

THE WATER FRAMEWORK DIRECTIVE OBSERVATORY: AN ASSESSMENT OF THE WFD IMPLEMENTATION
PROCESS IN SPAIN.

Francesc La Roca^a and Graciela Ferrer^b

^a Universitat de València and Fundación Nueva Cultura del Agua. E-mail: froca@uv.es

^b Universitat de València, Fundación Nueva Cultura del Agua and Universitat Autònoma de Barcelona. E-mail: grafemat@uv.es

Abstract

This paper deals primarily with the assessment of the Water Framework Directive (WFD) implementation in the Iberian basins. This assessment has been carried out in an innovative way by the Observatory of the Water Framework Directive known with the acronym ODMA after its Spanish name. The Observatory is a project of the Water Foundation for a New Water Culture (FNCA) led by researchers of different scientific disciplines related to water, with the involvement of non academic actors, like, for instance, practitioners of the water sector and environmental activists.

The paper first describes the organisation and scope of the Observatory in the context of a post-normal science approach. In a second part the methodological outline of the assessment is briefly described. Thereafter, the main evaluation results of the WFD implementation process are summarised. The main findings are grouped following a thematic classification: institutional setting, public participation, ecological and economic aspects and exemptions. An epigraph with conclusions closes the article.

Keywords: Water planning, Water Framework Directive (WFD), Policy assessment, Public participation, Spanish water policy

Resumen

El artículo se centra principalmente en la evaluación de la implementación de la Directiva Marco del Agua (DMA) en las cuencas ibéricas. Esta evaluación se ha realizado de una manera innovadora por el Observatorio de la Directiva Marco del Agua (ODMA). Dicho Observatorio es un proyecto de la Fundación Nueva Cultura del Agua (FNCA) liderado por investigadores de diferentes disciplinas científicas relacionadas con el agua y con la participación de actores no académicos como, por ejemplo, profesionales del sector del agua y activistas ambientales.

El artículo comienza con una descripción de la organización y el campo de actuación del observatorio, en el contexto de una aproximación de ciencia post-normal. En una segunda parte, se detalla brevemente el esquema metodológico de la evaluación para, a continuación, presentar los principales resultados de la evaluación del proceso de implementación de la DMA. Dichos resultados se exponen bajo los siguientes epígrafes: marco institucional, participación pública, aspectos ecológicos y económicos, y exenciones. Un capítulo de conclusiones cierra el artículo.

Palabras clave: Planificación hidrológica, Directiva Marco del Agua (DMA), Evaluación de políticas, Participación pública, Política del agua en España

1. INTRODUCTION

Water planning in Spain has a strong tradition, built all along the 20th century. Since the creation of the first river basin authority (Ebro, in 1926), the planning, and building, of storage and transport infrastructures by the state, with the main objective of supporting private irrigated agriculture and hydroelectric production, has been the cornerstone of Spanish water policy. This approach that mostly flourished during Franco's dictatorship had shown exhaustion signs by the end of the century. By the same time, the discussion and approval of the European Water Framework Directive took place (European Union 2000). In the last decades, supply oriented water policies had shown their strategic limits: uncontrolled increasing demands for water supplied at low or no cost, the growing scarcity of adequate locations for new dams, as well as the emergent opposition of a population with new environmental values and freed from the dictatorship constraints (MMA 2004). In coherence with an approach based on the public provision of hydraulic works, water administration has been led in an exclusive way by civil engineers. The new issues and actors introduced by the WFD, like citizens participation or ecological status of the water bodies, have revealed the lack of specialized staff at the water administration offices.

By the turn of the century, two political processes with divergent aims coincided in time. On the one hand, in 2001, the National Water Plan -Plan Hidrológico Nacional or PHN- (Jefatura del Estado 2001), the epitome of traditional hydraulic planning, got its approval after a long debate. On the other, and after a long legislative process, the endorsement of the WFD became a fact. Despite some common features, the water management style inspired by the WFD put

important challenges to the traditional water management in Spain (Arrojo 2002). For instance, concepts like demand management or cost recovery are strange to the traditional supply oriented water policy.

The WFD was conceived with the purpose of overcoming the shortcomings of a fragmented approach (European Commission 1996). In a first attempt, existing directives on water quality for specific uses (bathing, drinking ...) were to be complemented with a new one on ecological quality (European Commission 1994). Instead of that, a framework directive was made in order to create a coherent instrument for the European water policy. The implementation of the new tool benefited from advances in other areas of environmental policy, based on sound science -as stated in the Sixth environment action programme of the European Community (Commission of the European Communities 2001a).

Taking into account the ecological and cultural diversity in the European Union, the WFD defines a path to be followed by the Member States in their river basins, in order to attain the common goal of preventing further deterioration of aquatic ecosystems by promoting a sustainable water use. This process consists of several steps: first, the diagnosis of the present situation, including the characterisation of the reference status of water bodies and the economic analysis of water uses; second, the establishment of goals in measurable terms and the determination of the gap between the present and the goal status; and third, the proposal, discussion and cost-effective selection of a programme of measures aimed to bridge that gap. These elements are integrated into a River Basin Management Plan (RBMP), which, once approved, must be implemented, evaluated and reviewed, six years afterwards.

Full cost recovery (polluter paid based) and public participation are the two principles of WFD most contrasting with the Spanish current practice.

Since the 1930's, Spanish water administration has been organised in river basins and decision making procedures included a limited participation of selected users. Therefore, some aspects of the new policy framework are not radically new. On the contrary, it should be highlighted that the widening of the participation spectrum to other non-traditional users and the general public demands a deep revision of the administrative practices and attitudes.

This paper deals with the follow up of the WFD's implementation process in Spain through an innovative initiative: The Water Framework Directive Observatory. In chapters 2 to 4 the Observatory's concept, functioning and activities are explained. Through chapters 5 to 9, a synthesis of the most relevant outcomes of the Observatory's works since 2006 is presented. The article closes with some general remarks on the political challenges for the next period and the Observatory's future tasks.

2. THE OBSERVATORY: SCOPE AND METHODOLOGICAL OUTLOOK.

The Water Framework Directive Observatory (Observatorio de la Directiva Marco del Agua - ODMA) is a pioneering experience of scientific support to public participation in water policy making. At present, it constitutes one of the main projects in the programme of the Foundation for a New Water Culture (Fundación por una Nueva Cultura del Agua – FNCA). The birth of the Foundation itself can be seen as an innovative initiative of scientific and technical intervention in the public debate, because of its

contribution to democratizing the role of scientific knowledge in public decision making (Cortner 2000). The ODMA has benefited from previous or parallel projects of the FNCA, such as the works of the Scientific Panel on water policy¹ or the Iberian Congresses on Water Planning and Management.² The Observatory's results have been presented in annual open conference.³

The Observatory's *raison d'être* can be described as the involvement of a group of committed scientists and technicians in the improvement of water policy's quality in a context of deep conceptual and instrumental change. Professionals involved in the project contribute with their specific knowledge and competences to the analysis of the problems and opportunities coming up in the WFD implementation process. The project's main goal is twofold. On the one side, it is aimed at helping decision makers and other interested parties to understand the approach and concepts underlying the new European water policy. On the other side, it is intended to aid water policy actors getting familiar with the tools adequate to the new situation. Special attention is paid to social actors committed with innovation in water policy, through the provision of scientific knowledge and the development of technical capabilities.

Since its launching in January 2006, the ODMA has focused the attention on the quality of the WFD implementation process in Spain -in line with the conceptual frameworks of quality of decision making process (Funtowicz et al. 1998) and procedural rationality (Simon 1983). In order to carry out this task, the ODMA has brought into play two intertwined working groups. On the one hand, an interdisciplinary group of experts with experience in water issues (economists, ecologists, biologists, engineers, hydrologists, sociologists, geographers, lawyers). These experts –mainly,

coming from the academia- are in charge of providing the conceptual framework for the evaluation of the practical implementation of WFD's different steps. On the other hand, a group of people involved in water planning processes in different river basin districts (most of them, environmental activists and practitioners in the water sector). This second group contributes to the evaluation task by providing direct knowledge and information regarding how the WFD implementation is taking place in each river basin district, taking into account its particular circumstances.

This double approach (interdisciplinary and territorial) allows for building up an integrated picture to assess the quality of the WFD's implementation in Spain. At the same time, useful information on particular dynamics or practices developed in some of the river basin districts can be grasped.

The current territorial coverage of the ODMA's network includes (Figure 1):

- internal river basin districts: Basque Country, Catalonia, Andalusia (Mediterranean district, Tinto-Odiel district and Guadalete district), Balearic Islands; and,
- inter-communitarian river basin districts: Tagus, Ebro, Júcar, Guadiana, Guadalquivir, Cantabrian and Segura.

Figure 1: Territorial coverage of the ODMA's network. In green river basin districts (RBDs) with network members.



Source: own elaboration using the Spanish Ministry for the Environment and for Rural and Marine Environment (MARM)'s map template (2010)

3. CONCEPTUAL FRAMEWORK FOR THE ODMA'S ASSESSMENT

The ODMA's research is aimed to answer a main question: Does the Spanish implementation of the WFD fulfil the WFD's requirements, both in form and in substance? The first part of this question seems to be easier to answer as it is mainly related to the compulsory implementation schedule imposed by the own Directive. The second part, however, enquires about the implementation process' quality and requires comparing the Spanish practice with the WFD content requirements.

Post-normal science (Funtowicz & Ravetz 1994) is the approach which frames the analysis of how and to what extent the WFD is being implemented in Spain. Water policy issues present the features of post-normal problems (Funtowicz & Ravetz 1994): decisions, which can imply irreversible changes in ecosystem services hardly replaceable, must be made; a variety of values and interests are at stake, at different temporal and spatial scales; and, an important level of

uncertainty regarding the evolution of the socio-ecological system must be managed.

From our point of view, the post-normal science approach fits the perspective depicted by the WFD for addressing water policy issues. The Directive starts recognising the particular multidimensional nature of water (Preamble #1) and the deterioration of water resources and depending ecosystems as human pressures on water resources increased during the last decades (Preamble #4). The need for action to protect Community waters in qualitative and in quantitative terms is stated (Preamble #4). The need for an integrated water policy at Community level (Preamble #9) as well as for further integration of water policy into sector oriented economic policies (Preamble #16) is highlighted. Moreover, the environmental character of the water policy is pointed out, emphasizing precautionary preventive action, correction at source, and "polluter pays" as the main policy principles (Preamble #11) together with subsidiarity (Preamble #13) and public participation principles (Preamble #14). Integrated surface and groundwater management, at river basin scale (Preamble #33) is established as the suitable water management model, including transitional and coastal waters (Preamble #17).

The purpose of the WFD, as declared in its article 1, is the general assessment framework of ODMA's activities. Therefore, ODMA's research is addressed to evaluate if the Spanish WFD's implementation assures the protection of inland surface waters, transitional waters, coastal and groundwater. The ODMA's assessment pays particular attention to whether Spanish water plans under elaboration are in line with the objectives of:

- preventing further deterioration and protecting the status of aquatic ecosystems and dependent terrestrial ones; and,

- promoting sustainable water use based on long-term protection of available water resources.

In order to throw light on these issues, the Spanish practice is compared to the contents and timing required by the WFD for its implementation.

The WFD establishes a rationale in order to tackle water planning from a practical point of view, based on the DPSIR model (EEA 1999; Kristensen 2004) -which allows to encompass physical and socio-economic knowledge at the relevant scale- and on the inclusion of public participation in the water policy decision making (planning, implementation, monitoring and evaluation phases), since the early stage (WFD Preamble #14 and #46, WFD article 14, and CIS, 2003). It also clearly explains the general environmental objectives to be achieved by 2015, and the restrictive room for applying explicitly ruled exemptions (WFD article 4).

The WFD planning process is organised in several consecutive -and to a certain extent, overlapping- phases: diagnosis (2000-2004); identification of significant management issues (2004-2007); building of the programme of measures (2004-2009); and, drafting and approval of the River Basin Management Plan (RBMP) (2007-2009).

Once the Plan is approved, its implementation, follow up and evaluation should be carried out between 2010 and 2015. By the end of 2015, a new RBMP containing a new programme of measures should be delivered and enforced.

4. THE IMPLEMENTATION OF THE ODMA'S METHODOLOGY

The ODMA's work has been organised by phases whose focus have been conditioned by the Spanish WFD's implementation advancement. In each phase, the reference framework for assessing the quality of the WFD's implementation process has been developed and applied, through the interaction of the ODMA's expert working group and the ODMA's territorial informant network.

First phase (2006-2007). During this period, the following activities were carried out: the evaluation of the Spanish legal adaptation to the WFD's requirements; the analysis of the Spanish public administration suitability to implement WFD; the investigation of the Spanish information and public participation practices; and, the assessment of the quality of contents of Spanish reports on WFD's Articles 5, 6 and 7.

Research activities carried out during this phase included the legal analysis of the Spanish water regulation as compared to the WFD's requirements; interviews to public administration practitioners; collection of information from river basin districts through the development of an extensive questionnaire on institutional, participation, ecological and economic aspects of water policy to be fulfilled by ODMA's informant network; analysis of the river basin districts' reports on WFD's Article 5, 6 and 7; analysis of information available on authorities' websites.

The two products of this first phase were the report entitled "Analysis of the WFD's implementation in Spain, 2005-2006" and an one-day Conference to present the achieved results of this phase. This Conference took place on 12 June 2007 in Madrid, with a participation of 100 people (water sector practitioners from the public

administration and the private sector, representatives from environmental organizations, and members from the ODMA). All presentations made during the Conference as well as the report produced during this phase can be downloaded from the ODMA's webpage (ODMA 2007).

Second phase (2007-2008). During this second phase, ODMA's activities consisted of: the following up and evaluation of public participation processes, including proposals for improving processes in place; the assessment of access to- and quality of available information as well as proposals of improvement; and, the analysis and elaboration of comments and suggestions to the Spanish Ministry for the Environment's drafts of both the Water Planning Guideline and the Significant Water Management Issues documents.

Research activities were similar to those of the previous phase, although complemented with the high quality input of the 20 reports produced by the Scientific-Technical Panel for Following up the Water Policy in Spain. These reports were publicly presented in an one-day Conference held in Seville on 24th January 2008. Full text versions of all these reports are available on the Scientific-Technical Panel webpage (FNCA-Panel Científico-Técnico 2008).

The main products of this phase were three reports and an one day Conference for presenting the assessment results achieved. Two of the reports addressed methodological questions of the planning process ("Comments of the Foundation for a New Water Culture to the Ministry for the Environment's Water Planning Guideline draft" and "Comments of the Foundation for a New Water Culture to the Ministry for the Environment's Significant Water Management Issues Guideline draft"). The third one presented an evaluation of the information

accessibility and quality ("Report on the access to the information in the framework of the application of the WFD and the elaboration of New River Basin Management Plans"). The Conference took place on 13th June 2008 in Madrid, with a participation of 70 people (water sector practitioners, from the public administration and the private sector, representatives from environmental organizations, and members from the ODMA). All presentations made during the Conference as well as the three reports produced during this phase can be downloaded from the ODMA's webpage (ODMA 2008).

Third phase (2008-2009). The activities carried out during this period focused on: the following up and evaluation of public participation processes, including proposals for improving processes in place; the collection and analysis of comments presented in different river basin districts in the framework of the public consultation on the Significant Water Management Issues draft documents; the identification of strategic significant water management issues for the elaboration of river basin management plans; and, the assessment of contents of (available) river basin management plans drafts and elaboration of comments and suggestions.

Research activities carried out during this phase included the legal analysis of the Spanish water regulation as compared to the WFD's requirements; interviews to public administration practitioners; the collection of information from river basin districts through the ODMA's informant network; the analysis of the river basin districts' reports; the analysis of information available on authorities' websites; and, the ODMA's members participation in the Second European Conference on Water organised by the European Commission.

The main products of this phase were four reports; a collection of full text allegations to the public consultation of Significant Water Management Issues draft documents produced by the informants' network; and, a two days Conference to address the main issues identified as crucial for the elaboration of the River Basin Management Plans. Reports include a paper summarising the Second European Conference on Water debate; the "Assessment of the Significant Water Management Issues (SWMI) draft documents presented in inter-communitarian river basin districts in Spain"; the "Assessment of the RBMP draft presented in Balearic Islands" and the report "Public Participation in the process of elaboration of RBMP in Spain".

The two-day Conference took place on 2nd and 3rd October 2009 in Madrid, with a participation of 120 people (water sector practitioners from the public administration and the private sector, representatives from environmental organizations, and members from the ODMA). All presentations made at the Conference as well as the abovementioned reports produced during this phase can be downloaded from the ODMA's webpage (ODMA 2009a).

5. TEN YEARS OF WFD IN SPAIN: LEVEL OF FULFILMENT OF THE IMPLEMENTATION SCHEDULE

The WFD establishes a binding schedule for its implementation. One of the main milestones of the implementation process is the approval and enforcement of the RBMP, which the WFD states for 22nd December 2009, as the latest.

In the case of Spain, any of the RBD has approved its RBMP until now. However, the gap

between the current state of the planning process and the approval of the RBMP varies from RBD to RBD. Figure 2 graphically shows such a diversity of situations.

Catalonian RBD and Balearic Islands RBD (green area in Figure 2) are the most advanced ones. While the Catalonian RBMP final proposal has been delivered recently for Government adoption, in the Balearic Islands, the public consultation of the RBD draft was finished, although the final proposal has not been delivered yet.

In five RBDs the period for public consultation of RBMP draft is ongoing (yellow area in Figure 2): Galicia-Costa RBD, Tinto-Odiel-Piedras RBD, Guadalete-Barbate RBD, Tenerife Island RBD and Andalusia's Mediterranean RBD.

A main part of the RBDs have finalised the public consultation of the provisional identification of Significant Water Management Issues phase (orange area in Figure 2): all inter-communitarian ones, Basque Country RBD and Fuerteventura Island RBD.

There are two island RBDs (Lanzarote and La Palma) where the public consultation of the provisional identification of SWMI is currently ongoing (red area in Figure 2).

Finally, in Gran Canaria Island RBD, El Hierro Island RBD and La Gomera RBD (black area in Figure 2) public consultation of provisional identification of SWMI has not yet started.

This overview clearly shows that the most of the Spanish RBDs will accumulate a delay of 2 or 3 years, as compared to the deadline established by the WFD. This estimation, however, can be considered optimistic. It only takes into account the time strictly required for carrying out public consultation processes and technical elaboration of the RBMP final proposals.

Figure 1: State of the planning process by September 2010.



Source: own elaboration using the MARM's map template (2010) and compiled data from Prat (2010), Govern de les Illes Balears – Conselleria de Medi Ambient (2008, 2009), Agencia Andaluza del Agua (2010), Augas de Galicia (2010), Agencia Vasca del Agua (2010), MARM (2008b, 2009), Consejo Insular de Aguas de Tenerife (2010a, 2010b), Consejo Insular de Aguas de Gran Canaria (2010), Consejo Insular de Aguas de Fuerteventura (2009), Cabildo Insular de La Palma (2010), Consejo Insular de Aguas de El Hierro (2009), Consejo Insular de Aguas de La Gomera (2009), Consejo Insular de Aguas de Lanzarote (2009)

6. TEN YEARS OF WFD IN SPAIN: ASSESSMENT OF INSTITUTIONAL ASPECTS

The ODMA's analysis of the institutional aspects related to the implementation of the WFD in Spain has been divided into two areas: the Spanish legal adaptation to the WFD; and, the organizational accuracy of water public administrations for applying the WFD.

6.1. THE SPANISH LEGAL ADAPTATION

Since the early stages, the quality of the WFD implementation process in Spain has been strongly conditioned by the poor adaptation of the Spanish legal framework as required by the WFD. As explained by La Calle (ODMA 2007),

deficiencies stem from both incomplete and incorrect adaptation.

Incomplete adaptation. The WFD asks for a major change of water policy's objectives, instruments and administrative organization as compared to the Spanish water policy's tradition. A first step in the WFD implementation is the complete adaptation of Member States' legal framework to the European regulation. For carrying out this task, the WFD established a deadline: 22nd December 2003. By the time the WFD was enforced, water issues were at the top of the Spanish political agenda (approval of the PHN and growing social conflicts against water transfers). The Directive pushed water policy in a divergent direction than that adopted in the PHN. The three-year period established by the Directive to carry out its transposition would have been a precious time for developing an open minded public debate on the scientific, social-economic and political bases, alternatives and consequences of the Spanish water policy, its geographical particularities, importance of water uses, and the challenges posed by the WFD. A public debate like this would have been a very positive input to the complex process of adaptation of the national legal framework to the WFD. Unfortunately, during this period, the WFD was ignored in the Spanish debate around water, focusing the political and media attention on the PHN's project of new Ebro's water transfers.

The modification of the Water Act to incorporate the WFD was carried out almost without parliamentary debate (La Calle 2008), including it as the article 129 into the Act 62/2003 of 30th December 2003, of administrative and fiscal measures and of social order (Jefatura del Estado 2003). As explained by La Calle (ODMA 2007, 2008), the fact of making such a legal

modification does not mean that the transposition requirements had been successfully fulfilled.

The WFD article 24 states that *Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive at the latest 22 December 2003*. Issues such as competent authorities' designation, delimitation of river basins, delimitation of river basin districts or regulation of water planning process were not in force by the end of 2003. In fact, decrees partially addressing these issues were approved during 2007 (MMA 2007a, 2007b, 2007c). The legally binding Administrative Guidance for Water Planning (MARM 2008a), which sets the legal requirements, methods and procedures to be applied for the elaboration of the River Basin Management Plans (RBMP), was approved on September 10th 2008; almost by the time the WFD scheduled the delivery of the RBMP's draft versions to public consultation.

Together with these late legal developments, important unsolved problems remain: the absence of geographical definition of river basins, the incorrect (or lack of) delimitation of river basin districts, and the lack of constitution of organic participatory entities (River Basin District's Water Councils) with functional roles in hydrologic planning and public participation development, just to mention some of them. This combination of uneven legal developments has hindered the WFD's implementation process in Spain.

Incorrect adaptation. Besides its incompleteness, the Spanish legal adaptation to incorporate the WFD is incorrect in the substance (ODMA 2007).

The highest priority given by the WFD to the ecological protection as the water policy goal is not reflected in the Spanish water regulation.

The Water Act modification operated in 2003 introduced a new paragraph (article 40.2) establishing that water policy is aimed to serve sectoral plans and strategies set by Public Administrations, while pushing environmental protection into the background, as a mere instrumental goal for management (but not for planning and strategic policy).

The WFD's general water policy principle of *preventing any further deterioration to the status of water bodies* was incorporated in a subsidiary and vague way. It was included in the Spanish Water Act in a more inexact way ("prevention of deterioration") and restricted to the water protection policy, but not for the whole water policy. Moreover, 31st December 2003 (enforcement date of the WFD's bulk transposition into Spanish law) was the reference date to establish the baseline water bodies' status which should not be worsened, rather than the WFD's enforcement date, 23rd December 2000.

The WFD's article 3 requirements regarding the specification of river basins, river basin districts and river basin district's competent authorities has been addressed in an unsatisfactory way. First of all, a clear specification of river basin territorial scope has not been done. Secondly, the territorial scope of river basin districts has not been defined correctly. In some cases, river basin districts have been geographically defined in a way that divides a river basin into two or more river basin districts. The inter-communitarian Cantabrian RBD, internal Basque RBD, and internal Cantabrian RBD are examples of this situation. In other cases, the territorial scope of the river basin district has not been defined yet. That is the case of the Júcar RBD and internal RBD of Valencia) (MMA 2007a). Thirdly, while the WFD requires coordination relationships among RBD's competent authorities,

the Spanish transposition establishes only mere cooperative relationships among them (MARM, 2007b). As a consequence, the operative capacity and effectiveness of the RBD's Committees of Competent Authorities have been reduced.

The Spanish legal framework previous to the WFD uses the concept of *river basin* in two ways. The first one refers to the natural boundaries of a watershed. The second one refers to the geographical area grouping one or more watersheds attending to administrative criteria. In order to avoid this confusion between the natural boundaries of the terrestrial water cycle and the administrative boundaries of water management organizations, the WFD's article 2 differentiates *river basin* from *river basin district*. However, the Spanish legislators in charge of the WFD's transposition do not seem to have understood this distinction and its importance for the water policy in a semi-federal state like Spain. The Spanish Constitution (1978) establishes that river basins that spread over more than an autonomous region are under the exclusive competence of the central government, while those stretching only over an autonomous region can be entirely managed by regional governments (Jefatura del Estado 1978) –if the autonomous region includes such a competence in their statutory rules. When the WFD was transposed to the Spanish legal framework, this constitutional statement was mechanically applied to the concept of river basin districts rather than to the concept of river basin, impeding a satisfactory involvement of regional authorities into the river basin district's competent authorities committee. These circumstances have given rise to a perverse framework for water management and planning in Spain. On the one side, a strong political struggle is taking place among regional governments for dominating the use of water through inadequate legal

instruments, regardless the rationale of integrated river basin management and planning. Moreover, serious shortcomings for the application of the WFD are on the floor, like it has been happening in the Júcar river basin district, where the dispute among regional and central authorities on the district components and boundaries has blocked the planning process.

Another deficiency detected in the current Spanish legal framework has to do with the economic scheme established by the Water Act. It prevents a transparent economic accounting of water services as well as the application of an effective cost recovery policy according to the WFD's article 9. In fact, the economic-financial scheme for water use costs repercussion remains the same as approved in the Water Act of 1985 (MMA 2001). This scheme does not account for all the water services as stated by the WDF and applies indiscriminately subsidies to water infrastructure's investment costs as well as cross subsidies between different types of water users.

Last but not least, the Spanish adaptation of the WFD article 14 applies a very restrictive reading of public participation in water policy making: active public involvement in water policy decision making has been interpreted in a very formalistic and rigid way, in form of a semi-closed static processes working in parallel to the water planning process, with very limited interaction of stakeholders from different sectors (hydroelectric industry, irrigation, public administrations, industrial and service firms, social actors, environmentalists, etc.) among themselves and within the planning process.

These conceptual misunderstandings and the temporal distortion in the Spanish legal adaptation have negatively affected the development of this first cycle of water planning

under the WFD in Spain. In this sense, it seems clear that, if the WFD objectives are to be attained, the Spanish Water Act (and, accordingly, the legal rules that develop it) must be urgently and deeply modified in order to gain coherence and practical effectiveness. Although during the period 2004-2008 the Ministerio de Medio Ambiente (MMA) carried out technical work in order to propose such a modification, the initiative was finally discarded due to the lack of political momentum. The absence of political ambition and leadership regarding the achievement of WFD's environmental goals as required in its article 4 is at the origin of the abovementioned shortcomings.

6.2. ORGANIZATIONAL ACCURACY

Spain has a long tradition of public water administration at river basin scale. The first river basin authority was created in 1926 (Confederación Sindical Hidrográfica del Ebro), for dealing with surface water –competences on groundwater management and planning were introduced in the Water Act of 1985. However, since its creation, Spanish public authorities oriented their action to a water supply aimed management and planning. Water public administration was designed to build up and exploit big water public works for providing cheap water to economic users (irrigation, hydroelectric production, drinking water and other industrial uses). On the contrary, the WFD has posed a quite wider and more complex challenge: the *sustainable management of water ecosystems*.

Sustainable management of water ecosystems means a strong change in water policy priorities as well as the values underlying the decision making process: now, the focus is on water demand management rather than on the supply one; a multiplicity of confronting criteria

(ecologic, social, economic) must be managed in decision making; and, the water policy community (Pérez Díaz & Mezo 1998), traditionally integrated by irrigators, hydroelectric producers, sectoral policy makers, water policy makers and civil engineers, should be extended to other interested parties like environmentalists, commons' users, environmental and social scientists, etc.

The path from a system oriented to supply water for economic uses to another one oriented to manage water for ecosystems and for sustainable human uses requires changes in both the organizational culture and the pool of knowledge used in the decision making process. From the organizational perspective, the new water management model demands organizational competences such as better coordination within and between public administration levels, fluid communication and cooperation among departments, and, easy public accountability of decisions. From the knowledge perspective, it calls for a higher diversification and deepness of scientific and practical knowledge to be taken into account in the decision making process.

For these reasons, the implementation of a water management model oriented to sustainability into the existing river basin organizations is a highly resource demanding process:

- new professional profiles with scarce or null presence in the traditional public water authorities must be incorporated;
- financial resources must be invested;
- social abilities must be developed; and,
- amount of time required to encompass the whole process.

Obviously, a clear political leadership of this process is essential in order to embed the new

values and attitudes into public administrative structures and procedures.

In the Spanish case, the traditional organizational model of the public river basin administrations has remained without major changes, particularly in the case of inter-communitarian river basin districts. Since early 2000s, the constitution of the regional water agencies in Andalusia and Galicia and the administrative reform of some inter-communitarian river basin districts authorities (like Guadalquivir, Miño-Sil or Cantábrico) were time consuming processes which slowed the advancement of WFD implementation. In contrast, the Catalan Water Agency carried out formal and informal changes in its structures and procedures. This Agency also set up training actions for its personnel, which were aimed at improving their competences for both dealing with a growing amount of diversified knowledge and information, and implementing participation processes at river basin scale in close dialogue with the technical water planning.

In spite of the variety of situations at the Spanish public river basin district administrations, a set of shortcomings common to most of them can be identified (although their degree of incidence varies from one case to another):

- Engineering continues being the dominant profile in high level technical jobs. Although an important number of young environmental scientists have been recruited last years, their role is secondary in the establishment of technical criteria. Professionals with profiles of social sciences and aquatic ecology are still rare as part of the public river basin administrations staff. As a consequence, crucial technical tasks in the river basin planning process have been carried out of external consultancy firms. That is the case of public participation processes in the majority of

RBDs. This circumstance has hampered the creation of new long-term dynamics inside the public administration for encouraging new ways of interaction between public officers and the public as well as the internalization of an integrative approach to the multidimensionality of water issues.

- Multi-level and multi-sector coordination and cooperation competences need still to be developed in order to be able to take integrative actions and decisions. This situation has hindered the possibility of implementing effective measures to act on the driving forces behind the pressures and impacts affecting the status of water bodies.

- Internal re-organization of structures and procedures needs to be further developed in order to promote transversal styles of working, flexible thinking, accountability and accessibility of information (including background documents), and integration of inputs from public participation into management and planning processes.

7. TEN YEARS OF WFD IN SPAIN: ASSESSMENT OF PUBLIC INFORMATION AND PARTICIPATION ASPECTS

Public participation in water policy's elaboration, implementation, monitoring and evaluation processes is one of the greatest challenges posed by the implementation of the WFD in Spain. The WFD distinguishes three different forms of public participation with an increasing level of involvement: access to information, public consultation and active involvement. While Member States shall ensure the first two, the later shall be encouraged (WFD, article 14). How these forms of public participation are to be enforced is a question to be decided by Member States, in application of the subsidiarity principle.

Despite the timid wording of the legal text, citizens' participation is a key stone in the logic of the WFD. The need of public involvement in environmental policy has been officially recognized in different agreements and legal texts (UNECE 1998; Commission of the European Communities 2001b; European Union, 2003). Main arguments supporting participated decision making processes have to do with the use of diverse, disseminated knowledge for making decisions, and with the fostering of co-responsibility of agents affected by the decision (CIS 2003). It is also argued that public participation in planning and management deepens democracy, otherwise reduced to mere formality or tokenism (Arnstein 1969). Funtowicz and Ravetz (1994) have proposed a general frame, so called post-normal science, in order to place the role and function of science assisting decision making in complex socio-ecological systems. Central to the core of post-normal science is the extension of the peer community to the people potentially affected by a certain decision, widening the basis for a quality assessment of science. In Funtowicz and Ravetz (1994) own words, *[a]s the policy process becomes a dialogue, post-normal science encompasses the multiplicity of legitimate perspectives and commitments, and provides new norms of evidence and discourse*. Sound science for environmental policy requires not only interested parties' involvement, as WFD's art. 14 reads, but general public participation, since all of vital interests are at stake.

In Spain, river basin districts' administrations have scarce tradition in participative decision making processes open to the general public and common interest's actors. Traditionally, actors defending their own private exclusive right to use water have had an outstanding participation into water policy

making. Irrigators, electric energy producers and drinking water providers have been actively taking part of water administration's decisional structures for decades. Information flowed at greater or lesser extent inside this political community as decisions had to be made. But, water decision making processes have been a black box to the rest of the society. Participation of the other interested parties (environmentalists, workers, final consumers, common users, etc.) and the general public has followed a passive model, usually limited to personal consultation of the documents at the administration office and written communication with the authority.

The transition from the traditional perspective of public participation processes towards the wider and deeper one required by the WFD (art.14) needs strong political *transformational leadership* (Kotter 1995; Bass 1990). This transformational leadership is needed to guide and to encourage changes of perspective and practice in decision making. On the one side, political leadership is needed in order to foster internal cultural changes (in values, attitudes and organizational culture inside the public administration). On the other side, political leadership is required in order to raise external credibility of the transition. In particular, it is needed to convince (non-traditional) water actors about the effectiveness and transparency of public participation in decision making processes (Bush et al. 2005).

In the Spanish case, such a political transformational leadership has been weak and the inertia has prevailed in the assimilation of the WFD requirements of public participation into the traditional administrative practice. The public participation process developed by the Catalan Water Agency is the only remarkable exception to the general trend in Spain. Out from river basin

district authorities, regional governments of Cantabria and of Navarra have carried out valuable initiatives of public participation related to the WFD.

As explained in previous chapters, sustainable water planning and management are multidimensional, complex issues, in which a variety of scientific knowledge and uncertainty play an important role for decision making. For public participation being a useful tool for decision making, participants need to be empowered. That is to say, they have to be able to understand which interests are at stake, how ecological and socio-economic systems interplay with each other, which scientific evidence is, and which levels of uncertainty of available knowledge are. The development of civil empowerment requires a variety of technical and financial capacities and competences not easily available in Spanish environmental non-governmental organizations (NGOs). This circumstance creates a strong opportunity's asymmetry among users of water commons and users with exclusive rights on water, due the later have much more financial and technical resources as compared to the former. Financial and technical support from the Spanish public administration side to compensate this civil society's weakness has been very limited –some isolated actions were taken in the Ebro's river basin district during 2009, and a more comprehensive one developed by the Catalan Water Agency.

A common appreciation in the ODMA analysis is that the public administration has interiorised public participation as a "tick box" requirement, rather than as a useful tool for feeding the water policy making (ODMA 2009, 2010). The Catalan Water Agency is the main exception to this statement, followed by the

regional initiatives carried out by the Regional Governments of Cantabria (Gutiérrez et al. 2008) and Navarra (García-Balaguer 2008). In the case of Catalonia, a new specific administrative unit was created at an early stage of the planning process aimed at promoting and managing public participation processes. As a result, a coherent and consistent participation methodology was developed and implemented, involving a wide range of interested parties in the discussion of relevant water management topics at river basin scale, from the diagnosis to the programme of measures. Benchmarking this kind of good practices should be encouraged in order to advance in the institutional learning for sustainability management.

In the next sections, the ODMA's assessment of the public participation processes in Spain is presented following the three different levels of public involvement in decision making stated by the WFD: public information, public consultation and active public participation.

7.1. ACCESS TO INFORMATION AND ADEQUACY OF INFORMATION SUPPLIED

The amount of information available to public access has been significantly higher than in previous water planning processes (Basin Hydrological Plans developed during the late '90s and the National Water Plan approved in 2001). From 2006 onwards, the public access to information has been made easier through ICTs (water authorities' websites and the European CIRCA ftp libraries). However, supplied information is far from being adequate for an effective public participation.

Lack of attention to the lay public. A communication strategy addressed to raise public awareness on WFD's goals, principles and

procedures is missing. Produced information (mainly, long technical reports) is inadequate to reach the lay public.

Low quality of information. Information supplied for public consultation and active involvement processes has been deficient due to:

- the incompleteness of contents (for instance, regarding reference conditions for water bodies, exemptions to environmental objectives, cost-recovery characterization and evaluation, etc.).

- the length and complex organization of reports. Reports follow a regulatory logic rather than being oriented to facilitate target groups to understand water policy issues. Moreover, produced documents are huge in extension, without providing good summaries that allow participants getting a whole idea of the issues for further deepening into the detailed documentation, if necessary. In fact, among participants there is a feeling of "report burying" rather than information supply.

- the lack of integration of contents and mismatch territorial scales. Links among drivers, pressures, impacts and the state of water bodies and their gap to good status are not easily visible. This is due to the patchy presentation of different types of data related to water bodies as well as the different –non comparable- scales of reference of the supplied data.

- the missing traceability (data sources, methodologies applied, etc.) of supplied data.

- the inappropriate language. Information supplied is plenty of technicalities which are unintelligible for non-expert people.

- the information provided to participants is frequently outdated as compared to that is currently used in the water planning process. For instance, the data made available by the

Ministerio de Medio Ambiente y de Medio Rural y Marino (MARM) through the Integrated Water Information System (Sistema Integrado de Información del Agua, SIA)⁴ are updated to 2007. In several cases, the General Study of the River Basin District (Estudio General de la Demarcación), published by 2007, contained an outdated delimitation of water bodies as compared to that planners were using by the same time. This circumstance weakens the usefulness of public participation for decision making as participant's comments and suggestions are based on old data.

WFD's article 14 establishes that *[o]n request, access shall be given to background documents and information used for the development of the draft river basin management plan*. However, it is very difficult for the public to exercise this right, as an exhaustive list of background documents and sources of information used in water planning is not provided. Therefore, it is not possible to request them.

In any case, public authorities should guarantee they fulfil the requirements set by the Spanish Act 27/2006, specifically, articles 5, 10, 11 and 12 related to access to environmental information (Jefatura del Estado 2006). This law regulates citizen's rights of access to information, public participation in decision-making, and access to justice in environmental matters in accordance with the Aarhus Convention (UNECE 1998).

7.2. PUBLIC CONSULTATIONS

Public consultations largely failed in maintaining the WFD's schedule, accumulating more than 1 year of delay, particularly in the inter-communitarian river basin districts.

In the Spanish legal framework, public consultations have been interpreted in a formal way, assimilating them to the administrative process of "public information". Allegations taken into account are the written ones.

Besides, administration's feedback to participants from the second round of public consultations –on significant water management issues-, has not yet been accomplished (at September 2010), in spite of the main part of these consultations ended in January 2009 (inter-communitarian river basin districts, except Júcar).

As mentioned in the previous section, documents submitted to public consultation were very long and difficult to understand for non-expert people.

7.3. ACTIVE PUBLIC PARTICIPATION

The practical implementation of active public participation has varied from one river basin district to another, particularly in intra-communitarian river basin districts. A common framework has been developed for inter-communitarian river basin districts (the main part of the Spanish territory).

This common framework approaches active involvement from a very formal, sectoral and organic perspective. Having in mind that one of the main added values of this kind of participation is to contribute to knowledge integration, mutual understanding and co-responsibility, a more informal (dialogue driven), functional (thematic focused) and integrative (inter-sectoral and open meetings) scheme would have been desirable (Bush et al., 2005).

In general, active participation has been implemented through meetings with (a closed list of) representatives from the same interest's sector (traditional users –irrigators and hydroelectric

producers-, public administrations, economic agents -enterprises and trade unions-, and organised civil society agents –environmental NGOs, Universities, Foundations, common users associations, etc.).

In most cases, participative techniques for facilitating meetings were not adequate or not well applied: digital presentations and collection of impressions from participants –without previous information on the topic tackled; lack of explanation about how the conclusions elaborated during the participative session will be taken into account in the planning process; absence of people in charge of the water planning able to collect and react to participants' questions and positions; inadequate meeting schedule; etc.

8. TEN YEARS OF WFD IN SPAIN: ASSESSMENT OF ECOLOGICAL AND ECONOMIC ASPECTS

The WFD's analysis and design scheme is based on the DPSIR logic (drivers-pressure-state-impact-response), adopted by the European Environment Agency by the middle of 1990's as a sound approach for the development of environmental indicators (EEA, 1999). Additionally, the WFD has foreseen its own implementation as a participative process that covers planning, implementation, monitoring and evaluation phases.

The diagnostic phase's milestone is the delivery of a comprehensive report (according to WFD's art. 5) including:

- the characterization of water bodies, their current ecological status and the gap to the good status of all water bodies;
- the identification of pressures and impacts at the water body level; and,

- an economic analysis of water uses together with the analysis of the degree of water services cost recovery (including environmental and resource costs) for different users.

WFD's articles 6 and 7 call for reporting a characterization of water bodies influencing or included into protected areas.

By the middle 2005, a main part of Spanish river basin districts delivered these reports concerning WFD's article 5, 6 and 7 -on time according the WFD's schedule. However submitted reports were weak regarding the quality of contents: they had been elaborated on the basis of simple collection of existing information from a variety of sources. As a consequence, these reports presented problems such as the absence of data, the mismatch of spatial and/or temporal scale, non comparability, the use of inadequate metrics, etc. Reports produced by the Catalan Water Agency were the only exception in the Spanish context.

Obviously, this lack of enough and good quality information has been a drawback for a suitable development of the whole planning process, as it started from a weak diagnosis. The ODMA carried out an analysis of contents of all the Spanish reports concerning WFD's art. 5, 6 and 7, delivered in 2005. A set of common shortcomings was detected (ODMA 2007) and it is schematically summarized as follows:

- Unclear identification of reference conditions for water bodies and of metrics to be applied to measure water bodies' status. Incomplete assessment of water bodies' status. Accordingly, unreliable estimation of gaps between current and good status of water bodies.

- Incorrect methodology for assessing the water bodies' risk of not achieving good status in

2015, particularly in inter-communitarian river basin districts.

- Overestimation of available water resources and insufficient transparency about the estimation methodology (for both, surface and groundwater bodies).

- Environmental flows and environmental volumes are not mentioned or the ways proposed to establish them are not scientifically consistent.

- Insufficient or no attention at all is paid to transition and coastal water bodies.

- Lack of specification (in quality and in quantity terms) of water needs for fulfilling protection objectives in designated protected areas.

- Deficient economic analysis of water uses: lack of integration between the economic analysis of water uses (driving forces) and pressures and impacts affecting the status of water bodies; sectoral, patchy approach to social-ecological systems; mismatch of spatial scales between social-economic and physical analyses.

- Rough estimation of water prices, without detailed information concerning subsidies and users benefiting from them.

- Confusion around the meaning and the application of the concept of environmental and resource costs in the context of economic analysis of water uses and water services cost-recovery.

- Overestimation of rates of cost recovery of water services from users. Amount of water services' cost paid by users is not compared to the total amount of water services' cost, but to the portion of water services' cost that the Spanish Water Act considers to be refundable by users. This particular aspect has not been modified to be adapted to the WFD, and continues as at the date of approval, 1985.

- Absence of information related to alternative measures for improving the status of water bodies.

- Absence of reversibility analysis related to the preliminary designation of heavily modified water bodies.

On the positive side, these diagnostic exercises allowed the authorities to identify the data and methodological gaps to be overcome during the next period.

During the period 2005-2007, a main part of river basin district administrations improved their quality of data: water bodies were delimited again, calculation of water resources in natural regime were refined, sampling campaigns for updating physical, chemical and biological indicators were carried out, additional information on impacts and pressures was collected, etc. However, these new or updated data were not included in the River Basin District's General Study, the technical document submitted to public consultation by the middle of 2007. This technical information comprised a summary of the outdated reports delivered in 2005 (to accomplish the WFD art. 5, 6 and 7).

This circumstance undermined manifestly the sense and usefulness of the whole participation process as a tool for contributing to improve the decision making process in water policy. Trust on the reliability and the quality of supplied information, as well as the sharing of a common floor for defining problems to be solved, constitute the basic blocks for a healthy public discussion about water policy.

By the middle of 2008, almost every inter-communitarian river basin district authority (except the Júcar's one) submitted to public consultation for six months an interim overview of the significant water management issues

identified in the river basin (SWMI report). The Jucar's river basin district authority so did by the end of 2009.

The content organization of these SWMI reports distorted the WFD's water planning logics while fitting better with the traditional hydraulic planning, water supply oriented. The section on water allocation among uses and guarantee of water delivery to such uses –the traditional role of water planning in Spain- was the most relevant one. The achievement of the environmental objectives, the management of extreme events, and the improvement of knowledge and water governance were addressed in a sketchy, trivial and inaccurate way. It is remarkable the lack of an integrative strategic view of the water policy together with the economic policies (agriculture, energy, land use planning, etc.). Economic policies constitute the driving forces that create pressures and impacts on the environment.

The supplied information in inter-communitarian SWMI reports remained being incomplete, particularly regarding water bodies' status, pressures and impacts, protected areas water requirements, and economic aspects and instruments. Some examples can be mentioned:

- The lack of detailed information on water demands, water prices and rights for water use.
- Accurate information on foreseen measures to be included in the Programme of Measures was missing.
- Neither fish indicators nor environmental flows regimes were taken into account in assessing the ecological status of surface water bodies.
- When assessing the status of water bodies, the applied methodology for integrating biological, physical-chemical as well as chemical information assumes that the default value of

every indicator is *good*. That is to say, in case no data are available for an indicator, when such an indicator is combined with another one, the resulting combination takes the value of the second one (the former has not influence, which, in practical terms, yields the same result as if it had a value of *good*). Therefore, in a context of incomplete information, the methodology applied tends to overestimate the status of water bodies.

- No new information has been publicly delivered concerning economic analysis and cost recovery analysis –in spite of the time elapsed since 2005 and the multitude of issues that should be improved.

In Spain, a main pressure on a huge number of surface water bodies is the alteration of their natural hydromorphological regime (ODMA 2007). In this context, the implementation of environmental flows regimes is crucial for achieving the WFD's environmental objectives. Despite the relevance and urgency in setting such regimes, up to now (2010), no technical report for determining them has been delivered to the public. It is worth noting that after such technical information being available, a process for compromising their implementation with interested parties –included private users- has to be launched. Only after the implementation of environmental flow regimes is agreed, it will be incorporated to the river basin district management plan as a measure. Again, the unique remarkable exception is the case of the Catalan intra-communitarian river basin district which ruled this issue in 2006 (Departament de Medi Ambient i Habitatge, 2006).

9. TEN YEARS OF WFD IN SPAIN: EXEMPTIONS, A CRITICAL ISSUE

WFD considers the possibility of exemptions to the achievement of good status of water bodies by 2015, under certain circumstances and if a set of conditions are met. WFD's article 4 regulates such circumstances and the associated conditions to be met. Member States have to establish how exemptions will be implemented in operative terms. In the Spanish context, this issue remains unclear. Neither the Water Planning Regulation (MMA 2007c) nor the Administrative Guidance for Water Planning (MARM 2008a) throws enough light on how exemptions must be operatively applied and justified in RBMPs. MARM's representatives –who are in charge of the coordination of WFD implementation in inter-communitarian river basin districts- have explained they will articulate the application of exemptions from a *general* perspective.⁵ Such an approach, at least in principle, is incompatible with the WFD's requirements for detailed justification and evaluation of alternative measures.

It should be recalled that the implementation of exemptions on grounds of disproportionate costs or technical infeasibility must be dealt with in a coherent way to the WFD's general objectives and logics. Therefore, the suitable scale for their application and justification is that of individual water body. Besides, not only the economic capacity of affected users should be taken into account, but also that of the affected territories and the society as a whole. However, exemptions are not allowed when negatively affecting conservation objectives of protected areas (Natura 2000) or undermining objectives of previous water related European Directives.

10. ODMA'S FUTURE TASKS

At present (September 2010) only seven out of the twenty four RBMP drafts have been produced. No plan draft has been presented for transboundary river basin districts –neither by Spain nor by Portugal. The coordination of Iberian international catchments is reduced to the minimum established by the Albufeira Agreement. For the main part of the Spanish water districts, draft documents of the RBMPs have been repeatedly announced, but the publicized dates have been shifted again and again.

The Observatory's approach to the analysis of RBMP draft documents is double sided. On the one hand, the conformity with the legal requisites established by the WFD will be scrutinized in form of a compliance analysis. On the other hand, a detailed reading of the plan's draft will be carried out with the aim of identifying planning quality improvement possibilities.

As stated before, public participation processes have shown important deficiencies. The lack of opportunities for the most environmentally conscious social agents to intervene in the planning process till now, could be recovered in the next phase. In order to support the participatory task of environmental NGOs and social movements, ODMA's expert working group will produce a set of thematic guidelines.

11. CONCLUSIONS

During the last two years the WFD's implementation process in Spain has been slowed, so increasing the already accumulated delay as compared to the WFD's schedule. Moreover, the environmental political ambition of water authorities remains limited. The main decision makers' concern seems to be how to allocate as much water as possible –even at the expense of

environmental flows regimes. A renaissance of the use of *water scarcity* and *drought* as arguments for relaxing the WFD's requirements is taking place in the political arena.

Results from the first generation of Hydrological Plans in Spain (river basin plans approved in 1998) have not been critically evaluated, even though a general deterioration of water bodies' status has been found during the WFD's diagnosis phase. Instead, river basin authorities as well as central and regional government authorities consider such hydrological plans as the "most valuable basis" for the current round of water planning, despite their clear contradiction with the WFD approach.

Failures detected in the WFD implementation process, the current penchant of the Spanish water authorities towards a supply driven approach and the maintenance of the *status quo* in the water policy community do not invite to be optimistic regarding the effectiveness of the WFD.

In our opinion, it is not overstated to say that the ODMA's work has contributed to encourage an environmentally sound implementation of WFD in Spain from the civil society side. Its main contributions can be summarised as follows:

- Organization of the available information in order to allow interested parties getting a whole picture on how WFD's has been implemented in different Spanish river basin districts.

- Identification of general trends, particular approaches and good practices in WFD's implementation.

- Consolidation of a scientific-territorial network for exchange of information and advice oriented to NGOs and social movements

interested in an environmentally sound implementation of the WFD.

- Identification together with social actors of key issues and actions for promoting a correct WFD's implementation at local level.

- Delivery of policy oriented scientific reports and conferences on the implementation of the WFD in Spain, including methodological documents addressed to decision makers.

It is foreseeable that the WFD objectives will not be achieved by 2015, to a large extent. The accumulated delays and the lack of political will among a relevant part of the water public administration leaders, make such an achievement highly unlikely. Nevertheless the stubbornness of facts, the social capital invested in improving the quality of both the ecosystem status and the policy making prevent us from talking about a lost decade.

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NOTES

¹ The Panel Científico-Técnico de Seguimiento de la Política de Aguas en España (Scientific-Technical Panel for the Following up of Water Policy in Spain) was the result of a Collaborative Agreement between the Ministerio de Medio Ambiente and the Universidad de Sevilla. The FNCA promoted the initiative and coordinated Panel's works. The goal of the Panel was to evaluate the state of the art concerning water management in Spain in order to accomplish with the WFD's objectives and procedures. A group of 28 experts from different fields (ecology, hydrology, hydrogeology, law, geography, political sciences, engineering, etc.) worked together for one year and produced 20 thematic

reports. Reports were presented in an open Conference held in Seville on 24th January 2008 and full text versions are available on the Internet (FNCA-Panel Científico-Técnico 2008).

² Since 1998, the FNCA organise every 2 years the Iberian Congress on Water Planning and Management. Up to now, six Congresses have taken place in Zaragoza (1998), Porto (2000), Sevilla (2002), Tortosa (2004), Faro (2006), Vitoria-Gasteiz (2008). The next one will take place in Talavera de la Reina on 16th to 19th February 2011. Full text versions of invited contributions and papers presented during these events (more than six hundred papers) are available on the FNCA's website (<http://www.fnca.eu>).

³ Up to now, three Conferences had been held on 12th June 2007, 13th June 2008 and on 2nd and 3rd October 2009, respectively. All details on these events –including full text contributions and papers discussed– are available on the ODMA's website (ODMA 2009).

⁴ The MARM's website describes the Sistema Integrado de Información del Agua –SIA (Integrated System of Water Information) as an information system aimed to centralise, integrate and harmonise all information on water. The goal of the information system is to provide easy public access to data in an adequate way according to their use (research, dissemination, management, etc.). The SIA is equipped with 4 user-interface tools in order to meet the needs of users with a diverse level of expertise on water issues and data processing. For additional information, follow the link:

http://www.mma.es/portal/secciones/acm/aguas_continente_zonas_asoc/sia/index.htm.

⁵ Oral speech of Mr. Ricardo Segura (MARM's Water Planning Deputy Co-Subdirector General for Planning and Sustainable Use of Water) during the roundtable "La aplicación en el primer ciclo de planificación de las excepciones al logro de los objetivos de la DMA" in the III Jornadas "La Nueva Política Europea de Aguas: claves para la participación ciudadana efectiva en la implementación de la Directiva Marco del Agua en España", organised by the ODMA, held in Madrid, 2nd and 3rd October 2009.