

Transposition of the EU water law in Kosova

PROGRESS AND CHALLENGES

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Introduction

- Kosovo has recently reconfirmed its *aspirations* for joining EU by submitting formal application;
- The SAA signed in 2015 is the first document establishing a *contractual relationship* with the EU;
- *SAA obligations*: democratic reforms, social and economic development, and alignment with EU legislation and standards;
- *Approximation* process includes three main steps: (i) transposition, (ii) implementation (adoption and application of new legislation) and (iii) enforcement (measures to ensure application)

EU Water Legislation

Water Framework Directive (No. 2000/60/EC)

- Most **comprehensive** instrument of EU water policy;
- Ensures an **integrated** approach to water management;
- Establishes a legal framework for sustainable water management through the development of **RBMPs** and **PoMs**;
- Objective: to prevent deterioration of the aquatic environment and to achieve **good status** of all water bodies by 2015.
- It promotes a **river basin district** approach to make sure that neighbouring countries cooperate to manage the rivers they share.

Urban Wastewater Treatment Directive

(No. 91/271/EEC)

- Objective: **protect the environment** from the adverse effects of urban waste water and industrial discharges;
- It regulates the **collection and treatment** of waste water in agglomerations larger than 2000 population equivalents and also monitoring and reporting.
- A comprehensive evaluation of the Directive (2017-2019) proved that the UWWTD contributed to the improvement of water quality but also the **necessity for its revision** with the objective of improvement regarding:
 - energy use,
 - sludge management,
 - alignment with the EU's Green Deal,
 - ensure fitness for the future with a horizon of 2-3 decades.

UWWT - Revision

- The proposed revision consists of the following:
 - (i) **the scope** will be expanded to agglomerations above 1 000 p.e;
 - (ii) **more stringent** limit values will be set for nitrogen and phosphorus (new standards for larger facilities above 100 000 p.e. but also for >10 000 p.e. in areas with eutrophication;
 - (iii) new limit for **micro-pollutants** that require additional treatment;
 - (iv) an objective of **energy neutrality** will be established by 2040 at national level for all wastewater facilities above 10 000 p.e.

Drinking Water Directive (No. 2020/2184)

- Defines essential **quality standards** for drinking water;
- Requires to regularly **monitor the quality** of drinking water by using a 'sampling points' method and **information to consumers**.
- Replaced the former DWD (Directive 98/83/EC) by revising:
 - (i) the list of quality-based **parametric values**,
 - (ii) the limited reliance on a **risk-based approach**,
 - (iii) the provisions on **consumer information**, and
 - (iv) the approval systems for **materials in contact** with water.

Groundwater Directive (No. 2006/118/EC)

- **Daughter directive** of the WFD
- Establishes **quality criteria** for further improvements of GW to be made based on monitoring data and new scientific knowledge;
- Introduces **measures** to prevent/limit inputs of pollutants into GW;
- Objectives: **prevent and limit groundwater pollution** in order to ensure that a sufficient quantity of good quality water is available for people's needs, the economy, and the environment;
- In 2022, Commission adopted a **proposal to revise** the lists of pollutants - two individual and three groups of pollutants.

Bathing Water Directive (No. 2006/7/EC)

- Aims to **enhance public health** and environmental protection;
- Sets forth **provisions for the monitoring and classification** of bathing water and informing the public about it.
- The **main instruments**: water quality standards for bathing water, monitoring requirements, reporting requirements and measures to ensure compliance with the standards.

Floods Directive (No. 2007/60/EC)

- Objective: reduce and manage the risks that floods pose to human health, the environment, cultural heritage and economic activity.
- Covers river floods, flash floods, urban floods, sewer floods and coastal floods.
- Three-step cyclical approach to flood risk management:
 - (i) **preliminary assessments** to identify the river basins at risk,
 - (ii) prepare **flood risk maps**, and
 - (iii) prepare **management plans** focused on prevention, protection and preparedness.

Environmental Quality Standards

Directive (No. 2008/105/EC)

- Daughter directive to WFD;
- Establishes environmental quality standards for the **33 priority substances** and for eight other pollutants
- These standards are used to determine the **chemical status** of surface water.
- **Revised in 2013** - 12 substances were added to the priority substances list, including industrial chemicals, biocides, and plant protection products

Nitrates Directive (No. 91/676/EEC)

- Aim: protect water quality by preventing nitrates from agricultural sources to pollute ground- and surface waters and by promoting the use of good farming practices.
- Requires from member states to:
 - (i) establish codes of good agricultural practice for farmers,
 - (ii) designate Nitrates Vulnerable Zones, and
 - (iii) develop action programmes with measures for periods when fertilisation is banned, minimum storage capacity for livestock manure, rules to control the spread of nutrients near water.

TRANSPOSITION INTO KOSOVO LEGISLATION

Assessment of the level of transposition

- Kosova achieved **significant progress** in the adoption of new, modern environmental and water legislation.
- **Evaluation** of the level of transposition by using the following scale:
 - (1) no transposition,
 - (2) some transposition,
 - (3) substantial transposition, and
 - (4) full transposition.

Water Framework Directive

- Remarkable progress during the last years;
- The transposition is **not yet complete**;
- The majority of provisions – transposed **through bylaws**;
- The level of transposition – **substantial**;
- Transposition through bylaws is considered **not feasible** i.e. as weakening of the WFD legal provisions and undermining of the common framework given by WFD to all other water related directives, such as UWTED, EQSDirective, etc.

Urban Wastewater Treatment Directive

- **Fully transposed** into national legislation through a bylaw - Administrative Instruction on the Discharge of Wastewater into Public Sewerage System and Water Bodies (2022).
- The requirements of this AI for discharges i.e. limits values of urban & industrial wastewater discharged in the sewerage system & water bodies **fully aligned** with the UWWTD.

Drinking Water Directive

- **Substantially transposed** into the national legislation;
- Transposition **through a bylaw** - Administrative Instruction on the Quality of Water for Human Consumption (2021);
- Some of the provisions of the new DWD were **not included** in this AI (certain parameters to be monitored, frequency of operational monitoring, promoting use of tap water, supporting the connection of vulnerable and marginalised groups into public water system etc.)

Groundwater Directive

- **Fully transposed** into national legislation;
- Transposition **through bylaws** - Administrative Instruction on the Classification of Groundwater Bodies (2017);
- This AI has transposed also the requirements of the Directive 2014/80/EU and all other directives concerning the quality and protection of groundwater.

Bathing Water Directive

- **Fully transposed** into national legislation;
- **Through a bylaw** – the Administrative Instruction on Criteria for Bathing Waters (2015).
 - In the AI incorporated all aspects related to bathing including:
 - (i) establishing monitoring system,
 - (ii) establishing the monitoring calendar,
 - (iii) monitoring bathing water quality,
 - (iv) management and public information,
 - (v) transboundary cooperation.

Floods Directive

- **Fully transposed** into national legislation;
- **Through a bylaw** – Administrative Instruction on Protection from Adverse Effects of Water (2015).

Nitrates Directive

- **Partially transposed** into national legislation;
- Through the **legislation on agriculture**.
- Planned to complete the transposition with the new Water Law that is in the process.

Environmental Quality Standards Directive

- **Substantially transposed** into national legislation;
- **Through a bylaw** – Administrative Instruction on Classification of Surface Water Bodies (2017).
- Only provisions concerning biota and sediment **not transposed**.

Technical Specifications Directive

- Fully transposed into national legislation;
- **Through a bylaw** – Administrative Instruction on Classification of Surface Water Bodies (2017).

Conclusions

- The EU acquis on water is substantially transposed;
- Out of nine water directives
 - five fully transposed,
 - three substantially transposed, and
 - only one, partially transposed.
- Necessary to incorporate them into primary legislation (i.e. the new water law).

Conclusions

- The implementation represents a major challenge, due to
 - (a) limited capacities in the responsible institutions, and
 - (b) numerous institutions and organisations having a role in the implementation process.
- Some of the basic activities concerning the implementation of the EU water acquis not completed yet: proper monitoring of SWB and GWB and their classification, determination SA and agglomerations, development of flood management plans, etc.

Conclusions

For successful implementation:

A strong political support associated with appropriate financial resources and strengthening the capacity of institutions in the water sector is required.

Thank you!

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