

**Comments of  
The Association of Water Companies to the draft of the DRBD Plan – roof level**

*The Association of Water Companies (further only „AVS“)* unites the water companies which are one of the main stakeholders in the water sector in Slovakia.

AVS welcomes the possibility to give comments towards the document „Draft Danube River Basin District Management Plan (draft DRBD MP)“ - roof level.

In contrast to draft of River Basin Management Plans (draft RBMP) for Slovakia, we consider this document a good material which complies with our ideas about elaboration of the River Basin Management Plan. Mainly, we appreciate its transparency and readability and its effort to truly present the actual state.

Our comments are as follows:

1. We think that DRBD MP – roof level should fulfill the following requirements:

- It should be in accordance with the national plans – parts B and C
- It should follow true data which are available and controllable by public in the particular country.

Therefore, we consider it important that the material contains description of the manner of data collection and its processing for DRBD MP – roof level. We would also appreciate some control mechanism of correction of data provided by particular countries ( e.g. its public approval in particular country, link to detailed data, databases).

2. It is not completely clear to us which data are shown in the text tables and in particular annexes. It seems to us that the data in the text tables and in the annexes are not consistent. We think that in the tables Draft DRBD MP (e.g. 3, 4, 6, 7) are shown data for the whole of the Danube river basin (in case of Slovakia these are probably the data for the whole of Slovak territory, including the Vistula). In the annexes Draft DRBD MP (e.g. 19, 21, 22) it seems to us that only the data from selected rivers are shown.

In case of Slovakia, we are afraid whether the provided data are correct. We are very much surprised that Slovakia provided all the necessary data for the mutual DRBD MP, because most of the data is missing in the national plan, or they are presented only in the form of summary data. More detailed data are not available for public.

We are conscious of the fact that ICPDR represents in the process of planning only the platform for simplifying the preparation of the mutual Danube Management Plan. However, the situation and the drawbacks of the implementation process of Water Framework Directive in Slovakia we consider very heavy (non-transparency of preparation of management plans, using incompetent and often incorrect data, limited access to relevant data, unwillingness of competent authority to communicate with particular stakeholders). It could have negative impact on mutual plan, therefore, in the following text we are pinpointing some of the drawbacks.

## **1. Comments towards the draft of the national River Basin Management Plan (draft RBMP)**

We would like to pinpoint some important facts:

- National River Basin Management Plan /RBMP/ was elaborated only on the general level and without detailed materials. It contains less details than DRBD MP – roof level, which is in contradiction with the principle of creation of planning documents – part A, B, C (picture 1 Draft DRBD MP).
- The sub-units plans were not elaborated in Slovakia in spite of the fact that in accordance with the legally binding document (water act), it is the duty of the competent authority of Department of Water and Energetic Sources of Ministry of Environment Slovak Republic/.
- The competent authority made the draft RBMP available for public with a one month delay(January 23, 2009). However, the available document is marked only as 1st version of the draft RBMP. The date of elaboration of the next version of the draft RBMP is not known as well as how the version will be made available for public.
- Since publishing the first version the draft RBMP was changed and amended, which was without making it public. According to our findings, all 9 chapters of the draft were changed, as well as 11 important annexes and other documents. One of the most important documents „Status assessment of surface water bodies” was not released until June 2009. Conclusions of this assessment are different from the conclusions stated in the draft of the management plan and it is not clear which is applicable. The facts in the published documents are rather confusing.
- The AVS sent by letter in February 23, 2009 to competent authority suggestions of serious drawbacks of the published draft RBMP which it, in our opinion, contains. Also other subjects in Slovakia share the same opinion ( mainly the institutions representing municipalities, industry, agriculture cooperating in the public participation working group ). The AVS suggested immediatelly in february to rewrite the draft RBMP. The suggestion of AVS and of other subjects (stakeholders) was not accepted. The competent authority did not react even to similar appeal of the public participation working group , set up by a competent body. The activity of this working group was since its establishing only formal, because the competent body did not participate in its meetings and did not deal with its suggestions.
- The AVS requested the competent body, by letter from May 19, 2009, to make the more detailed data, related mainly to discharge of sewage water from particular agglomerations, available. In the reply from June 19, 2009 was only a reference to summary data provided (message sent from Brussels), more detailed data were not given.
- The AVS made a detailed analysis of the drawbacks and contradictions which it included into its opinion (19 pages of comments) and sent to a competent body on 22nd July, 2009.

In the following we would like to pinpoint some conclusions from the national River Basin Management Plan which we think are disputable and put us in doubt about their correctness.

### Assessment of pressures of surface water bodies

According to the results summarized in the Chapter 4.1.3., out of 1763 assessed data of the water bodies, the draft RBMP achieved good or very good ecological status 1150 (65 % WB). Out of the mentioned figure, only 42 WB was assessed according to the results of monitoring (medium level of confidence). Other 1721 of WB were assessed according to updated risk analysis with a low level of confidence. In relation to this, we would like to point at the level of confidence of the used criteria of assessment, which was in contrast to the document ICPDR adjusted. It is rather worrying that the level of confidence of ecological status assessment does not even fulfill the criteria of low level of confidence. Information on the effects caused by adverse ecological status are not known. The same applies to the impacts.

We consider a contradiction in the assessment of the ecological status of WB the entry in the Table 3.1.4.2. (draft RBMP, part 3.1.4, p. 23) where it is stated that important hydromorphological effects were identified at 878 WB with the risk of not achieving good ecological status of waters, while 823 still remain at risk. This entry does not correspond with the water status assessment according to which good ecological status was achieved only by 613 water bodies.

We see other contradiction in the Chapter 5.1. Environmental objectives and exemptions (the whole chapter written only on two pages!) where it is stated that based on the reduction of effects good status of surface bodies will be achieved until 2015 only in 1158 WB (66%) while the assessment of ecological status of waters shows that already at present good status is in 1150 WB achieved.

Similar drawbacks were also found in the assessment of chemical status of surface bodies where from 1763 WB declare good chemical status as many as 1690 WB. From an unclear text of this document it seems that for assessment of status of water bodies the results of operational monitoring were not used. Assessment is made for the whole territory of Slovakia (including the Vistula river basin).

In the report „Status assessment of surface water bodies” (May, 2009) it is stated that it is only a preliminary assessment. In the conclusions and recommendations it is suggested to reassess the number of WB, update the typology and follow with the assessment of status of water bodies based on monitoring for the year 2008. Dates of this assessment are not given and it is not clear whether they should be used for the first River Basin Management Plan.

### Assessment of pressures of ground water

Even in terms of status assessment of ground water we consider the main problem the unavailability of source data and unclear methodology of carrying out the assessment. We consider the exclusion of solution of contaminated sites from RBMP contradictory to requirements of WFD. According to official declarations of the Ministry of Environment of the Slovak Republic, with whom also a competent body approves, the problem of contaminated sites (polluted soil and underground water) does not belong under the Water Framework Directive and therefore, the measures are not stated in the River Basin Management Plan, what does not show an integrated approach towards water protection.

## 2. Comparing the River Basin Management Plan (part B) with DRBD MP (part A - roof level)

Some contradictions between the documents are shown in the following table.

**Main discrepancies of data provided in the draft of DRBD MP (ICPDR) in comparison with draft of National RBMP (Slovakia)**

Type of data/information	DRBD MP	RBMP	Remarks
	<i>draft DRBD MP, part 2.1.1.1., p. 9, Fig. 3</i>	<i>draft RBMP, part 3.1.1.1, Tab.3.1.1.1.2, p.4</i>	
generated load (PE)	4,9 mio.	*5,23 mio.	*for whole territory (incl. Vistula RBD)
	<i>DRBD MP, Annex 3, p. 32, Tab. 9</i>	<i>draft RBMP, part 3.1.1.1, Tab.3.1.1.1.2, p.4</i>	
treatment level	91,3 % collected and treated (4,44mio of 4,87mio); 5,2 % not collected and not treated (0,25mio of 4,87 mio)	80 % collected and treated, 13% by individual systems; 6,9 % not collected and not treated	
	<i>draft DRBD MP, part 2.1.1.2, p. 9, Fig. 3</i>	<i>draft RBMP, part 3.1.1.2, p.8, Annex.3.1.1.2.1,</i>	
industrial sources of emissions	data for TOC from - chemical, - pulp and paper, - other industries; food industry - missing	*TOC per relevant industries not available	*218 significant industrial sources, data for COD, N, P; no BOD and TOC; data are incompletely
	<i>DRBD MP, Annex 3, p. 32. Tab. 9</i>	<i>draft RBMP, part 3.1.1.1, p. 5, Tab. 3.1.1.1.3</i>	
Emissions COD (kt/y)	73,972	*26,163	*only for Danube RBD
Emissions BOD <sub>5</sub> (kt/y)	34,553	*7,569	*only for Danube RBD
Emissions N <sub>tot</sub> (kt/y)	11,441	*8,171	*only for Danube RBD
Emissions P <sub>tot</sub> (kt/y)	1,732	*1,320	*only for Danube RBD
	<i>DRBD MP, Annex 3, p. 31, tab. 9.</i>	<i>draft RBMP, part 7.1.3, p. 5, Tab. 7.1.3.1</i>	
new collecting system and WWTP	85 agglomerations, are without collecting system and WWTP 43 agglomerations are collected and no treated	*for 47 agglomerations new WWTP and for 271 municipalities new collection system	*only for Danube RBD

Furthermore, we would like to point at the fact that the main part of the data and information, which are mentioned in DRBD MP (roof level) for Slovakia, in RBMP (part B for Slovakia) are missing. We consider one of the major drawbacks the absence of environmental objectives in the national plan and missing scenarios in the program of measures for the solution of identified water management problems, estimation of pollution reduction and calculation of effectiveness of proposed measures. Such calculations could not have been done by Slovakia, in our opinion, because the proposed measures are only general (are inconcrete, non addressing) because they do not follow concrete data of polluting from point and surface source of pollution and their impact on water status.

Fulfilling the visions given for the whole of territory of the Danube river basin until the year 2015, depends on responsible approach of particular countries in the frame of the Danube river basin towards the implementation of WFD and the quality of national plans of river basin management. Therefore, we recommend to approve such mechanism for providing data by particular member countries, so that the risk of providing incorrect data is lowered to a minimum.

The AVS together with the water companies is willing to cooperate on the elaboration of the national as well as international Danube river basin management plan.

The AVS together with the Association of Industrial Ecology pointed at these problems also at the 2<sup>nd</sup> Stakeholder Forum, for which it prepared the document „Discussion paper of Association of Water Companies and Association of Industrial Ecology“. We are sending you this document in the attachment (as file Comments\_draftDRBM\_plan\_AVS\_03.pdf), in which we summarize the main problems.

Bratislava, July 31, 2009

#### List of abbreviations:

AVS	Asociacia vodarenskych spolocnosti (Association of Water Companies)
MŽP SR	Ministerstvo zivotneho prostredia Slovenskej republiky (Ministry of Environment of Slovak Republic)
DRBD MP	Danube River Basin District Management Plan (draft DRBD MP)
RBMP	River Basin Management Plans (draft RBMP) - for Slovak Republic

Other abbreviations are used in the meanings typical for DRBD MP

**Discussion paper of Association of Water Companies (AWC) and Association of  
Industrial Ecology (AIE)  
2<sup>nd</sup> ICPDR Stakeholder Forum, June 29–30, 2009, Bratislava, Slovakia**

1. AWC and AIE state, that transposition of the European directives into national legislation and implementation process of Water Framework Directive are not going in Slovakia in compliance with timetable and work program according this directive. Most activities taking place currently are rather formal without ambitious to achieve target solutions.
2. Draft of the national DRBMP (part B) is only general document containing only aggregated data without links on more detailed background documents like databases, reports, guidelines. Draft of the national part B DRBMP is less detailed than part A – Roof Report. In additional there were found rather big discrepancies between aggregated data presented in the national draft of RBMP and the data in part A (Roof Report). And different data are also provided in the reporting documents sent for European Commission within reporting obligations. **There arises a question if data provided for ICPDR and EC from Slovakia are correct.** Programme of measures are not addressed, stakeholders are not sufficiently informed about the tasks that they should realize in the next three years.
3. Communication with interested parties has rather declarative character, ongoing activities can hardly be considered as real dialog between competent authority and individual stakeholders. Repeatedly offered cooperation from AWC and AIE, addressed to competent authority with the aim to achieve active involvement into planning process, have not been accepted.
4. Written application of AWC addressed to competent authority to make available background documents with detailed information used for designing of the National programme for implementation of the Directive 91/271/EHS on Urban Waste Water Directive (UWWTD) was dealt with by the Ministry of the Environment only formally with reference to the reporting documents containing only aggregated data and this decision was justified as follows: *"background documents are individual data, which are necessary to be protected. Providing of these data is possible only with the agreement of the data provider. Currently Ministry of the Environment does not have this agreement"*.
5. Due to insufficient transposition and implementation of Water Framework Directive and little concrete and no-address character of programme of measures in the draft of national part of DRBMP, interested parties are not allowed to apply for justified exemptions from environmental objectives according the to conditions described in the article 4 § 4, § 5, § 6, § 7 of WFD.
6. Current water-pricing policy of the government does not create conditions for financing of measures needed for fulfillment of the UWWTD requirements. Article 9 of WFD is being transposed into national legislation only these days. However transposition process seems to be only formal. None concrete steps towards implementing of article 9 WFD are taking place and also are planning in the RBMP.
7. Officially adopted long-term strategy for solution of contaminated sites is not in compliance with the requirements of WFD in particular concerning environmental objectives and timetable given for realization of necessary measures. Legal act introducing new rules for contaminated sites was adopted by the Parliament these days. It is supposed, that this act will have serious economic impact on industry inadequate to effect on the environment. Necessary measures for contaminated sites were not included into the national DRBMP and competent authority will not be responsible for this kind of point sources of pollution.