

# IMPLEMENTATION OF EU WFD IN NON-EU COUNTRIES: SERBIA IN THE DANUBE RIVER BASIN

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## Introduction

The Paper aims to show challenges and difficulties in process of implementation of EU legislation in a non-EU Member State. It is based on the example of Serbia within the scope of EU Water Framework Directive implementation in the international Danube River Basin.

EU Directive 2000/60/EC – Water Framework Directive - came into force in October 2000. Directive addresses EU Countries and relates to establishing a framework for the protection of all kinds of waters. The main goal of the Directive is achieving good status of all waters until 2015 through the development of a River Basin Management Plans.

The managing unit of WFD implementation is a river basin district defined as "... the area of land and sea, made up of one or more neighbouring river basins together with their associated groundwaters and coastal waters." [1]. Having in mind that river basin district usually covers more than one country's territory and sometimes extends beyond the territory of EU, an appropriate coordination with relevant non-Member States should be established by Member States concerned.

The Danube River Basin (DRB) is the second largest and the most international one of Europe. It covers territories of EU-Member States, Accession Countries and other states that have not applied for EU Membership. Territory of the Republic of Serbia makes approximately 10% of the DRB both by state territory and population. Thus Serbia's involvement in WFD implementation activities on the DRB level was necessary although it was neither EU member state nor EU accessing country and had no related legal obligations.

Process of WFD implementation in such political, territorial and legal surrounding is described in the Paper.

## Territorial and institutional scope

The Danube River Basin covers more than 800,000 km<sup>2</sup>. It encompasses territories of 19 countries with 81 million of people having a rich history and a strong cultural heritage. Republic of Serbia having more than 90% of its territory in the Danube River Basin is strongly committed to be a part of all joint activities related to Water Management in the Basin.

The WFD implementing body in the Danube River Basin is The International Commission for the Protection of the Danube River (ICPDR). It serves as the platform for coordination to develop and establish the Danube River Basin Management Plan. ICPDR was established under the "Convention on

Cooperation for the Protection and Sustainable Use of the Danube River” (Danube River Protection Convention, DRPC, signed in Sofia in 1994 and came into force in 1998).

The ICPDR is formally comprised by the Delegations of all DRPC Contracting Parties. In generally, its main goals are: protection of water resources, healthy and sustainable river systems, damage-free floods, etc. The different bodies of the ICPDR are: Ordinary Meeting Group with task to take the political decisions, Standing Working Group to provide political guidance and Technical Expert Groups. The last ones are the backbone of the operation of the ICPDR. They are formed by national experts from the Contracting Parties and representatives of the observer organisations. They deal with a variety of issues - from policy measures to reduce water pollution to the implementation of the EU Water Framework Directive.

#### Political background and legal basis

At the moment of DRPC ratification and active involvement in ICPDR activities (2003) Serbia was one of two Republics in the State union Serbia and Montenegro (CS). The Council of Ministers of State union designated Serbian Ministry of Agriculture, Forestry and Water Management/Directorate for Water as the competent authority - the body responsible for the synchronization of efforts in relation to the activities of the ICPDR and its working bodies.

In 2006 State union separated into two independent countries and Serbia became competent only for waters on its state territory. However, southern Serbian province Kosovo and Metohija stayed under competence of United Nations and that part of the Danube River Basin is not covered by WFD analyses and activities.

Serbian water management activities are legally based on the Water Law of the Republic of Serbia (1991). Serbian Water Law addresses use of water, water protection, flood control, pollution control, water regime/quality and quantity, etc, but it is not harmonized with EU legislation. That means that most of all Serbian activities in WFD implementation were not performed based on national legislative but mostly on obligations related to DRPC and relevant activities of the ICPDR.

A new Water Law compliant with WFD provisions is under adoption procedure nowadays.

#### WFD as a new "water philosophy" – challenges and difficulties

In general, water management in Serbia encompasses three main issues: use of water, protection of water and protection from adverse impact of water. Having that in mind, the Water Framework Directive based mainly on ecological but not so much on quantitative aspects of water came as a quite new water philosophy in Serbia. Starting from new basic definitions, e.g. "water body", which are not even familiar with common Serbian language, it was not easy to pass from usual to the new approaches in water management.

A lot of data and information necessary for WFD implementation were not available. Good example for that are data and methods for pressures and impacts analyses and related risk assessment, GIS basics and techniques, etc. Biological monitoring was not developed in way it can be used for WFD implementation. Moreover, in comparison with other EU members or accessing countries in the Danube River Basin that had advantage of several years for preparation, Serbia had only a few months to get acquainted with WFD provisions and start with its implementation.

Lack of capacities in certain sectors was also a large obstacle. Also, different kinds of experts from various institutions had to be involved into the process of WFD implementation. In such complicated conditions Serbia started with WFD implementation on its territory.

Steps in WFD implementation (participants, step-by-step approach, capacity building)

In order to join other Danube countries in WFD implementation process, Serbian Directorate for Water gathered several most important organisations with related expertise. The most involved one is "Jaroslav Cerni" Institute for the Development of Water Resources that is coordinating the process, but significant contribution also came from Public Water Management Companies "Srbijavode" and "Vode Vojvodine", as well as from some other institutes (Institute for Biological Research "Siniša Stanković", Belgrade), faculties (Faculty of Mining and Geology, Belgrade) and public institutions (Republic Hydrometeorological Service, Statistical Office). Other ministries contribute as well (e.g. Ministry of Environmental Protection).

The first step was preparation of data and information for the DRB Characterisation Report in accordance with WFD Article 5. Serbia has developed a detailed timetable to complete the necessary work in appropriate deadline (March, 2005). Activities comprised the Danube River and its tributaries with a catchment size larger than 4000 km<sup>2</sup> and all transboundary groundwater bodies larger than 4000 km<sup>2</sup>. Thirteen Serbian largest rivers and one important transboundary groundwater body were analysed in the Report.

Serbia continued with Article 5 analyses for smaller rivers and groundwater bodies in next two years (2006, 2007). Most of all tasks have been completed for rivers with catchment of 100 km<sup>2</sup> and larger.

Capacity building was mostly going on through active participation in ICPDR Expert groups. Different related Projects (e.g. Sava CARDS Regional Project, Twinning Project with German Ministry for the Environment, Nature Protection and Nuclear Safety, etc.) and participation in training seminars with opportunity to exchange and share information, experiences and knowledge among related experts from both EU and non-EU states were also of great benefit.

In the meantime involvement in activities of the International Sava River Basin Commission (established in 2005 by the Framework Agreement on the Sava River Basin) gathering former Yugoslav riparian republics, gives opportunity for further development of know-how among experts in the region.

Serbian position in the first Danube River Basin Management Plan preparation activities

The first Danube River Basin Management Plan (DRBMP) should be developed in 2009. It is under competence of ICPDR and will be prepared at the basin wide scope (same as for 2004 Report). All preparatory measures have been undertaken throughout all groups' and almost all Danube countries' activities. Data collection will mostly be carried out by filling the DanubeGIS database by Danube countries. DRBMP data base is tailored in way that not only EU and accession states but all Danube countries are able to fill it.

Serbia will give its contribution in accordance with available data and information. Reason for unavailability of some data is mostly based on the fact that there is no relevant legal basis (e.g. data on different kinds of protected areas are not available because Serbia still has no related legislative).

At the same time Serbian competent authorities together with experts continuously take actions to fill still existing gaps in data, methodologies and capacities. They make efforts to prepare Serbian water management authorities and relevant institutions for EU integration procedure when all obligations related to WFD will be institutionalised and officially based on EU legislative.

Final considerations

Republic of Serbia is a non-EU Member state having more than 90 percents of its territory in the international Danube River Basin. It has no legal obligations in the frame of WFD implementation but relevant Serbian authorities and institutions make a lot of efforts to actively participate in the Danube River Basin Management Plan preparation through the work of the International Commission for the Protection of the Danube River Basin.

Starting from 2004 when first steps were undertaken in order to prepare Danube Characterisation Report jointly with other Danube countries until nowadays when the first DRBMP is under preparation, Serbia

face difficulties due to lack of data, capacities and appropriate funds. However, significant efforts of relevant experts responded to challenge and made Serbia an equal partner in the Danube River Basin Water Management process.

Moreover, after adoption of new Water Law Serbian previous activities in WFD implementation process and gathered experience will certainly make easier related tasks in future EU integration procedure.

References:

- [1] Directive 2000/60/EC of the European Parliament and of the Council, 23 October 2000
- [2] Danube Basin Analysis (WFD Roof Report 2004), International Commission for the Protection of the Danube River (ICPDR) in cooperation with the countries of the Danube River Basin District, March 2005
- [3] <http://www.icpdr.org>