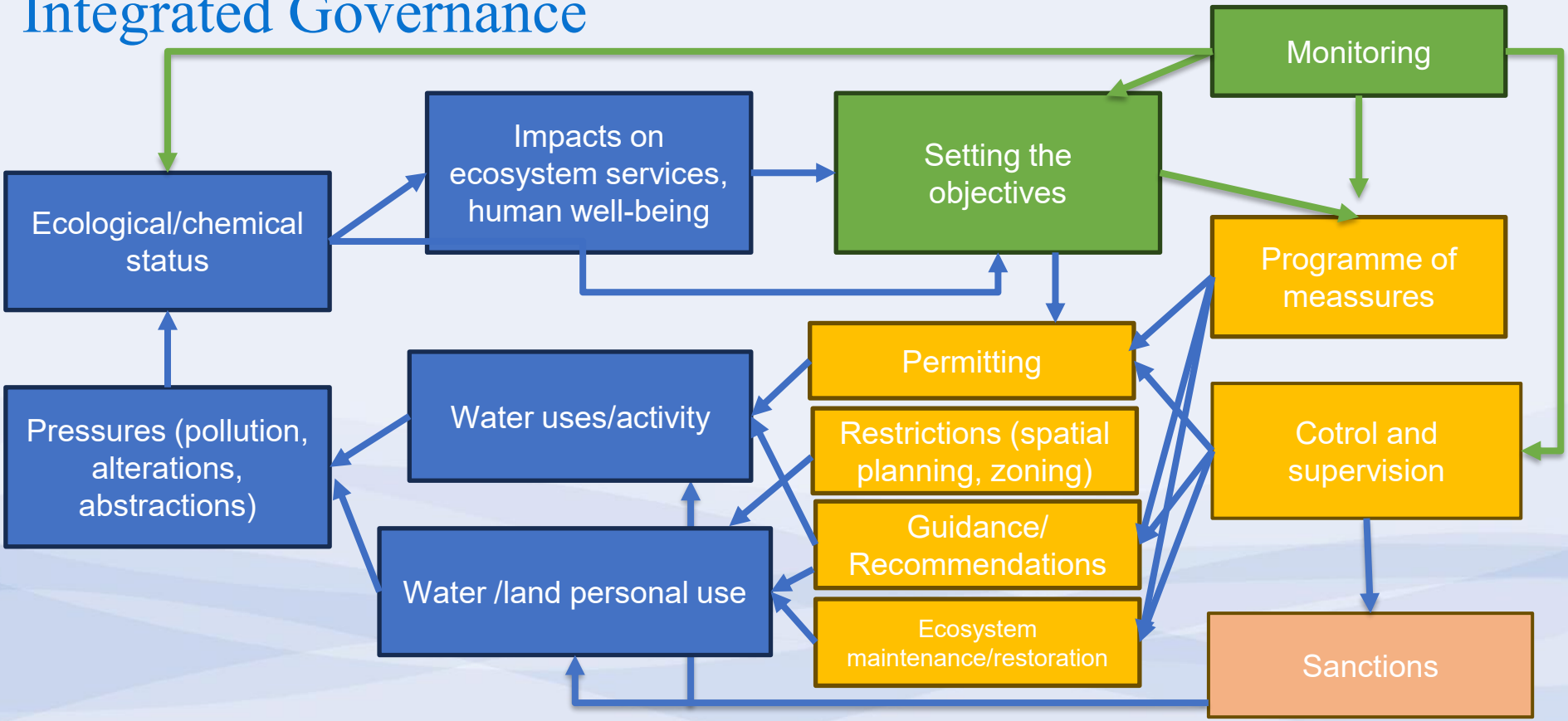
Ecosystem approach

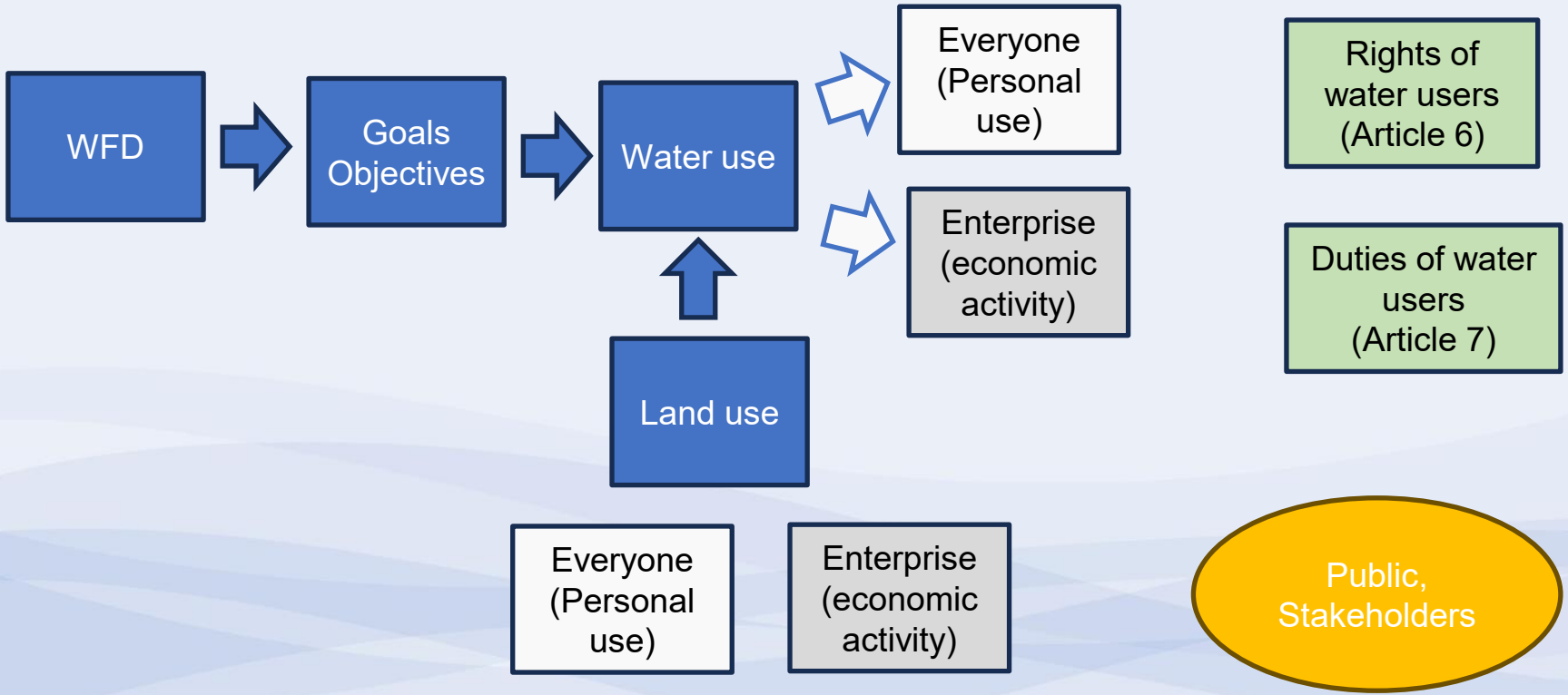
Adaptive governance

«quality-based» or *«impact-based»*
regulatory strategies

the focus is on the **natural resource and its environmental state**, in contrast to that of behaviour-based regulation, which centres on regulating the activities of Member States, companies and individuals, for instance, by permitting, banning or limiting those activities.

Integrated Governance




WFD
Goals Objectives
Water use
Land use
Everyone (Personal use)
Enterprise (economic activity)
Everyone (Personal use)
Enterprise (economic activity)
Rights of water users (Article 6)
Duties of water users (Article 7)
Public, Stakeholders

WFD and water user/actor

- **Water use-** means water services together with any other activity identified under Article 5 and Annex II having a significant impact on the status of water.

This concept applies for the purposes of Article 1 and of the economic analysis carried out according to Article 5 and Annex III, point (b).

- **Water services** - means **all services** which provide, for households, public institutions or any economic activity:

  a) abstraction, impoundment, storage, treatment and distribution of surface water or groundwater,

  (b) waste-water collection and treatment facilities which subsequently discharge into surface water.

Latvian Water Management law

20) **use of water resources** - use of surface water and groundwater resources for the **needs** of natural persons or legal persons, as well as **water management services and other economic, including polluting, activities which may significantly affect** the quality and quantity of surface water or groundwater;

20^{1}) **water management services** - activities which ensure the abstraction, storage, preparation for use and supply of water to natural persons or legal persons, as well as the collection, treatment and conducting of waste water in the surface water bodies;

21) **user of water resources** - any natural or legal person who abstracts water or uses **thereof in the economic activity [or personal use]**;

Section 6. Rights of a User of Water Resources

A user of water resources has **the rights:**

1) to use water and to utilise water bodies **for personal use and economic activity** in accordance with the procedures laid down this Law and other laws and regulations;

2) to carry out construction on water bodies or in the vicinity thereof and to install structures necessary for the use of water resources, if the permits provided for in laws and regulations have been received and the limitations laid down in laws and regulations are observed;

3) after receipt of the permits specified in laws and regulations, **to perform activities which affect water bodies, if such activities are performed in compliance with the requirements laid down in laws and regulations and permits;**

4) to obtain information regarding environmental quality objectives set for water bodies, drawing up of the management plan and programme of measures and to participate in public consultations of the management plan

Section 7. Duties of a User of Water Resources

A user of water resources shall have **the following duties**:

1) when using water resources, to observe the intended use specified for a water body, environmental quality objectives and quality standards, permit conditions, health protection, construction, fisheries provisions and other requirements included in laws and regulations;

2) to ensure maintenance of the water quality and quantity in the water body and territory owned or used by a person;

3) **to observe all conditions specified in the management plan and programme of measures**;

4) to perform all activities related to the use of water resources to prevent the deterioration of groundwater and surface water status, bringing harm to human health or environment, including aquatic and terrestrial ecosystems directly dependant thereon, as well as causing circumstances which facilitate flood or droughts;

5) to observe the rights of other users of water resources and owners of the lands adjacent to water bodies;

8) to allow representatives of environmental protection institutions who, in accordance with the procedures laid down laws and regulations, perform State control of the water status or environmental monitoring to take groundwater and surface water samples in private water or to take soil samples and to perform the control of the monitoring equipment in the territory of a private property;

9) to perform monitoring in cases and in accordance with the procedures laid down permits or laws and regulations;

10) to pay damages which have been caused to the environment or aquatic biological resources as a result of using water resources if the liability of the user of water resources for such damages has been established in accordance with the laws and regulations in force;

11) to terminate the use of water resources if deterioration of the status of a groundwater body and surface water body has been established, harm to human health or environment has been caused, in particular, to aquatic ecosystems and to terrestrial ecosystems directly dependent thereon;

12) to conform to the conditions for the operation and use of a water body provided for in the regulations regarding operation (management) of water bodies. The owner or legal possessor of the hydrotechnical structure shall be responsible for fulfilment of the conditions provided for in the regulations regarding operation (management) of the hydrotechnical structure in the ownership or possession thereof and take measures in order to prevent flood risk;

13) to not change the hydrological regime of a water body, to not perform changes to banks and bed of a water course or water body, except for the case when these actions are performed in accordance with the procedures laid down in laws and regulations;

14) upon request of the State Environmental Service, to provide information on the use of water resources, water status or quality in accordance with the procedures laid down in laws and regulations.

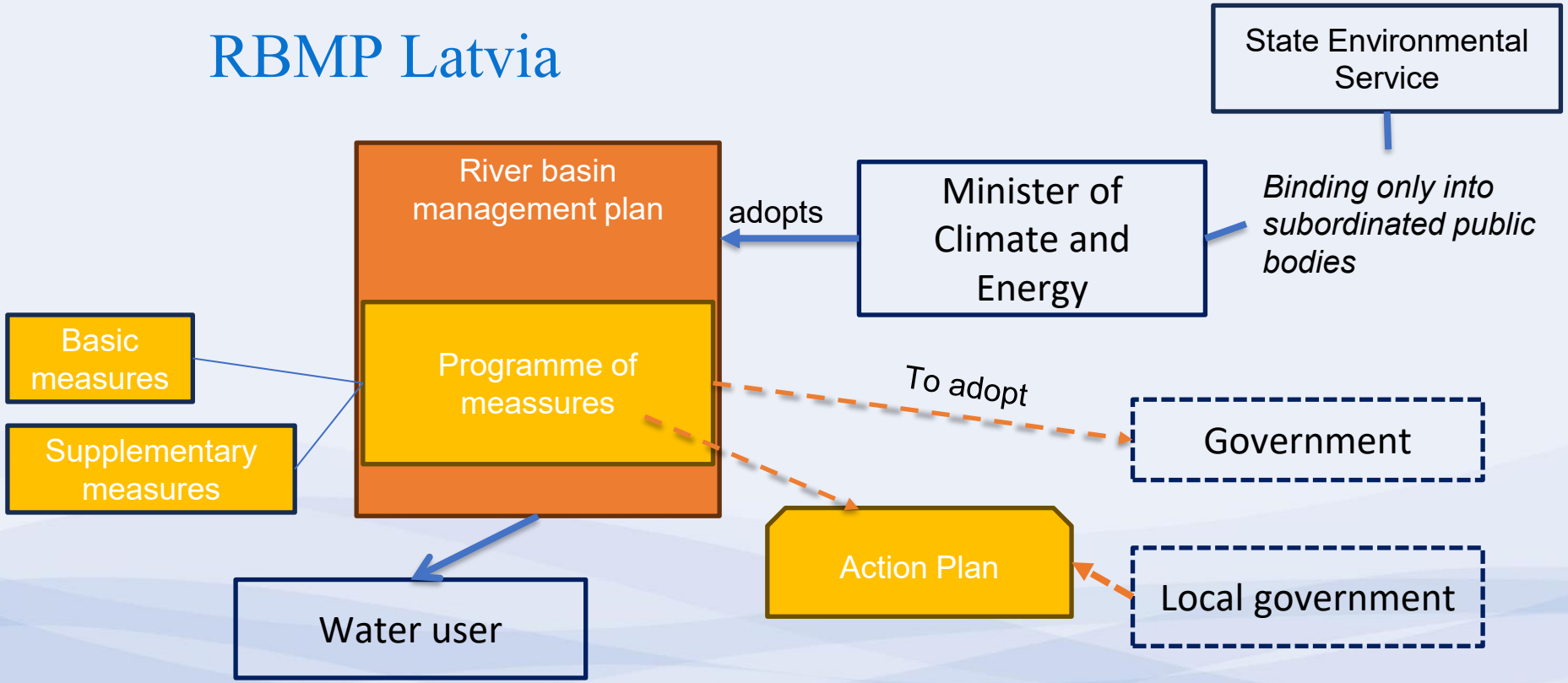
WFD Implementation Report, 2024
about implementation of Programme of Measures

- A considerable number of measures announced in the second RBMPs were not implemented.
- As in the past, insufficient funding of measures has been identified as the most significant obstacle (86%), followed by unexpected delays (81%),
- the lack of appropriate national mechanisms, such as national regulations and other measures not yet adopted (70%), and governance issues (57%).
- Difficulties to acquire the land required to implement certain measures is also regularly raised as a key challenge.

WFD Implementation Report, 2024
Recommendation

- developing **more robust programmes of measures** based on a clearer assessment of the gap to be bridged to reach good status and a clearer prioritisation of measures
- ensuring full compliance with WFD provisions on **the periodic review of permits/controls for all activities impacting water bodies** (including abstraction, impoundment, discharges) and **effective, dissuasive, and proportionate sanction regimes**; consider, where applicable, revisions to existing exemptions of small abstractions from registration and permitting requirements, so cumulative impacts are managed better.

RBMP Latvia



*3) to observe **all conditions** specified in the management plan and programme of measures*

Additional measures

a. stepping up action to reduce nutrient pollution, including **by setting and achieving maximum nutrient loads in all river basin districts**, in line not only with the WFD but also the MSFD and Nitrates Directive;

b. Strengthening **measures against pesticide pollution** by reducing the use of chemical pesticides, promoting integrated pest management and more sustainable practices (e.g. precision farming), setting and achieving maximum chemical pesticide loads in all river basin districts and introducing more stringent restrictions in protected areas for drinking water abstraction;

c. further reducing **point source pollution** to tackle nutrients, priority substances and river specific pollutants, e.g. by reviewing existing permits for point source emissions to lower pollutant loads or introducing obligations to temporarily suspend or limit discharges in emergencies, considering the new obligations under the revised IED and UWWTD;

Additional measures

d. boosting efforts on **nature-based solutions**, including re-naturalisation and ecosystem restoration to reduce **hydro-morphological pressures**;

e. stepping up efforts to **improve river continuity**, the general hydrological situation and aquatic species protection, including for migratory species;

f. setting out **ecological flows** (i.e. the level of water that must be left in the water body for the ecosystem to properly function) for all RBDs and effectively applying them in water-allocation decisions and issuing or periodically reviewing permits for abstractions and impoundments in line with Article 11 of the WFD. g. more systematically including the water needs of groundwater-dependent ecosystems (both terrestrial and aquatic) when assessing the quantitative status of groundwater bodies.

Permiting

- Water use – abstraction and impoundment/storage
- Water pollution - waste water discharge from point sources

- **Exempted:** diffuse pollution (agriculture, forestry for their fertilize/chemical use); small WWTP in rural settlements, leisure/recreational activities, …

Sanctions/Penalties for violation of law

- WFD, Article 23
- *Member States shall determine penalties applicable to breaches of the national provisions adopted pursuant to this Directive. The penalties thus provided for shall be effective, proportionate and dissuasive.*

Latvian Water management Law. Section 27. Administrative Offences in the Field of Protection and Management of Water Resources

(1) For violating the requirements for the establishment and maintenance of a bathing site laid down in laws and regulations regarding the procedures for establishing and maintaining a bathing site and managing its water quality, a warning or a fine from **five to twenty-five units of fine** shall be imposed on the manager of a bathing site if it is a natural person, but a fine from **seven to fifty units of fine** - if it is a legal person. (25-250 EUR)

(2) For violating **the requirements for the management of surface water or groundwater resources**, a warning or a fine from **six to one hundred forty** units of fine shall be imposed on a natural person, but a fine from **twelve to two hundred units of fine** - on a legal person. (30-1000 EUR)

(3) For **using the surface water or groundwater resources without the required permit for the use of water resources**, a fine from **twenty to one hundred forty** units of fine shall be imposed on a natural person, but a fine from **forty to two hundred eighty** units of fine - on a legal person. (100-1400EUR)

(4) For **arbitrary changing the hydrological regime of a water body,** making changes to banks and bed of a water course or water body, a fine from **fifty six to two hundred units of fine** shall be imposed on a natural person, but **a fine from eighty six to four hundred units** of fine - on a legal person. (280-2000EUR)

LET THE CLEAN WATERS FLOW!

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