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**GUIDANCE ON PUBLIC PARTICIPATION IN RELATION TO THE
WATER FRAMEWORK DIRECTIVE**

Active involvement,

Consultation, and

Public access to information.

This document goes with 3 annexes (1: participation techniques, 2: inspiring examples, 3: members of the drafting group).

Contact persons:

Ms. Jetske Verkerk (j.verkerk@riza.rws.minvenw.nl, +31 320 298 882) and
Mr. Marc de Rooy (m.drooy@riza.rws.minvenw.nl, +31 320 298 431)

Foreword

The EU Member States, Norway and the European Commission have jointly developed a common strategy for supporting the implementation of the Directive 2000/60/EC establishing a framework for Community action in the field of water policy (the Water Framework Directive). The main aim of this strategy is to allow a coherent and harmonious implementation of this Directive. Focus is on methodological questions related to a common understanding of the technical and scientific implications of the Water Framework Directive.

One of the main short-term objectives of the strategy is the development of non-legally binding and practical guidance documents on various technical issues of the Directive. These guidance documents are targeted to those experts who are directly or indirectly implementing the Water Framework Directive in river basins. The structure, presentation and terminology is therefore adapted to the needs of these experts and formal, legalistic language is avoided wherever possible.

In the context of the above-mentioned strategy, an informal working group dedicated to the issues of public participation of the Water Framework Directive has been set up in October 2001, under working group 2.9 (on the Best practices in river basin management planning). The Netherlands, Spain and the Commission are responsible for the secretariat and animation of the working group that is composed of experts from governmental and non-governmental organisations.

The present guidance document is the outcome of the working group on Public Participation. It contains the synthesis of the output of the group activities and discussions that have taken place since October 2001. It builds on the input and feedback from a wide range of experts and stakeholders that have been involved throughout the process of guidance development through meetings, workshops or electronic communication media, without binding them in any way to its content.

[Conclusions of water directors meeting are introduced below (if desired to be adjusted by the water directors)]

We, the water directors of the European Union, have endorsed this guidance during our informal meeting under the Danish Presidency in Copenhagen (21/22 November 2002). We strongly believe this and other guidance documents developed under the Common Implementation Strategy will play a key role in the process of implementing the Water Framework Directive. For all experts involved in its implementation, this guidance document is a living document that will need continuous input and improvements as application and experience build up in all countries of the European Union.

The Water Directors

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Introduction - A Guidance Document: What For?

This document aims at guiding experts and stakeholders in the implementation of the Directive 2000/60/EC establishing a framework for Community action in the field of water policy (the Water Framework Directive – ‘the Directive’). It focuses on the implementation of public participation (public participation) in the broader context of the development of integrated river basin management plans as required by the Directive.

Public participation is a subject that concerns different steps and phases in the implementation of the Water Framework Directive and applies to most activities under the Common Implementation Strategy. This guidance is therefore a *horizontal* guidance.

To whom is this Guidance Document addressed?

Member States and Accession countries

To create a common understanding and provide guidelines and inspiring examples of how to make public participation operational in order to improve the decision making process when implementing the Directive in general, and when developing river basin management plans.

Competent authorities of river basin districts

To support and provide guidance in practice on how, when and at which level to involve the public, water users and stakeholders in order to increase transparency and participation in developing river basin management plans.

Public and stakeholders

To provide a resource in order to support successful participation in water management and successful input by the public into river basin management plans.

What can you find in this Guidance Document?

The role of public participation in the Water Framework Directive

What are the key elements for public participation of the Water Framework Directive?

Where in the Directive are these elements made explicit or referred to?

How do these elements fit with the Directive's overall river basin planning process?

Planning public participation

How could the process of public participation be planned and organised? Since there is not one blue-print for public participation, this guidance won't tell you exactly how to plan and organize public participation. It gives ideas, suggestions and examples.

How can adequate financial and human resources be allocated to public participation?

Which role should stakeholders and the public play in the implementation of the Directive?

How can public participation help to support effective implementations and the achievement of environmental objectives?

How can specifically consultation for the preparation of the River Basin Management Plan be organized?

Which elements of public participation should be undertaken by 2004?

Different forms of public participation to be applied

What forms of public participation should be used in the preparation of river basin management plans?

How can public participation help to build a programme of measures?

*How can active involvement be encouraged?
How can access be given to background documents?
How to assess benefits?*

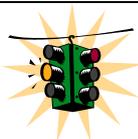
Reporting the results of public participation

*How should the different results of public participation be reported?
Which results should be reported by 2004?*



Look Out! The methodology from this Guidance Document must be adapted to national and regional/local circumstances.

This guidance document on public participation aims to provide general principles and will need to be tailored according to political, organisational, cultural and physical contexts which will vary a lot from one Member State to another and will particularly influence methodologies for public participation.



Look out! What you will not find in this guidance document

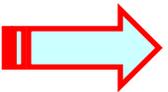
The guidance document will not provide you with a blueprint how to perform public participation, since there is none.

... And Where?



The role of public participation in the Water Framework Directive

Section 2 – What is public participation? Which role for public participation in the Directive? Why bother doing public participation? Annex I: Public participation techniques.



Public participation in the planning steps

Section 2 – Public participation in the planning steps. Ensuring coherency with the overall implementation process.



How do we involve them? Tools and techniques for public participation

Section 3 - active involvement of all interested parties. Section 4 – consultation. Section 5 - access to information and background documents. What do you need to do? And what do you need to do by 2004? Annex II – Inspiring examples of public participation in water management projects. Annex V – Lists and contacts of the Public Participation group



Reporting the results of public participation

Section 6 – How to report on the processes of public participation in River Basin Management? Section 7 – Success and obstacle factors.

Section 1 – Implementing the Directive: Setting the Scene

This Section introduces you to the overall context for the implementation of the Water Framework Directive and informs you of the initiatives that led to the production of this Guidance Document.

December 2000: A Milestone For Water Policy

A long negotiation process

December 22, 2000, will remain a milestone in the history of water policies in Europe: on that date, the Water Framework Directive (or the Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy) was published in the Official Journal of the European Communities and thereby entered into force!

This Directive is the result of a process of more than five years of discussions and negotiations between a wide range of experts, stakeholders and policy makers. This process has stressed the widespread agreement on key principles of modern water management that form today the foundation of the Water Framework Directive.

The Water Framework Directive: new challenges in EU water policy

What is the purpose of the Directive?

The Directive establishes a framework for the protection of all waters (including inland surface waters, transitional waters, coastal waters and groundwater) which:

- Prevents further deterioration of, protect and enhance the status of water resources;
- Promotes sustainable water use based on long-term protection of water resources;
- Aims at enhancing protection and improvement of the aquatic environment through specific measures for the progressive reduction of discharges, emissions and losses of priority substances and the cessation or phasing-out of discharges, emissions and losses of the priority hazardous substances;
- Ensures the progressive reduction of pollution of groundwater and prevents its further pollution; and
- Contributes to mitigating the effects of floods and droughts.

...and what is the key objective?

Overall, the Directive aims at achieving *good water status* for all waters by 2015.

What are the key actions that Member States need to take?

- To identify the individual river basins lying within their national territory and assign them to individual River Basin Districts (RBDs) and identify competent authorities by 2003 ([Article 3](#), [Article 24](#));
- To characterise river basin districts in terms of pressures, impacts and economics of water uses, including a register of protected areas lying within the river basin district, by 2004 ([Article 5](#), [Article 6](#), [Annex II](#), [Annex III](#));
- To carry out, jointly and together with the European Commission, the intercalibration of the ecological status classification systems by 2006 ([Article 2 \(22\)](#), [Annex V](#));
- To make operational the monitoring networks by 2006 ([Article 8](#));
- Based on sound monitoring and the analysis of the characteristics of the river basin, to identify by 2009 a programme of measures for achieving the environmental objectives of the Water Framework Directive cost-effectively ([Article 11](#), [Annex III](#));
- To produce and publish River Basin Management Plans (RBMPs) for each RBD including the designation of heavily modified water bodies, by 2009 ([Article 13](#), [Article 4.3](#));
- To implement water pricing policies that enhance the sustainability of water resources by 2010 ([Article 9](#));
- To make the measures of the programme operational by 2012 ([Article 11](#));
- To implement the programmes of measures and achieve the environmental objectives by 2015 ([Article 4](#)).



Look Out!

Member States may not always reach good water status for all water bodies of a river basin district by 2015, for reasons of technical feasibility, disproportionate costs or natural conditions. Under such conditions that will be specifically explained in the RBMPs, the Water Framework Directive offers the possibility to Member States to engage into two further six- year cycles of planning and implementation of measures.

Changing the management process - information, consultation and participation

[Article 14](#) of the Directive specifies that Member States shall encourage the active involvement of all interested parties in the implementation of the Directive and development of river basin management plans. Also, Member States will inform and consult the public, including users, in particular for:

- The timetable and work programme for the production of river basin management plans and the role of consultation at the latest by 2006;
- The overview of the significant water management issues in the river basin at the latest by 2007;
- The draft river basin management plan, at the latest by 2008.

Integration: a key concept underlying the Water Framework Directive

The central concept to the Water Framework Directive is the concept of *integration* that is seen as key to the management of water protection within the river basin district:

- **Integration of environmental objectives**, combining quality, ecological and quantity objectives for protecting highly valuable aquatic ecosystems and ensuring a general good status of other waters;
- **Integration of all water resources**, combining fresh surface water and groundwater bodies, wetlands, coastal water resources **at the river basin scale**;
- **Integration of all water uses, functions and values** into a common policy framework, i.e. investigating water for the environment, water for health and human consumption, water for economic sectors, transport, leisure, water as a social good;
- **Integration of disciplines, analyses and expertise**, combining hydrology, hydraulics, ecology, chemistry, soil sciences, technology engineering and economics to assess current pressures and impacts on water resources and identify measures for achieving the environmental objectives of the Directive in the most cost-effective manner;
- **Integration of water legislation into a common and coherent framework**. The requirements of some old water legislation (e.g. the Fishwater Directive) have been reformulated in the Water Framework Directive to meet modern ecological thinking. After a transitional period, these old Directives will be repealed. Other pieces of legislation (e.g. the Nitrates Directive and the Urban Wastewater Treatment Directive) must be co-ordinated in river basin management plans where they form the basis of the programmes of measures;
- **Integration of a wide range of measures, including pricing and economic and financial instruments, in a common management approach** for achieving the environmental objectives of the Directive. Programmes of measures are defined in **River Basin Management Plans** developed for each river basin district;
- **Integration of stakeholders and the civil society in decision making**, by promoting transparency and information to the public, and by offering an unique opportunity for involving stakeholders in the development of river basin management plans;
- **Integration of different decision-making levels that influence water resources and water status**, be local, regional or national, for an effective management of all waters;
- **Integration of water management from different Member States**, for river basins shared by several countries, existing and/or future Member States of the European Union.

WHAT IS BEING DONE TO SUPPORT IMPLEMENTATION?

Activities to support the implementation of the Water Framework Directive are under way in both Member States and in countries candidate for accession to the European Union. Examples of activities include consultation of the public, development of national guidance, pilot activities for testing specific elements of the Directive or the overall planning process, discussions on the institutional framework or launching of research programmes dedicated to the Water Framework Directive.

May 2001 – Sweden: Member States, Norway and the European Commission agreed a Common Implementation Strategy

The main objective of this strategy is to provide support to the implementation of the Water Framework Directive by developing coherent and common understanding and guidance on key elements of this Directive. Key principles in this common strategy include sharing information and experiences, developing common methodologies and approaches, involving experts from candidate countries and involving stakeholders from the water community.

In the context of this common implementation strategy, a series of working groups and joint activities have been launched for the development and testing of non-legally binding guidance (see [Annex I](#)). A strategic co-ordination group oversees these working groups and reports directly to the water directors of the European Union and Commission that play the role of overall decision body for the Common Implementation Strategy.

The PROCLAN working group and drafting group on public participation

A drafting group has been created under working group 2.9 PROCLAN (Best Practices in River Basin Planning) for dealing specifically with public participation. The main short-term objective of this drafting group, was the development of a non-legally binding and practical guidance for supporting the integration of public participation in the implementation of the Water Framework Directive. The members of the drafting group are policy makers, technical experts and stakeholders from European Union Member States and international NGO's (unfortunately no candidate countries to the European Union were involved).

To ensure an adequate input and feedback during the guidance development phase from a wider audience, and to evaluate earlier versions of the guidance document, national consultation rounds have been organized by several Member States. The drafting group has organised an international workshop.



Look out! You can contact the experts involved in the public participation activities

The list of the members of the drafting group with full contact details can be found in [Annex III](#) If you need input into your own activities, contact a member from the group in your country. If you want more information on specific inspiring examples, you can also contact directly the persons in charge of carrying out these studies.

Developing the guidance document: an interactive process

Within a very short time period, a large number of experts and stakeholders have been involved at varying degrees in the development of this Guidance Document. The process for their involvement has included the following activities:

- *Three workshops of the experts and stakeholder members of the drafting group;*
- *Organisation of one international workshop to present and discuss the activities and output of the drafting group (October 2002 – Lelystad, the Netherlands);*
- *Interactions with experts from other working groups of the Common Implementation Strategy, via the members of the drafting group on a national basis.*

The working process of the drafting group on public participation

Practice what you preach, is what we believe. Therefore the drafting group has organised the development of this guidance on public participation in a participatory way. The proposed working process in 2002 and 2003 is set out below:

Phase 1: Initiation and defining the Terms of Reference	
Interviews with members of the WG, EC	
Brainstorm session; drafting the issues paper	October 24 2001
Workshop	March 6,7 2002
Phase 2: Internal writing process “state of the art” concept guidance:	
Bringing existing information together per section	March/May 2002
Collection of inspiring examples	
Meeting with WG 2.9 in Madrid	April 15 2002
Development concept 01 during workshop 2	May 21, 22 2002
Adjustment, additional data collection	June 2002
Development of draft guidance and presentation at meeting WG in Brussels	July 4,5 2002
Phase 3: Consultation and adjustments	
Consultation of experts and target groups per country	May/Oct 2002
Consultation of target groups in accession countries on the applicability of the guidance *	
Adjustments and development of draft guidance	October 2002
Presentation guidance to the Water Directors	November 2002
Phase 4: Implementation and evaluation	
Implementation of the guidance in a number of projects in different countries	Jan./June. 2003
Evaluation and adjustments	September 2003
Workshop DG	
Presentation final guidance	Feb. 2004

Not all the member States and/or Accession Countries have been able to be represented in this drafting group. Therefore, consultation of other member states and accession countries on the applicability of the guidance and its different activities is proposed:

- Using on-going projects;
- Making use of already planned conferences where the DG can organise workshops with potential users of this guidance;
- Publishing the guidance on the internet and organising an E-conference or other form of dialogue.

Annex III provides the names of the members of this drafting group by organisation and by country.

Section 2 – Introduction to Public Participation in River Basin Management



Look Out! Public Participation is a container-concept,

which covers a wider range of activities than prescribed by the Directive. In this guidance the wording ‘public participation’ is used in narrower sense, as an umbrella for the three requirements of the Directive; active involvement, consultation and access to information.

2.1 Requirements of the Directive for Public Participation

The publishing of the Water Framework Directive forms a legal obligation for the competent authorities to start organising public participation in the context of River Basins and specifically River Basin Management Plans (RBMPs). The requirements of the Directive are the basis on which these guidelines on public participation are considered and established. In implementing these requirements public participation will help to improve the establishment of RBMPs and the programmes of measures and hence contribute to the establishment of the overall environmental goals of the Directive: that of achieving “good water status”(recital 25), and prevent “further deterioration” and “promote sustainable water use”(Article 1)



Look Out! Public Participation in relation to the Directive

As indicated by the title, this guidance elaborates public participation in relation to the Directive and with the corresponding prescriptions. Public participation in general is however a process of which no blue-print exists and which needs to be designed according to the needs with the available means and tools. For the benefit of the results it can be wise to look further than minimum requirements.

What does the Directive exactly say about public participation ? In the box below, the specific text of the Directive related to public participation is highlighted. Of these texts Article 14 plays a leading role.

Preamble 14

(14) *The success of this Directive relies on close cooperation and coherent action at Community, Member State and local level as well as on information, consultation and involvement of the public, including users.*

Preamble 46

(46) *To ensure the participation of the general public including users of water in the establishment and updating of river basin management plans, it is necessary to provide proper information of planned measures and to report on progress with their implementation with a view to the involvement of the general public before final decisions on the necessary measures are adopted.*

Article 14
Public information and consultation

1. *Member States shall encourage the active involvement of all interested parties in the implementation of this Directive, in particular in the production, review and updating of the river basin management plans. Member States shall ensure that, for each river basin district, they publish and make available for comments to the public, including users:*

- (a) *a timetable and work programme for the production of the plan, including a statement of the consultation measures to be taken, at least three years before the beginning of the period to which the plan refers;*
- (b) *an interim overview of the significant water management issues identified in the river basin, at least two years before the beginning of the period to which the plan refers;*
- (c) *draft copies of the river basin management plan, at least one year before the beginning of the period to which the plan refers.*

On request, access shall be given to background documents and information used for the development of the draft river basin management plan.

2. *Member States shall allow at least six months to comment in writing on those documents in order to allow active involvement and consultation.*

3. *Paragraphs 1 and 2 shall allow at least six months to comment in writing on those documents in order to allow active involvement and consultation.*

Annex VII
RIVER BASIN MANAGEMENT PLANS

A. *River basin management plans shall cover the following elements:*

...

- 9. *a summary of the public information and consultation measures taken, their results and the changes to the plan made as a consequence;*
- 11. *the contact points and procedures for obtaining the background documentation and information referred to in Article 14(1), and in particular details of the control measures adopted in accordance with Article 11(3)(g) and 11(3)(i) and of the actual monitoring data gathered in accordance with Article 8 and Annex V.*

Note that many different terms are used to state more or less the same subjects. For example the "public" is referred to as: public, users, general public, users of water and interested parties. Likewise several forms of participation are mentioned: information of the public, consultation of the public, involvement of the public, participation of the public, involvement of the general public and active involvement. Further on these terms will be elaborated.

The first preamble highlights the fact that public participation will contribute to the overall success of the Directive. The second preamble tells us that it is important to inform the general public well in order to ensure/facilitate their participation in the process. This supply of information is made concrete in the river basin management plan, this plan should tell you

where and how information can be obtained. Also the evaluation of the applied public participation should be reported there (Annex VII). In Article 14 the Directive mentions clearly three main forms of public participation:

- Active Involvement
- Consultation (i.e. make available for comments)
- Information Supply

It might be clear that active involvement is more than consultation or information supply. Active involvement implies that stakeholders participate in the planning process to give their views and opinions and perception of problems as well as ideas for generating possible solutions. Whereas consultation gives the opportunity to either use or ignore collected information/opinions and information supply is one-way communication. Essential to the concept of “active involvement” is the potential for participants to influence the process – in this case the RBMP at an early stage of its development. (More detail in section 3).

Beside the Directive there are **other requirements on public participation** in other EU legislation, especially in the Directive on Strategic Environmental Impact Assessment (Directive 2001/42/EC). The relationship of the Directive to the SEIA Directive is quite complex.

If the programme of measures (art.11) should be considered as a plan or programme according to art. 2 and 3 of the SEIA directive, this implies that public participation should be organised for the programme of measures too. Article 14 of the Directive only refers to the river basin management plan, which the programmes of measures are part of, but only in a summarized form. In any case, it will be difficult to organise meaningful public participation on a summary of the programme of measures if the programme itself cannot be modified anymore. Therefore, active involvement in the development of the programmes of measures is strongly recommended and should be encouraged.

2.2 Some principles of public participation

Before the application of these three forms of public participation in the Directive (active involvement, consultation and information supply) in the planning process is discussed, guidance will be given on some key participation questions which all those involved in organising participation need to consider:

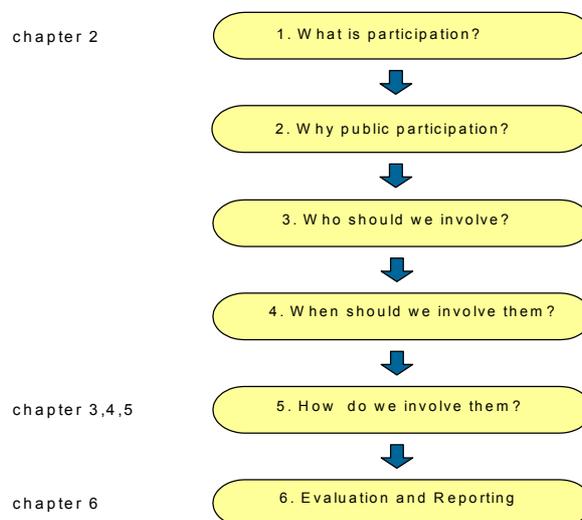


Figure 1. What, Why, Who, When, How questions

2.2.1 What is participation?

Participation can generally be defined as allowing people to influence plans and working processes. There is a whole spectrum of participation and many definitions. One model or spectrum is set out below. It is worth to read the description of the characteristics carefully in order to understand the demarcation between the different forms of public participation.

SPECTRUM OF PUBLIC PARTICIPATION	characteristics
INFORMATION SUPPLY	People participate by being informed what has been decided or has already happened. Or participation is used to gather information from those involved to develop solutions based on their knowledge. The decisions however are made by those initiating the participation process. <i>Co-knowing</i> .
CONSULTATION	Administrative bodies consult stakeholders to learn from their knowledge, perceptions, experiences and ideas. Reports, scenario's or plans are presented and people are asked to comment (by giving reactions or answering questions). The process does not concede any share in decision-making, and professionals are under no formal obligation to take on board people's views. <i>Co-thinking</i> .
PARTICIPATION in planning and implementation	Stakeholders are invited in the process to give their perception of the problem or visions and possible solutions. They contribute actively and thus advise the administrative bodies. Participation is seen as a mean to achieve the goals (decided by those starting the process) and reduce costs in the long term. <i>Co-operating</i> .
SHARED DECISION MAKING	People participate in the joint analysis of situations and the development of plans to act. Such a process involves capacity building - the formation or strengthening of local groups or institutions. The administrative bodies share responsibility with the other identified stakeholders
SELF DETERMINATION	People participate by taking initiatives to develop plans or measures. They develop contacts with external institutions for resources and technical advice they need, but retain control over how resources are used. Administrative bodies may provide support, advise and indicate pre-conditions

Figure 2. Spectrum of participation

	<p>Look Out! Management of Expectations</p> <p>In order to avoid disappointments it is very important to make clear towards stakeholders which form of public participation they are dealing with and which role they play. During and after the process feed-back should be given to the stakeholders.</p>
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...with respect to the requirements of the Directive?

Consultation: in this guidance two types of consultation can be distinguished: written consultation and oral consultation. The first one is regarded to be the minimum requirement as stated in Article 14(1) i.e. “to publish and make available for comments”. The latter one is more active and stakeholders have possibilities to have a dialogue or discussion with the competent authorities, this is considered to be best practice.

Active involvement covers: participation, shared decision making and self determination. Encouraging the first can be considered to be the minimum requirement, the latter two forms of participation are not specifically required by the Directive and can be considered best practice.

It should be remembered that different types of participation are not mutually exclusive. And, different types of public participation are appropriate in different situations. A combination of different types of participation can be useful in the implementation process at different stages. The different forms of public participation and techniques to implement depends on aspects like: the timing of public participation and the stage of the planning process, the (political and historical) context for public participation, available resources, objectives or benefits of public participation and the stakeholders identified to be involved. Different types of participation build on each other. Consultation builds on information supply, participation builds on consultation, and shared decision making builds on participation.

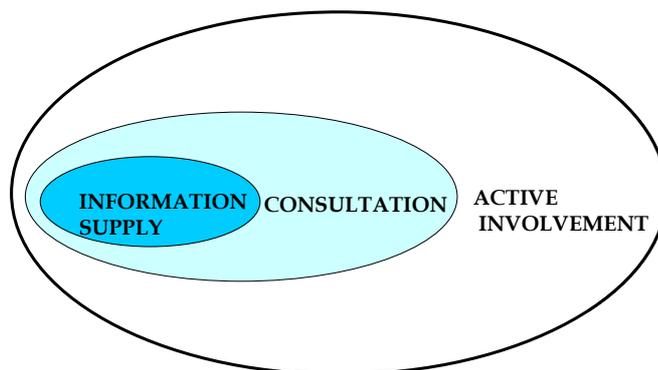


Figure 3. Different types of participation are not mutually exclusive

Illustration

public participation can start with a stakeholder analysis using interviews with selected persons, be followed by public debate where the population is consulted on the identification of significant water management issues, be followed by a consultation of water users representatives (professionals, associations). More examples will be provided in section 3 and 4.



Look Out! What public participation is NOT about

everybody joining: be selective with actors, they should reflect the right interest;

everybody deciding: make clear what the responsibilities are for whom;

losing control: do organize it well, clear and strategically;

achieving consensus at all expenses: be prepared that the outcome of public participation will be a compromise between the wishes of several actors and that the

extend of the process is often limited by time or budget.

2.2.2 Why public participation?

Initially of course to comply with the Directive and to achieve environmental goals and other benefits. Besides these requirements of the Directive it is good to emphasise the fundamental rationale for undertaking public participation, which is to ensure the effective implementation and achievement of the environmental objectives of water management (good status in 2015).



Look Out! public participation is a tool to improve decision-making

Public participation is not an objective in itself.

The main purpose of public participation is to improve decision-making, by ensuring that decisions are soundly based on evidence, that decisions are influenced by the views and experience of those affected by them, that innovative and creative options are considered and that new arrangements are workable, and acceptable to the public.

Key potential benefits that can result from public participation are (which are not mutually exclusive):

- increasing public awareness of environmental issues as well as the environmental situation in the related river basin district and local catchment;
- making use of knowledge, experience and initiatives of the different stakeholders and thus improving the quality of plans, measures and river basin management;
- public acceptance, commitment and support with regard to decision taking processes;
- more transparent and more creative decision making;
- less litigation, misunderstandings, fewer delays and more effective implementation;
- social learning and experience-if participation results in constructive dialogue with all relevant parties involved then the various publics, government and experts can learn from each others "water awareness".



Look Out! Benefits

Benefits centre on the fact that participation has to be seen as an investment.

Through participation, long term, widely acceptable solutions for river basin planning can be arrived at. This can avoid potential conflicts, problems of management and costs in the long term.

Wise Use of Floodplains project, EU Life Environment (see Annex II)

The WUF Project took place in Sommerset, South West England, where it facilitated a creative and positive dialogue on the future management of flood events in the catchment of River Parrett. The aim was to encourage the wise use of water resources in river catchments to benefit people, their livelihoods and their environment. All stakeholders with an interest in the management of water resources in the Parret Catchment were welcomed.

In this project participation has resulted in the following benefits [1]:

- helped identify long-term sustainable solutions for people, their livelihoods and

ronment

- built up ownership and trust
- was an investment as it involved early identification of issues and consensus-building
- raised awareness of catchment management issues
- provided a means of accessing local knowledge and expertise

2.2.3 Who should we involve?

The Directive mentions the “public” but also “interested parties” and “users”. These terms have to be made operational for river basin managers and competent authorities. The Directive provides no explicit definition of these terms, which makes it necessary to search for other sources.

The SEIA Directive (2001/42/EC) defines in Article 2(d) “public” as “*one or more natural or legal persons, and, in accordance with national legislation or practice, their associations, organisations or groups*”.

This definition is the same as the definition in Article 2(4) of the Aarhus convention; it is likely to hold as well for the Directive. “Interested parties” can be defined as: “any person, group or organisation with an interest or “stake” in an issue either because they will be affected or may have some influence on its outcome.”

This guidance will use the term **stakeholder** as a synonym of “interested party”. Essential to the definition are the concepts of interest, affect and influence. The **(general) public** includes stakeholders and the broad public.

The selection of relevant stakeholders can be based on:

- their relation to specific water management issues;
- the scale and context at which they usually act, who they represent;
- their involvement, being governor; user/victim/stakeholder; expert and executer of measures;
- their capacity for engagement;
- the political, social, “environmental’ context.

Annex I presents a technique for selecting the relevant stakeholders with a so-called **stakeholder analysis**. This will enable you to prioritise which stakeholders are vital to an issue in a specific phase of the project. This careful selection of key-stakeholders is important to keep the public participation manageable for the authorities.

Different stakeholders will make different contributions. Some stakeholders can contribute primarily by means of their ideas and the information they possess, others may have more direct interests such as land or property that may be directly affected and that they want to defend, and in other cases representative organisations or politicians can represent the interests of their members and the public. For every phase of the project, it should be reviewed if the different stakeholders have the same “right” of voice in the matter. Some stakeholders will be more affected by the project than others, represent a larger party, be more active, or have more (financial) resources or knowledge.

Apart from the competent authority, also the participating stakeholder has responsibilities towards the process. In general could be said that the responsibility of the stakeholder increases with the level of participation and with the possibility to influence the final decision.

Figure 3 below illustrates a possible typology for stakeholders. It makes no assumptions about the relative importance of different stakeholders to the organiser of participation or their interests:

Professionals – public and private sector organisations, professional voluntary groups and professional NGOs (social, economic and environmental). This also includes local authorities and government departments, statutory agencies, conservation groups, business, industry, insurance groups and academia.

Local Groups- non-professional organised entities operating at a local level. It usefully breaks down into:

Communities centred on place – attachment centred on place, which includes groups like residents associations and local councils.

Communities centred on interest – e.g. farmers’ groups, fishermen, football clubs, hunting groups.

Communities centred on identity – groups associated by a common characteristic such as age, gender, religion, politics such as women’s groups, school groups, church groups.

Individual citizens, farmers and companies representing themselves. Key individual land owners for example or local individual residents.

Figure 3: A typology of stakeholders

2.2.4 When should we involve them?

This question is divisible into two issues, firstly the matter of timing with regard to the process, secondly the actual necessity to embark on public participation, i.e. is the energy to organize the participation proportionate to the results?

Firstly **timing**. It is important to clearly define the stages of the process and every stage requires a review of the “why” and “who” question. The role and involvement of the stakeholder can differ from stage to stage. When to involve the stakeholders in the process depends on a number of factors. The objective of the project, the history and political setting, but also scale and the kind of stakeholders influence the timing of public participation. Also the stakeholder-analysis (see Annex I) will help to make this more transparent.

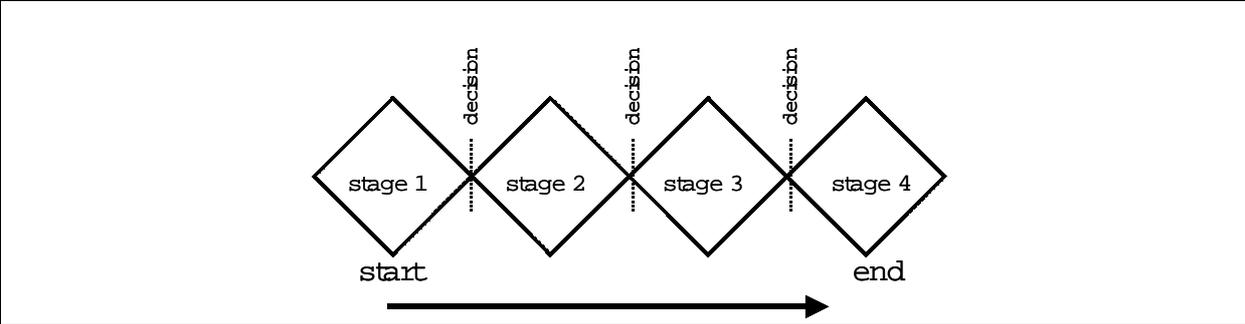


Figure 4: model of a planning process

One may say that the stakeholders should be involved as early as possible, before decisions are taken. Only then the authorities are able to benefit optimally from their insight, experience and knowledge and allow maximum involvement, influence and ultimate acceptance of eventual decisions. It is never *too* early. When involving stakeholders at a very early stage in

the process it should be made perfectly clear to the stakeholder what his role is and how his contribution will be handled. Otherwise do not involve them. For example when organising public participation during a reconnaissance study (to identify the sense of urgency of problems and to decide to invest in it or not), you must communicate in advance that the result of this study can be that the foreseen project will not be carried out. The fact is that people will spend energy and time on discussing issues, while the politicians may still decide not to invest in it.

Thus, the degree of participation of stakeholders in the early phases may be different from those in the later phases. Ultimately, timing of public participation has to be assessed on a case by case basis. It should be explained to participants how their involvement will be used to avoid false expectations (management of expectations!).

Secondly the **concept of proportionality** with regard to participation. When is the energy (human resources, money) that is put into the process proportionate to the outcome? A factor that can help is to consider the degree to which participation can contribute to a changed result: the more the possibility of changing the outcome, the more the value of the participation. This will have to be evaluated on a case-by-case basis depending on the form of participation you intend to use and circumstantial factors. Expert judgement and common sense will be your tools to perform a kind of risk analysis for proportionality.

Some questions that might help to consider your specific project are given here:

- In which stage of the process do you want to apply public participation?
- What is the specific problem in this stage and what are the expected activities (refinement of problem definition)?
- Is the outcome of this stage still flexible and open-minded or determined and fixed?
- At what scale do you plan to work?
- What form of participation are you planning to use?
- Which stakeholders are to be involved?
- What are your boundary conditions regarding:
 - a) human resources
 - b) finances
 - c) time
- What is the political context like with regard to your project (pro/contra/neutral)?
- Who will decide in the end?
- Who will be involved from your own organization in what way?
- Are there ongoing projects/research of the same nature?
- How are you going to communicate? (See also annex I on communication tools)
- What results are to be expected? Is it likely that involvement of stakeholders can positively influence the results?
- What do you want to achieve with public participation?
 - ownership of problem by third parties
 - commitment of other parties
 - innovative solutions
 - acceptance of measures to be taken
 - raising awareness

Public and stakeholders should be aware that participation in the planning process will cost both time and money, like administrative cost for the NGO's, the use of consultants etc.

Illustration from running spatial planning in Sweden

Consultation with the public on overall plans and detailed plans is compulsory in Sweden. Consultation and information are important procedures to realize the plans and to prevent appeal against the plans. Example from one of the municipalities in Sweden shows that up to 25% of the costs and time to produce such a plan, mentioned above, fall on consultation and information just to prevent appeal against the plan and to “get everybody on the train”. This may seem expensive, but appeal against the plans may delay the realization of the plans to high costs of those involved both authorities and the publics.

In Sweden, no formal costs of the participation process fall on the users – except the time they use for the process.

2.3 The scope, scale and timing of public participation

Note that the Directive tells us that Member States *shall encourage* active involvement and *shall ensure* consultation. In the first case Member States have to make a clear effort to promote and facilitate active involvement, in the second case consultation is an obligation which has to be performed.

Furthermore the Directive gives no clear boundaries when it comes to the extent of these forms of public participation. This guidance elaborates the range of possibilities between **minimum requirements** and **best practices** for each topic. It is up to the competent authority, who will – as a representative of the Member State – commission the public participation process, to decide which possibilities will be used in the public participation process. This choice is dependent of several factors such as the available financial means, the scale of the project, the cultural context, the effect on the environment and not in the least the political context. At the same time it should be emphasized that a competent authority should not fear a ‘wider’ form of public participation: the benefits with regard to improved decision making and the acceptance of the public of (unpopular) measures to be taken can be considerable. Moreover for compliance with the Directive the competent authority is dependent on the willingness of the public to participate in the (consultation) process.



Look Out! The Competent Authority is responsible

It should be borne in mind that the competent authority – as a representative of the Member State – is the final responsible body for achieving the objectives of the Directive. For the public participation process it means that only the competent authority can decide if it will stay in charge of final decisions or share its responsibility with stakeholders. Of course all without prejudice to the obligations of the Directive.

Article 14(1) 1st sentence deals with the encouragement of *active involvement of all interested parties* in the whole implementation process of the Directive. The success of this involvement will certainly not be met solely via the 3-phased information and consultation procedure pursuant to Article 14(1) 2nd sentence of the Directive ((a) timetable and work programme, (b) interim overview, (c) draft copies). The river basin management plan is to a large extent a summary and justification of all the choices and involvement of the public that has taken place earlier. Starting public participation only in 2006 will not work if the public has not been involved in making these choices. To ensure transparency and acceptance public participation has to start as soon as possible. Besides, the 3-phased procedure of 14(1)(a,b,c) will

be successful only if the previous steps of information supply, awareness raising and consultation have been performed before.



Look Out! Timing

Start public participation today and do not wait until 2006.

The timetable for public participation and the steps of the planning process as well as some general principles of public participation receive attention in section 2.3. How the three forms of public participation can be applied with regard to the steps of the **planning process** will be further explained in the coming sections 3, 4 and 5. Firstly the scale issue in relation to public participation will be addressed in this section.

As usual for the Directive **the scale issue** is not the easiest one to tackle. The public participation process should be interactive and iterative among the different scales within a river basin district. Preamble 14 mentions action at Community, Member State and local level. Article 14 mentions that consultation has to take place in each river basin district and that Member States shall report on public participation in the river basin management plan. Often it will be the Member State that produces (it's part of) the – international – river basin management plan. This implies by no means that public participation shall be performed at Member State level only. The Directive identifies in general the following levels:

- River Basin District (RBD) (as an international or national managerial unit)
- River Basin (RB) (as hydrological unit)
- Sub-Basin (as hydrological unit)
- Water body (WB) (as described in the horizontal guidance on water bodies)

The first question that might pop up here is about the combination of scale and the different forms of public participation (e.g. "Is active involvement possible at all scales?"). It should be clear that in principle any form of public participation can be applied at any scale. In this respect this guidance will not be prescriptive, it is for the competent authorities to decide. However, this guidance can help you to overcome cold feet about public participation at different scales.

The combination that might seem the most complex one at first sight, active involvement at river basin district scale, is not necessarily the most complicated. This can be illustrated by the Common Implementation Strategy itself where several stakeholders are actively involved at Community level in writing guidances (e.g. this guidance). This with very good results and without complicating the process. How comes? This has everything to do with a good problem definition (e.g. are we working at strategic, managerial or implementation level?) and with a good stakeholder analysis (see also Annex I). This analysis facilitates you to pick the right actors at the right scale with the right interests.

Nowadays many stakeholders are represented by larger international organisations which is an advantage for the public participation process at large scales. Nevertheless it can sometimes be wise to involve local stakeholders at large scales when they are heavily affected or are holder of certain essential knowledge.



Look Out! Stakeholder Analysis (Annex I)

Stakeholder analysis will help you to prepare for public participation at any scale.

The scale of public participation with regard to the **programme of measures** is important. Apart from the fact that it is wise to start public participation early regarding the programme of measures, measures are important indicators for the scale of public participation. The effect of a measure is often stretching further than the local geographical area where the measure is implemented. This should be taken into consideration when organizing the public participation process.

Interaction and **communication** between ongoing activities at different scales is another important issue. For public participation it means that all public participation processes going on in one river basin district should at least be aware of each others existence and have an idea of the contents of each others activities. An optimal situation would be the participation (of a stakeholder or competent authority) in each others' process. This communication can avoid duplication of work but moreover the projects can learn from each other and provide each other with information (consultation, information supply). Important for every single process is to be clear about: the problem definition, scale, timing, form of public participation and character of the process (strategic, management, implementation). Tools for interaction and communication are described in Annex I.

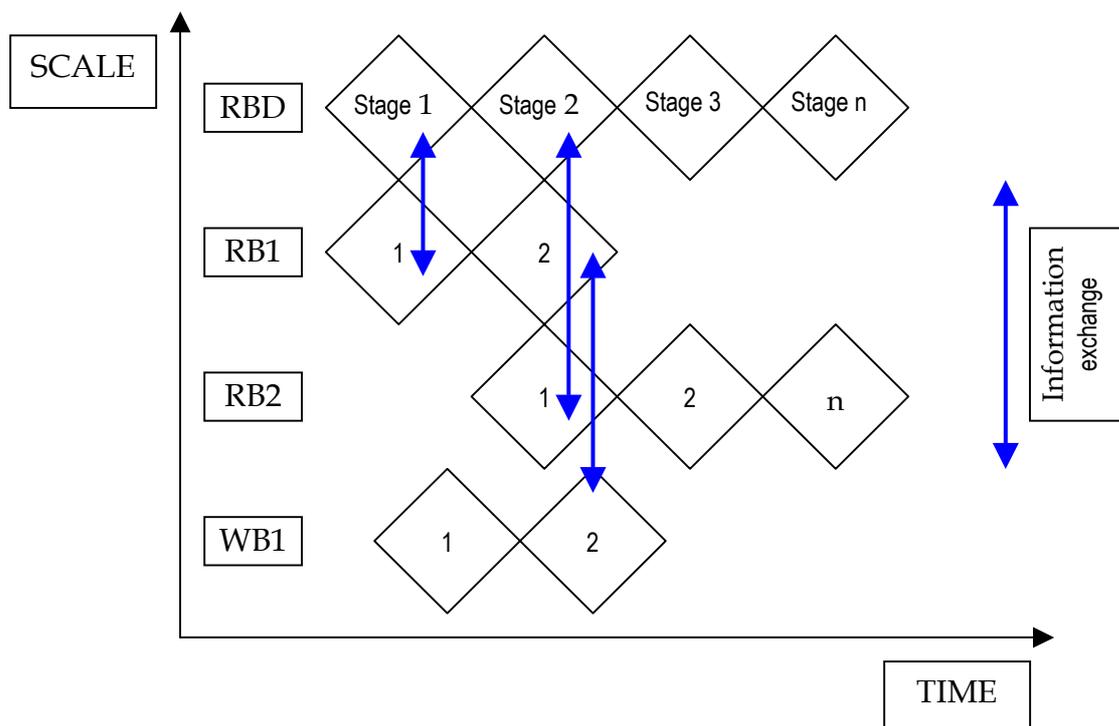


Figure 5. Interactions between different states within a river basin district



Look Out! Keep each other informed

Keep each other informed about all public participation processes going on in one river basin district. A central communication point at river basin district level could facilitate this

level could facilitate this.

Examples of public participation at different scales is given below, it concerns examples of public participation in France with regard to water management issues.

Coordination and information exchange between river basin districts

The advice of the National Water Council (“Comité National de l’Eau”) is composed of all partners of the world of water: users, NGO, water suppliers, chairmen of Basin Committees, experts and scientists, State representatives, elected officials, etc. This diversity allows having deep and rich debates. The approach is participatory and the final advice of the Committee is established through the reaching of a consensus. Debating important water-related issues among all partners is an important tool to increase transparency. Objectives are:

- To give advice on
 - The French river basins (role of coordination)
 - All large development projects and water distribution schemes
 - Any problem shared by two or several basins
 - Any issue related to water laws
 - To discuss the preliminary definition of water policy
 - To advise the Minister and propose solutions to the issues related to the water acts of 1964 and 1992
- The CNE is not a registry office of juridical texts. Targeted and well-prepared files allow a real debate to take place during the meetings.

- Before the meetings:

The Committee’s Office, hosted by the Water Department of the Ministry of Environment, prepares information’s papers, which are sent to the members of the Committee.

- During the meetings:

A debate takes place for each point of the programme and any member of the Committee can give his own point of view. The consensus approach is preferred to the voting.

- After the meetings;

The members of the Committee can send supplementary observations to the Office, which adds them to the minutes of the meeting. The minutes are examined and approved at the next meeting

Annex II provides more information on this example.

River basin district scale

The SDAGE projects, France

The objective is to develop river basin management plans. For each of the 10 French large river basins, a management plan has been produced according to the 1992 French Water Act. These management plans are called “S.D.A.G.E.”; Schémas Directeurs d’Aménagement et de Gestion des Eaux. All the SDAGE will be completed to adapt their content to the requirements of the Directive for the management plans. As a consequence, there will be a SDAGE for each river basin district. The Basin Committee was responsible for their initial elaboration and will be in charge of their adaptation to the Directive before end 2009.

The Basin Committee is composed of the representatives of all stakeholders and users in the River Basin District (about 100 members):

- 1/3 local elected officials (i.e. mayors, local communities)
- 1/3 users, consumers, NGOs
- 1/3 representatives of the State

The Basin Committee defines the management plan (SDAGE) and co-ordinates the coherence between SAGE Projects (management plans at the sub-basin/local scale, see the next box). It arbitrates water conflicts, decides on the taxes to be paid by the users and defines action programmes. The SDAGE was elaborated and discussed by representatives. The SDAGE document is made available to the general public only after its approval.

Each Basin Committee created a Planning Commission and several Geographic Commissions (implanted at a more local level) in which a number of debates and meetings took place. Hundreds of interested parties were able to voice their opinions in the meetings of these geographic commissions.

For example in the Rhone-Mediterranean-Corsica (RMC) Basin, the stakeholders were consulted through 10 geographic commissions, 6 technical committees and 7 socio-professional committees. Besides, the SDAGE Project was submitted to the associations by way of a specific dialogue. 1500 written comments from stakeholders and the general public were received. Annex II provides more information on this example.

Sub-basin/local scale

SAGE Project France

Aim/objective of the project:

- To precise the guidelines defined in the SDAGE and to adapt them to local specificities. Content: initial status, water quality and quantity objectives, rules for aquatic environments preservation, actions to be planned. A concrete implementation of the guidelines and tools defined in the SDAGE.
- Obtain reference to all questions all over the basin
- Start from a local wish and progress towards a large consensus between users
- Involve more local people
- reference document for all questions all over the basin (from flooding to water quality)

SAGE is elaborated and discussed between all categories of stakeholders (within the Local Water Commission). The Local Water Commission is instituted in order to elaborate the SAGE document. It is composed of the representatives of all stakeholders and users in the sub-basin area (about 50 members)

- 1/2 local elected officials (i.e. mayors, local communities)
- 1/4 users, consumers, NGOs
- 1/4 representatives of the state

As for the SDAGE, the SAGE document is still discussed between representatives, but they are very local representatives. The general public has access to the project and can comment on it.

Being at a local level, SAGE projects are more open to public participation than the SDAGE ones.

Annex II provides more information on this example.

2.4 How do we involve them? Public participation in the different planning steps

The time table which is linked to the program cycle of the Directive as described in section 3 is another determining factor in timing public participation. The different planning steps provide different possibilities for public participation. The Directive defines a number of phases and deadlines for its implementation, shown below (enumeration is not exhaustive).

STEP 1 By end of 2003	Framework Identification of River Basin Districts Assignment of the Competent Authorities Transposition of the Directive into national legislation	Encourage active involvement (section 3)
STEP 2 By end of 2004	Characterization and Analysis (Art.4) Characterization of the river basin district, review of the environmental impact of human activity and economic analysis of water use. Assessment of the likelihood that surface water bodies within the river basin district will fail to meet the environmental quality objectives set for the bodies under Article 4 ('gap analysis' Annex II (1.5)).	
STEP 3 By end of 2006	Planning for establishing programs of measures and outline of river basin management plans Further characterisation for those bodies identified by the gap analysis as being at risk, in order to optimise the monitoring programme and the programme of measures. Monitoring programmes start	

	For Public information and consultation about the RBMP, MS make available for comments a timetable and work programme for the production of the RBMP (MS shall allow at least six months to comment on those documents).	
STEP 4 2007	For Public information and consultation about the RBMP, MS make available for comments an overview of the most important water management issues within the RBD (MS shall allow at least six months to comment on those documents).	
STEP 5 2008	For Public information and consultation about the RBMP, MS make available for comments a draft copy of River Basin Management Plan (MS shall allow at least six months to comment on those documents).	
STEP 6 2009	Final River Basin Management Plan published Programmes of measures shall be established.	
STEP 7 2012	Implementation Programmes of measures implemented	
STEP 8 2015	Evaluation and updating, derogations Good water status achieved? Objectives for Protected Areas achieved? Establishing and publishing the next plans and programs Derogations	
STEP 9 2027	Final deadline for achieving objectives, following 2 6-year prolongations	

Figure 6. Program cycle of the Directive and requirements on public participation

The colours show that some participation *shall be ensured* (shaded yellow vertically, concerning consultation and active information supply at certain stages) and that other participation *shall be encouraged* (shaded blue horizontally, concerning active involvement, which might include consultation and active information supply at the other stages).

In the next sections the guidance will describe how the three different degrees of participation can be organised in the different planning steps

- active involvement (section 3)
- 3-step consultation (section 4)
- information supply (section 5)



Look Out! Remember communication

The backbone of public participation is good communication. Transfer of information between different planning steps is essential. Tools which support communication and interaction such as public meetings, interviews, workshops, websites, etc. are described in Annex I.

Section 3 – Active involvement of all interested parties in the Planning process of the Directive

“Member States shall encourage the active involvement of all interested parties in the implementation of this Directive, in particular in the production, review and updating of the river basin management plans.” (article 14.1, 1st sentence).

Active involvement aims at ensuring the effective implementation of River Basin Management and improving the quality of the planning and the implementation process. So the Directive requires encouragement of active involvement in the complete planning process. Active involvement implies that involvement takes place that allows input and influence on the part of the stakeholders (i.e. “interested parties”) involved. It implies a greater capacity to influence before decisions or plans are decided upon and can thus be contrasted to consultation as described in section 4.

On the other hand, there is no road-map to provide for active involvement, since it is pre-eminently a tailor-made process in which the local/ regional/ national context plays an important role. This means that there is not a single best way for organising active involvement in the whole of Europe. The guidance intends to provide general principles and a general approach as common ingredients for successful public participation.

This section will illustrate how to organize different forms of “active involvement” in the different steps of the program cycle of the Directive (see section 2.3.4.). We want to emphasize that the following steps need to be adjusted to the local/ regional/ national context.



Look Out! Active Involvement is not a voluntary exercise

In the first place since Article 14 ‘*shall encourage*’ implies that Member States have to make a clear effort to promote and facilitate active involvement. In the second place since the River Basin Management Plan (Annex VII, element 9) shall give account of the measures taken to inform and consult the public and the changes of the plan that followed from this involvement. In the third place since Preamble 46 tells us “*provide information....with a view to the involvement of the general public before final decisions on the necessary measures are adopted*”.

STEP 1	Framework
By end of 2003	Identification of River Basin Districts Assignment of the Competent Authorities Transposition of the Directive into national legislation

Why, what and who?

As with all key tasks of implementation of the Water Framework Directive, public and stakeholder participation should be considered from the beginning. Active involvement in this step merely will have the character of information supply and of consultation via existing national procedures.

The most important players at this strategic level of dialogue will be those who can really contribute to delivering solutions (e.g. water companies, wastewater treatment companies, environmental regulators), those who have technical expertise and are ‘representative’ of a

particular constituency (e.g. NGOs, research community) and those who pay for action (consumers).

How?

By communication planning (see annex I) and using the existing national procedures.

STEP 2	Characterization and Analysis (Art.4)
By end of 2004	Characterization of the river basin district, review of the environmental impact of human activity and economic analysis of water use. Assessment of the likelihood that surface water bodies within the river basin district will fail to meet the environmental quality objectives set for the bodies under Article 4 ('gap analysis' Annex II(1.5)).

Why, what and who?

Active involvement in this phase is useful to:

- collect necessary knowledge, perception of data and other experiences of a range of stakeholders to fulfil the requirements for 2004.
- to raise awareness among stakeholders at the start of the process
- to identify problems from the side of the stakeholder, that allow to develop jointly future actions in the programme of measures.

Thus the role of stakeholders can be greater than only being source of information, since this phase lays the foundations for the River Basin Management Plan; investing in stakeholder support here, will pay off later in the process.

Public involvement in the review of the **impact of human activities** is not legally required (as counts for the other activities during this step). Nevertheless water agencies and authorities should also make this activity as transparent as possible because this review forms one of the foundations of the river basin management plan which has to be publicly consulted upon. The public represents most of the impacts and pressures and a trend scenario with regard to (human) pressures and impacts will need to be set up. Therefore strong input and participation is recommended.

For an **Economic analysis** active involvement is absolutely indispensable. Firstly because of all information needed to *a)* set up a trend scenario which predicts the socio-economic trends for the future which is essential for the gap analysis and *b)* to evaluate current levels of cost recovery *c)* to analyse the cost-effectiveness of measures between 2004 and 2009. Secondly active involvement is important since good ownership could mean also better financial support (either directly by the public or by political pressure). Involvement can take place at all levels from planning to implementation to monitoring. See also the WATECO guidance, section 5.

In this phase a start has to be made with the definition of the **status of the water bodies** on the basis of the characterization has to be defined (according to the reference conditions for each type of water bodies, see Annex V of the Directive). Also **environmental quality objectives** have to be set. When setting the environmental objectives, it is most important to have good ownership of local people, but it has to be guided carefully as capacity building is indispensable (interpretation of guidance documents). There is risk of failure of objectives of the Directive by "overriding" economic issues (e.g. clean hydropower and navigation), but there is also a big chance to create awareness and to win the pro-environmental sections of society. This involvement should be organized from bottom (small basin or even water body) to basin districts and whole basin.

When the current water status and envisaged environmental quality objectives are set, the **gap analysis** can be performed. The first gap analysis is to be performed before the end of 2004, for the purpose of the first RBD characterisation, in order to define the water bodies being at risk of failing to meet the objectives of the Directive for 2015. This first gap analysis will be based mostly on expert judgements and currently available data and information. After 2004, this first gap analysis will be refined on the basis of new data, among them the results from monitoring programmes (operational after end 2006). This new information will be used to update the RBD characterisation to be included in the river basin management plan (Annex 7). Involve key-stakeholders in the identification of gaps and set up of trend scenarios. In the case of gaps, this makes them aware of a need for change, and it will help to get their input in the identification of appropriate measures (next step).

The designation of **Heavily Modified Water Bodies** will be undertaken as part of the river basin management planning process and is therefore subject to the requirements of public information and consultation as defined by Article 14. Like gap analysis, the designation of heavily modified water bodies is a two step process, with a provisional designation by 2004 and a final designation by 2008. Information provided by the assessment methods for designation must be sufficient to ensure that the process of decision-making associated with the Art. 4(3) designation, is transparent and that the information reported to the Commission can demonstrate compliance. Much of the designation, especially the provisional designation, may involve a subjective process involving a descriptive approach (expert judgement). In order to ensure a transparent approach it may be appropriate to use formal consultative mechanisms.

How?

Considering the different analyses (pressures, impact, economic, gap) and characterisation of water bodies active involvement in this first phase is useful at different scales:

At River Basin District scale by organising:

- Steering groups, where other authorities are involved
- Advisory groups or expert sessions, in which NGO's business organisations, and other interested parties, take part.

A stakeholder analysis is the basis for considering whom to involve in such matters (see annex I for techniques). The process should be an open and transparent one. E.g. nature conservation NGO's can be helpful when identifying protection areas, which are depending on water (Article 6, Annex IV).

At sub-basin scale, a joint group of both (competent) authorities and experts may be formed. They initiate their work based on the outcome of the work done at river basin level. They implement an analyses/characterization of their sub-basin and provide feedback of their work to the river basin district level. Hence an iterative process of analyses/characterization starts between levels and sub-basins.

Possible activities for active involvement are:

- 1 "Process Start Up" meeting/workshop(s) with these groups or groups of key-stakeholders to discuss:
 - The objectives
 - The working process (how to reach the objectives) and decide on their role
 - The preconditions (Terms Of Reference) for their involvement
 - Availability and relevance of existing data

- Communication plan
- 2 Inventory of knowledge and perceptions on
 - The description of the surface waters and groundwater bodies; what are the major issues (problems)?
This can be done through workshops, interviews, panels and fieldtrips with stakeholders. Another good method to get public views is to go out and do “community mapping” to get people to draw maps of their river basin district or sub basin and indicate on them areas where problems or issues or special characteristics exist (see Erne inspiring example)
- 3 Analysis and structuring, decision making on characterization
- 4 Information supply to all relevant stakeholders

River Basin Management Plan Maas/sub-basin Niers, (see Annex II)

Pilot project with regard to Article 14 (North Rhine-Westphalia, one of the 16 German Lander)

In the three Niers fora: Municipalities, districts, water companies, water associations, chambers of agriculture, forest authorities, nature conservation NGO's, biological planning units, the Netherlands authorities and stakeholders (all of the relevant region), have been consulted. In round tables with 30 - 40 persons per forum the following activities took place: Information supply, discussion, distribution of relevant materials, exchange of experience, involvement with regard to data collection.

Integrated reconnaissance study on the River Basins of the Rhine and Waal (see Annex II)

Objective:

To give advice to the national government on possible scenario's for future water management

The open interactive process has the following elements:

- a close cooperation with other governmental organisations. In steering committees, the 2 provinces, municipalities, the regional office of PW, VROM and LNV as well as the water boards are represented. They are responsible for the decision making and the advise to the government on further policies. (Before only the regional office of the Ministry developed such studies and gave advise)
- an expert group (of government staff (and representatives of NGO's)
- (in a later phase) “working groups” of experts per theme:
 - ◊ water flow, use and land use
 - ◊ juridical and governmental issues
 - ◊ communication
- open communication; from the start the project team showed a positive attitude towards interviews, questions by stakeholders and took care to produce clear reports, and leaflets to inform about the progress and results
- symposia (IVB). The IVB project has organised two symposia. One for the governors and the other one for NGO's and interested citizens. The aim was to explain about results of the screening study so far, to create understanding and support and to seek reactions and advise on the proposed measures.
- information evenings for the general public with a (DVD) film putting water management in a historical perspective, bringing interests together under the flag of security and illustrating all proposed measures and its consequences .
- The objective is to inform people, provide them the knowledge they need, generate understanding for the necessity and gain insight on the different perceptions and ideas people have. What are the consequences of these measures for the user, inhabitants and local
- “Kijkpunt” conferences with the ministry and farmers in the area to discuss possible measures

Consultation rounds (interviews) among the parties involved on how to proceed.

STEP 3 By end of 2006	Planning for establishing programmes of measures and outline of river basin management plans Further gap characterisation for those bodies identified by the gap analysis as being at risk, in order to optimise the monitoring programme and the programme of measures. Monitoring programmes start. For Public information and consultation about the RBMP, MS make available for comments a timetable and work programme for the production of the RBMP (MS shall allow at least six months to comment on those documents).
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NB: The Directive requires consultation and active information supply for the phases from 2006-2009. These subjects are discussed in more detail in section 4 respectively 5.

Why, what and who?

Most likely further work has to be done on the gap analysis including discussion concerning the objectives (to be reached until 2015), i.e. can the good status of a water body be achieved until 2015 or only a less ambitious status. The discussion on relevant measures to reach the objectives has to start, which implies planning for the establishment of the programme of measures. The measures and combinations of measures are subject to a cost-effectiveness analysis. The monitoring programmes have to be established.

There is a need for some early demonstrations ('easy wins') of the positive effects of good planning, particularly to maintain the faith of stakeholders in the process. As for other key tasks, the unique knowledge and perspectives of stakeholders should be built into designing the **programme of measures** from the earliest possible stage. This will also help to test the likely socio-economic impacts and acceptability of proposed measures. The programme of measures should be coordinated with other water and land- use planning processes and funding mechanisms. This may have significant financial benefits, in addition to improving effectiveness of the implementation. Also the SEIA directive refers to plans and programmes of measures (see 2.1).

The examples on the SDAGE project in France (see chapter 2.3) do also illustrate this step.

How?

Possible activities are:

- Active involvement by defining major issues in water management ;
- Active involvement in generating solutions (alternatives, scenario's) for plans and programs of measures;
- Consultation on draft plans and measures;
- Formal possibilities to react to proposals;
- Information supply on results and decisions taken.

For the consultation on draft plans and measures (seen as only part of active involvement) the relevant river basin management authority might prepare a presentation of:

- The results of the first implementation phase (see above)
- The requirements of the Directive and the work done to implement them (presentation of reference conditions e.g.)
- First ideas how to set objectives and about possible measures to achieve them as a first basis for discussion.

Based on indication of gaps in Step 2 key-stakeholders who have been involved in this step should continue to be involved where possible. This can e.g. be organized in the steering or advisory groups (see previous step) and through workshops. Together priority areas and issues are indicated.

The IIVR project , The Netherlands

The project has chosen for a co operative style in which the different authorities and non governmental organisations (NGO) (and interest groups) work together and have an equal say in the final outcome. The interaction is organised through:

- a steering-committee, formed by governors of the different government authorities. They gave direction to the process and take decisions The steering-committee is supported by the initiative-group.
- an initiative group. This groups of experts; government employees en members of NGO's, discussed the content of the planning process.
- consultations of citizens and interest groups. In addition, several sessions are organised during a period of two years to consult citizens and interest groups and give them an chance to share their problem perception and generate ideas.

STEP 4 2007	For Public information and consultation about the RBMP, MS make available for comments an overview of the most important water management issues within the RBD (MS shall allow at least six months to comment on those documents).
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See section 4 and 5.

STEP 5 2008	For Public information and consultation about the RBMP, MS make available for comments a draft copy of River Basin Management Plan (MS shall allow at least six months to comment on those documents).
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See section 4 and 5.

STEP 6 2009	Final River Basin Management Plan published Programmes of measures shall be established.
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Why, what and who?

In this phase the programmes of measures (to achieve the defined objectives concerning the water bodies in the river basin) have to be established (basic measures, supplementary measures, Article 11, Annex VI). This has to be finished by 2009. River basin management plans have to be established at that time as well. Both instruments need a lot of coordination on national, but also on international level in case of an international river district.

Especially the establishment of the programme of measures needs active involvement, as it will be mostly the stakeholders who will implement them or be affected by them. If there is no commitment and /or support for the program it will be difficult to get the programmes of measures realized and accepted. So discussion is necessary. E.g. the need and (un) desirability of aiming for lower environmental objectives or extending deadlines, including the interpretation of the phrase "excessive costs"(art. 4) require active involvement. The possible derogations (Article 4) have to be discussed and decided on.

How?

Possible activities to organize active involvement in this phase are:

- Meeting/ workshop with the stakeholders to discuss:
 - ◇ Objectives, working process and results of the River Basin Planning so far
 - ◇ Objectives of their participation
 - ◇ Major issues
 - ◇ Proposed process for participation, time table and work programme

- Discussion on the problem perception in the specific areas and inventory of key-issues
- Expert session to discuss issues
- Field observations to make a more specific inventory of problems and challenges
- Analysis of issues
- Workshop and meetings to generate solutions and define measures
- Field trips to discuss possible measures and their impact
- Expert sessions to further “design” the measures (and discuss these with stakeholders)

Within a project different forms of public participation can be applied. In France which has developed a lot of experience in river basin management planning, the Basin Committee has an active involvement in the development of the national river basin plans (which have already been established for many years), while the general public is being consulted on the concept plan for a river basin.

In other countries such as the UK (see Erne, Somerset and Fens inspiring examples) forums of stakeholders at river basin and sub basin level were set up to encourage active involvement with a range of organizations and the public. However, the inspiring examples in Annex II clearly illustrate that there is not one best way of organizing active involvement in these planning steps. Different combinations of activities are possible.

In international river basins it might be appropriate to coordinate active involvement in the above-mentioned phases with the stakeholders of other Member States. This has to be considered and decided upon early. The involvement of these stakeholders will make coordination, which is at least necessary on international level (international river basin commissions) easier. A good example is River Basin management plan Maas/Niers where the Netherlands already participate on the regional German forums for the Niers, though only the relevant authorities.

Erne Sustainable Wetlands Project

In the Erne catchment (cross border Northern Ireland and Ireland) covering over 4,000square kms) the aim was to produce a model for agreeing a vision for management of the river basin (catchment). Active involvement with a range of stakeholders and range of methods was tried at different geographic levels. It was found that people generally related better to the more local scale.

Methods included questionnaires, community mapping and workshops. Everyone living within the river basin was considered as a potential stakeholder and active involvement was encouraged by a participatory approach of holding workshops open to the public and any interested organisation and going out into public places like town centres.

STEP 7	Implementation
2012	Programmes of measures implemented

Why, what and who?

Apart from the compliance check if the measures contribute to reaching the objective of the Directive, someone has to check if the implementation is actively done. Of course this is a matter for the competent authority but also stakeholders can assist as useful monitors. When implementing the measures thoughts have to be given to how to organize the possible follow-up and evaluation of measures. It is wise to involve the same stakeholders which helped to establish the programme of measures and of course the ones that actually have to realize

the implementation at a practice level. Important is the budget, who is going to pay the implementation of the measures, is this a shared burden?

How?

Possible activities to organize active involvement in this phase are the same as for Step 6. Organize a session in which the parties meet each other and agreements are made:

- Meeting/ workshop with the stakeholders to discuss:
 - ◇ Objectives, working process and results of the River Basin Planning so far
 - ◇ Objectives of their participation
 - ◇ Major issues
 - ◇ Proposed process for participation, time table and work programme
- Discussion on the problem perception in the specific areas and inventory of key-issues
- Expert session to discuss issues
- Field observations to make a more specific inventory of problems and challenges
- Analysis of issues
- Workshop and meetings to generate solutions and define measures
- Field trips to discuss possible measures and their impact
- Expert sessions to further “design” the measures (and discuss these with stakeholders)

River Tyreså project, Sweden

PP to restore and develop a River basin.

A steering group was set up consisting of politicians from the municipalities. Working groups were formed of representatives of municipalities, county board and from the water users (total 11 pers). The working group has close contact with the sport fishing associations, house-owners associations and many other associations within the catchment area. After the first introductory meeting some interest/issue groups were established: recreation/outdoor life, local history and eutrophication. The working groups have regular meetings once a month with these groups. The public participated also through panel debates. The outcome was a list of measures being implemented resulting in a.o. The establishing of walking paths, improved of the quality of the surface water, protection of an ecological park.

STEP 8	Evaluation and updating, derogations
2015	Good water status achieved?
	Objectives for Protected Areas achieved?
	Establishing and publishing the next plans and programs
	Derogations

Why, what and who?

To learn from the implementation of measures, share these experiences and improve the working processes and measures.

This is the implementation phase after 2009 until 2015. The program of measures has to be realized by 2012 and the measures have to be evaluated (successful? additional measures by 2015? what sort of measures in the next program?). Monitoring will continue in this phase to control success of the measures. The second programs of measures and river basin management plan have to be established, i.e. the whole above-mentioned process starts again.

How?

How to organise active involvement?

Active involvement on assessment of success or failure of measures should take place at the level where the measures have to be realized, so mostly it would be the local level. If legal

measures were concerned (see Article 11) perhaps the national level would be more appropriate. Stakeholders who participated in the establishment of the programme of measures could be asked again to contribute.

Already existing bodies like steering groups or a department within a competent authority could be used in setting up the monitoring programme. The “logical framework” technique (see Annex1) is useful in defining indicators and means of verifications. But also local monitoring activities can be defined like the collection of data on progress of the implementation process, results, and effects during meetings of committees of stakeholder groups.

Collecting information and knowledge for performing the various tests is important. Clearly, the involvement of stakeholders and of experts panel groups is seen as particularly important to assess issues that are multi-dimensional and that cannot be summarised into a single variable or figure. Some of the approaches that can be applied include:

- **Consultative Forum** - involving stakeholders for providing information and their assessment of various alternatives and options. This approach that takes account of social issues and cultural/local perceptions is clearly in line with the encouragement to involve all interested parties as spelled out in Article 14 of the Water Framework Directive.
- **Expert group Panels** - involving a (subjective but well-justified and transparent) technical assessment of alternative options by a multi-disciplinary team of experts.

Examples for implementation of measures in relation to review and updating:

The Emå River , Sweden

Catchment area of 4 500 km².

Objectives PP

- To contribute to sustainable development by encouraging commitment and support from local people as regards restoration of the area and other environmental measures
- To use knowledge and experience from NGO's and other stakeholders
- To avoid new and, if possible, solve old conflicts.

Municipalities, county administrative boards, NGO's, etc., cooperated in different working groups from 1994 onwards (from 1997 there were 8 groups). Different associations took part in these working groups such as the Emå River Council, farmers associations, owners of fishing waters, angling associations, local history associations, nature conservation associations, municipalities and tourism enterprises.

PP is achieved by holding seminars, information meetings and hearings, circulating documents (e.g. objective documents) for comments, forming working groups (those in the group bring information back to their organisation and vice versa) and distributing newsletters, etc. Minutes from the various meetings were taken and distributed.

West country River Trust (WRT), UK

The objective of the project is:

- To raise awareness
- To use the knowledge and experience of stakeholders for the sustainable development of river catchment areas
- To improve water quality through comprehensive involvement of farmers

Participation has largely focused on farmers and key regional stakeholders (e.g. statutory environment agencies, the local water company, other NGOs). The WRT works both as a leader and facilitator in the region to effect change through the development and delivery of action. For instance, WRT has recently used WWF-UK funding to bring together key regional stakeholders in a workshop to begin the process of agreeing a long-term vision for the landscape of the southwest. The workshop has been

followed by a questionnaire exercise, which asks stakeholders to identify their priorities for rural land-use. Hence knowledge on local issues, resources in terms of active participation and commitment and willingness to imply changes in their production practices to ensure environmental quality is gained.

The Tubaek stream, Denmark

The key to the constructive dialogue was:

Public meetings were organised through the farmers union and that meetings took place at the farm - the "kitchen-table model"

Negotiation and signing of voluntary agreements on water management has taken place.

STEP 9 2027	Final deadline for achieving objectives, following 2 6-year prolongations
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The six year programme cycle will remain, including public participation as described before.

Section 4 - Consultation

4.1 Introduction to consultation

Consultation aims at learning from comments, perceptions, experiences and ideas of stakeholders. Unlike active involvement, consultation is only possible after completion of draft plans and other documents, and during the preparation of these documents. Moreover, it is a less intensive form of public participation. Yet, whereas active involvement often is necessarily somewhat selective, consultation allows everybody who is interested to become involved in decision-making. It is a useful complement to active involvement and can function as a kind of check on active involvement, to see if all interests, points of views were represented.

According to Article 14 consultation concerns the following requirements and time table for consultation (with a repetitive cycle of 6 years for future river basin management plans):

December 2006	Time table and work programme for the production of the plan, including a statement of the consultation measures to be taken;
July 2007	Comments in writing.
December 2007	Interim overview of the significant water management issues identified in the river basin;
July 2008	Comments in writing.
December 2008	Draft copies of the river basin management plan available;
July 2009	Comments in writing.
December 2009	Start implementation of the plan.

Thus consultation refers to:

- publishing
 - making available for comments
- for the public, which is a wider range than stakeholders only.

Further on in this chapter the three required consultation phases are discussed separately and something will be said about the timing of consultation.

The Directive specifies that public comments must be provided in writing, i.e. either in paper form, by mail, or via e-mail. Additionally however, other ways of consultation can be considered (oral consultation). So basically, there are two different forms of consultation:

1. *Written consultation*, where people are asked to comment in writing on the proposed analysis or measures (this includes the use of internet).
2. *Oral or active consultation*, where the consult is sought in interviews, workshops or conferences. During these meetings major issues are presented and the invited stakeholders are asked (in small groups) to give their perception, knowledge and ideas on the specific issues. (Annex I gives an example of such a workshop). They can also be consulted on the development of measures through questions like: "how to solve these issues?" or "how to proceed with our working process"

Written consultation is regarded as a minimum requirement for implementation of the Directive, oral consultation as best practice. However combinations of these two are often applied.

Code of practice on written consultation for the Directive:

- 1 Timing for the organization of consultation, apart from the dates mentioned by Article 14, should be built into the planning process for a policy or service from the start;
- 2 It should be clear who is being consulted, about what questions, in what timescale and for what purpose, the consultation process is open to anyone;
- 3 the documents which are subject to consultation (timetable, work programme, significant water management issues, draft copy of river basin management plan) should be as simple and concise as possible (including a summary of 2 pages of the main questions it seeks views on), some summaries for a broader audience should be prepared;
- 4 the documents should be made widely available, with the fullest use of electronic means and effectively drawn to the attention of all interested groups and individuals;
- 5 Anyone with an interest has six months respond to the documents;
- 6 Responses should be carefully and open-mindedly analysed, and the results made widely available, with an account of the views expressed, and reasons for decisions finally taken;
- 7 Departments should monitor and evaluate consultations, designating a consultation coordinator who will ensure the lessons are disseminated.

4.2 Management of information

Management of information is important with consultation. There are several available tools for informing the public and at the same time asking them to comment on the plans: fact-sheets, newsletters, Internet, brochures, advertisements, articles in magazines, columns in newspapers, exhibitions, open house, info evenings and TV/radio (see description of communication tools in Annex I). The whole area that is potentially affected by the river basin management plan should be covered for example by display in city halls, libraries, local newspapers and actively sent to stakeholders or anybody that is likely to have an interest. Once the information is published you should be prepared to get responses and to act.

4.2.1 Where to collect responses?

Point 7 in the box above also refers to the question of where comments should be received. For the management plan as a whole, they could be collected centrally, by an (inter)national co-ordination agency, or non-centrally, by the authorities displaying the plan. The Directive contains no provisions regarding collection and processing of comments received from the public.

Comments regarding international management plans can be collected on a national basis, at defined locations. Once collected, comments must be sent immediately to the authorities concerned, in the interest of speedy assessment. Where comments are well-founded, the relevant results (such as adaptation of measures plans, etc.) should be collected on a national basis, for the river basin district, and then forwarded to the international agency (if existing) that co-ordinates or facilitates the preparation of an international management plan. In administrative areas that cross boundaries – such as those along the upper Rhine or the Moselle/Saar area – and thus will require sub-plans, co-ordinated processing of comments regarding the relevant areas/sub-plans, by authorities co-operating within the relevant areas, would be a useful way of reducing co-ordination overhead at the international coordination agency.

4.2.2 How to analyse the comments?

Responses should be carefully and open-mindedly analysed, and the results made widely available, with an account of the views expressed, and reasons for decisions finally taken. It is important that the authority of the area in question is able to respond to the comments and be responsive to the public/stakeholders. They need to be informed on the arguments for decisions taken and the final outcome of the planning process. Also, it should be ensured, that the authority that displays the plan, or the authority that collects comments, is able to forward, to the co-ordination unit and/or the relevant regionally competent authority, comments that refer to parts of the river basin district for which the authority does not have regional competence. When many comments are received it is advisable to categorize the comments. Subsequently the answers, motivations and decisions can be prepared per category in one surveyable document and returned to the public/stakeholder.

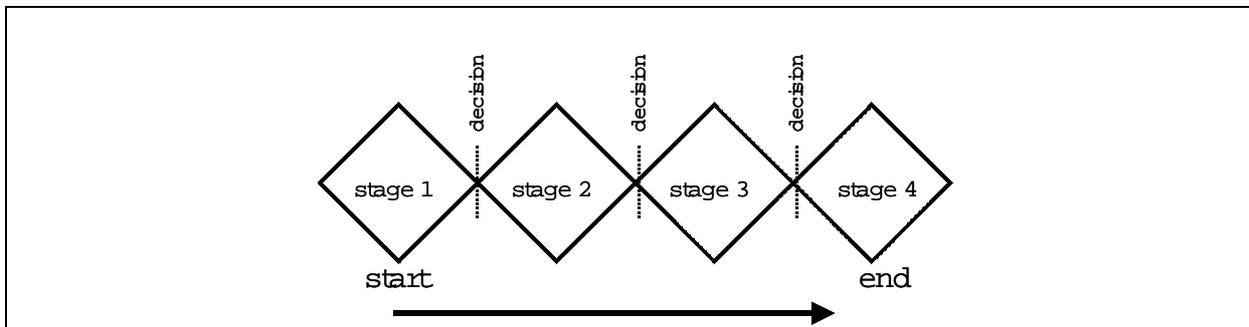


Look Out! Feed-back

It is important to give feed-back to the participans of the consultation. The feed-back should contain a motivation and be returned in a reasonable time frame. Remember that in future these consultations need to be organized every 6 years. 'Cherish' the participants, you will need them again!

4.3 How to organize consultation

Dealing with organization there is the need for a well organized tailor-made design, using the earlier mentioned planning process diagram:



Stage 1	Starting stage: TOR for your project, indicate clearly the boundary conditions;
Stage 2	Exploring stage: diverge and explore all possibilities/ideas;
Stage 3	Ranking stage: converge and cluster/prioritize the possibilities, make a decision and agreements on further activities;
Stage 4	Implementation and information.

More practically:

- Stage 1 "Process Start Up" meeting/workshop(s) with these groups or groups of key-stakeholders to discuss:
 - The objectives for consultation ;
 - The working process (how to reach the objectives of Article 14) and decide on their role;
 - The preconditions (Terms Of Reference) for their involvement;
 - Availability and relevance of existing data ;

- Communication plan;
- Stage 2 Inventory of knowledge and perceptions on:
 - The description of the information to be consulted upon; what are the major issues (problems)?
 - Timing of this supply of information; is the time schedule of the Directive practical? Refine the time schedule
 - Who are we going to consult?
 - How are we dealing with the responses; management of information?
 - What tools do we have at our disposal for communication?
 - How do we give feedback;
- Stage 3 Analysis and structuring, decision making on consultation;
- Stage 4 Information supply to all relevant stakeholders.

[This activity is under attention and any ideas are welcome. We have frequently been asked to provide guidance of the organisation of consultation, i.e. a road-map. As usual an exact critical path is hard to give since the circumstances are exclusive for every Member State and situation.]

4.4 Consultation on the time table and work program (art 14 (1) a)

What tasks to be done?

By the end of 2006 at the latest, the public must be informed and consulted about the timetable and the work programme for production of the management plan and about the planned consultation measures.

How to organise the consultation?

The way consultation is organised depends to a large extent on the geographic scale of management plans.

At the international /national/district level a useful approach for the written consultation would be to publish internationally prepared papers, all with very similar wording, throughout the river basin district. A form of international co-ordination is needed on making the timetable and work programme including the proposed public participation measures. On the other hand, it is not clear whether such papers will be available on the international level at the time in question. But since only a first general overview is being provided, extensive co-ordination will probably not be required. The data regarding the competent authorities, and a timetable, must be available for all river basin districts by 2006.

Alternatively, the Member States would have to take action independently from each other. In any case, certain content of this first information level (such as who does the international co-ordination, who works internationally in support of whom) should be provided in standardised form. Consequently, the relevant discussion on the EU level and in the international river district commissions must be awaited.

At river basin level and Sub-basin level, both written and oral consultations can be organized. The relevant stakeholders and public in the river basin district should be given an overview of the planned plan-production steps (data collection, assessment, definition of objectives, decision regarding measures) and of the participating authorities and agencies (who is responsible for doing what, and by when). If necessary, information about other op-

tions should be provided; for example, regional informational events regarding the Directive could be held. With such overview information, the interested stakeholders and public become aware when they can raise their concerns and proposals.

The public that is consulted does not necessarily have to live in the river basin district concerned, a measure within the district may have effects on areas that are not assigned to the river basin district in question (e.g. adjacent coastal areas, groundwater aquifers). Persons, groups and organisations in these areas also fall under the definition of "public" and consequently they too have to be consulted. Practically this means that at a very early stage the area that may be affected has to be determined and that in the whole area (also if outside of the river basin district) the documents mentioned in Article 14 should be published and made available for comments.

Article 14 (1) 2nd sentence, "*Member States shall ensure that, for each river basin district, they publish and make available for comments to the public, including users:*"

The information and documents mentioned in Article 14(1)a) through 14(1)c) must be published and made available. The Directive does not specify what type of publication is required. Each State has its own experiences there and will use them and will also decide on which level publishing is appropriate.

In discussions in Brussels, the Commission has repeatedly called attention to the Internet, which some Member States have already been using successfully even for larger planning projects. The Internet offers perhaps the best opportunity to describe and present transposition of the Directive, which is a complex process, in an understandable way. Using the Internet some questions have to be answered, e.g. if additionally a paper version has to be made available to the part of the public without access to the internet, if personnel would have to be assigned to guide through a management plan, if internet access of appropriate authorities could be used by the public.

(example forthcoming)

4.5 Consultation on "significant water management issues"

What tasks need to be done?

In the second consultation step, a preliminary overview of the important water management issues for the relevant river basin district and for its river basin(s) (the Directive's use of these terms in Article 14 is not standardised) is to be published by the end of 2007 at the latest. The important issues for the river basin district can be derived from:

- the analysis of the water-quality inventory that is to be completed by the end of 2004;
- the subsequent discussion regarding definition of objectives (taking into account the exceptions provided by the Directive);
- the necessary measures;
- the perceptions, knowledge and experience of the relevant stakeholders.

By the end of 2007, a relatively homogeneous assessment of the key requirements for action should be available throughout the entire river basin district. By this point, assessments should no longer differ, since otherwise any co-ordinated approach would be endangered.

How to organise the consultation?

The examples in the boxes below show different forms of consultation at different geographic scales:

(Inter)national and district level

The International Commission for the Protection of the Danube River (ICPDR) is the co-ordinating body for international aspects of the Directive's implementation. ICPDR is promoting public participation in the planning process, through financial support to the ICPDR Information System, including the Danube Watch, as well as operating networks such as the Danube Environmental Forum (DEF), MLIM and AEWS. NGO observers attend the ICPDR meetings, and provide significant input to the work of the Commission (for example in the establishment of an Ecological Expert Group). Stakeholders are observers to the Commission, which implies full participation, no voting rights.

River Basin level

Water management Plan of the municipality of Örebro, Sweden. The objective of the consultation is to fulfil the demands about public participation of the Swedish planning and building act concerning consultation in the development of comprehensive plans. A working group and a steering group consisting of a civil servants implement the work. A total of about 70 different authorities and organisations upstream the catchment areas and within the borders of the municipality have been consulted on a draft plan during a seminar and information meetings. Their opinions and comments were acknowledged by the working and steering group. The adjusted document was sent for a new round of consultations. Farmer- and water protection associations and the university were also involved

4.6 Consultation on River Basin Management Plans

What tasks need to be done?

The centrally important third phase of public information and consultation will begin at the latest at the end of 2008: publication of draft versions of the management plans. The content requirements for plans are described in Annex VII. Such plans, especially those for the larger river basin districts, are likely to consist of extensive documents with maps. At this point, these documents must already be nationally and internationally harmonised, to the maximum possible extent, so that they will clearly show what co-ordinated water management is planned.

How to consult?

National scale

A useful approach could be for the national or international co-ordination unit responsible for the river basin district overall to compile these papers and then provide them to the affected states.

River Basin scale

Nemunas Delta, Lithuania and Russia

Trans-boundary co-operation on river restoration, elaboration of sustainable development strategy.

The core of public participation was the establishment of locally based advisory groups, including in

principle all relevant stakeholders in a round-table approach throughout the various stages of the planning process. Combined with various communication efforts directed at the broad public.

Public participation includes:

- awareness raising activities regarding the role and functions of wetlands (and the areas' international importance to biodiversity conservation)
- developing particularly support for development of alternative income sources on the other hand
- consultation on draft plans.

These activities were implemented through: round-table group discussions with all stakeholders. As tools were used: media, information boards, leaflets, public meetings.

4.7 Timing of consultation and international coordination

Article 14 (2) "*Member States shall allow at least six months to comment in writing on those documents in order to allow active involvement and consultation*"

For each of the above-described consultation steps, the public must be allowed a period of at least 6 months to comment in writing about the relevant documents. This period is probably reasonable but the over-all time schedule is tight, since results of consultations have to be incorporated within relevant papers, in harmonised form, for the entire river basin district. Especially with regard to consultation regarding draft versions of the management plans, the question arises of how the workload is to be managed. Therefore some consultation steps might be initiated earlier than the final deadlines specified by the Directive. This could save time that would then be available for later work. Therefore, an internationally co-ordinated approach is required, if co-ordinated results are to be presented.

Article 14 (1) requires that the public be consulted regarding the management plan for the entire river basin. This brings up the question of how such consultation should be internationally co-ordinated.

Harmonisation of the time table plays a central role in this context. In light of the tight deadlines for transposition of the Directive, and the close succession in which the various consultation phases take place, international co-ordination regarding a parallel approach – if at all possible – would seem necessary. Suitable procedures for this should be approved by the relevant international bodies.

Furthermore, the question of what documents must be submitted, a question already mentioned above must also be considered. The key issue in this connection is what an international management plan should look like. Some international river basin district commissions are currently discussing the structure of a management plan for a river basin district. There is concern that too little time will be available to produce such a complex work, especially if it is to be logical and coherent.

Section 5 – Access to information and background documents

Access to information and to background documents covers two aspects:

- Sufficient “Information supply” in the different implementation steps
- Access to background documents and information according to Article 14 (1)

5.1 Sufficient “Information supply” in the different implementation steps

In the whole implementation process sufficient information is necessary to enable active involvement of stakeholders and the public in general. The following section will describe how this can be organized.

Sufficient refers to:

- The different stakeholders and the public
- The kind of information (progress in the planning process, results and outcome of analysis, proposed measures and plans, arguments in decision making,)
- The way information is being provided (in a understandable and easy way, with e.g. announcements where to find information if required). For the public in general, the Internet, brochures and television spots are useful means. The organized stakeholders will most probably get all the relevant information in the steering groups or committees established.

The following examples illustrate how the information supply can be organized. You often see a combination of “on-line” information supply through Internet and mail and off-line meetings and conferences to inform the public of the output of the planning process. Objectives like awareness raising, promoting changes or just to inform people influence the final selection of tools. The availability of budget resources often determines the final choice.

Alcobendas-city.

The objective of the project is to raise awareness of the population, local authorities and SME’s in Alcobendas, a Madrid suburb, on water consumption. A comprehensive package of activities has been implemented, including:

- Exchanging technical and scientific information to encourage the introduction of effective water-saving technologies and programs and water demand management
- Promoting new regulations
- Stimulating the water-saving technology market
- Promoting changes in the productive sectors
- Increasing public awareness of the need to participate actively in saving water
- Offering an example of the introduction of effective water saving measures in new homes
- Publicising the results and methodology so that they can be adapted to other towns.

Activities included press conference, calls and visits by media-rep’s, TV reports on water-saving systems, interviews radio stations, and publishing of articles.

Information letters with regard to the implementation of the Directive in Thuringia, Germany.

The objective is to make the persons or organisations interested in water management issues acquainted with the objectives and necessary steps of the Directive and to express their ideas and proposals. At the moment the information letters (six pages) are published twice or three times a year (available in printed form or via internet. At the end of the letters a contact person is named (phone

and email)The until now huge demand for the information letters encouraged the Thuringian Environment Ministry to expand this approach in the future. The information letters and the contact to the ministry should be used also as platform with regard to other Thuringian ministries and to other of the 16 German Lander. The information should become intensified and specified, e.g. by information on special issues.

The national commission for public debate on the high speed Rhine-Rhone rail line, France.

Methods and tools applied to inform the public

- The "support file"(6000 were distributed): provided by the contracting authority, made up of a general description of the objectives and the main characteristics of the project, the estimation of the economic and social stakes, the identifications of the principal environment impacts and the estimate of the economic and social cost of the project.
- The Internet site (6500 visits, 70 per day) to ask questions and consult all the answers given
- The "letters of the debate"(2 700 000): to inform the public of the existence of the debate and to stimulate participation and to communicate information on the evolution of the debate. The contracting authority and the special commission produced these.
- The visits to the special commission to consult all the documents of the project
- The public meetings (10 in different cities)
- The question-answer system (2000 questions received): with prepaid T cards, toll-free number: an answering machine took the messages
- The "contributions"(85): all the mails received at the commission which showed one particular position
- The "actors book"(10): a selection of some of the observations from the public were published in so-called "actors books"("cahiers d'acteurs") and distributed
- The contribution of the press (163 articles published in the regional press, 26 in the national press and 10 press meetings in the 10 cities where the public meetings took place).

5.2 Access to background documents and information according to Article 14 (1)

Article 14 (1) "c) request, access shall be given to background documents and information used for the development of the draft river basin management plan."

As a minimum the background documents should include all the documents that are summarised in the river basin management plan (Annex VII). The Article 14 sentence above is referring to an additional right to information, a right that must be exercised via special application. The Directive does not specify to whom such application must be made. There may be one central information- and knowledge centre in a river basin and a national and/or regional centres can be considered (in case of an international river basin). At least these centres should have access to background documents or information. The set-up of these centres and the procedures for providing access to information has to be decided on (see Annex VII A. 11) in the river basins. Background documents can be provided in the form of inventories of pressures and impacts on water bodies or details with regard to the programs of measures or more detailed information on implementation levels under the river basin district level (the public will ask "What consequences will the river basin management plan have for myself or my water uses?"). The Directive does not specify how quickly a request for information should be answered, but within a couple of weeks seems reasonable.

The possibility of also placing background documents on Internet, and of making relevant reference, should also be considered. This will be a rather small effort as relevant files have to be prepared anyway for inventories under the Directive.

The Municipality of Örebro's water management plan, Sweden (see Annex II)

Objectives Public participation

To fulfil the requirements for public participation under the Swedish Planning and Building Act of 1987 concerning consultation in the development of overall plans. A working group and steering group consisting of civil servants have been implementing the project.

A total of about 70 different authorities and organisations upstream of the catchment area and within the municipality's borders have been consulted on a draft plan. Their opinions and comments were acknowledged by the working and steering groups. The adjusted document was circulated again for consultation.

Those involved included farming and water conservation associations along with Örebro University. Consultation was effected by organising seminars, information meetings and hearings and by circulating proposed land use plans for consideration by the parties involved.

The access that must be provided to background materials and information could be seen in connection with the Environmental Information Directive, its transposition into national law and the Aarhus Convention. The Aarhus Convention caused an amendment of the Environmental Information Directive (Directive 90/313/EC) and national laws will have to be harmonised with this amendment by the end of 2006. The materials and information referred to in the framework of Article 14 (1) 3rd sentence are all environmental information within the meaning of the information Directive (both definitions are extensive in scope and also include, for example, measures that could have an impact on environmental media).

For this reason, transposition of Article 14 (1) 3rd sentence could employ a cross-reference to national environmental information law and its procedures.

Section 6 - Evaluation, Reporting results of active involvement, public information and consultation measures

Annex VII of the Directive requires that the river basin management plans cover “a summary of the public information and consultation measures taken, their results and the changes to the plan made as a consequence” (Annex VII, no 9) and the contact points and procedures for obtaining background documentation and information referred to in Article 14 (1) (...)” (Annex VII, no 11)

How to report on the processes of public participation in River Basin Management?

Reporting may include the following topics:

- Objectives of public participation
- Form of public participation (use of techniques) in the different planning steps
- Have objectives been met, if not why?
- What have been the results of public participation? (how has the draft plan been adjusted based on public participation?) What are tangible results?
- Lessons learnt?

The aim of reporting is to incorporate a system of evaluating what public participation has delivered against set objectives and in light of other factors such as the time and resource implications.

Answers to evaluation will also depend on who is doing the evaluation and their perspective on the participatory process. Ideally a range of perspectives should be gained, both from those involved in the public participation and external to the process to give objectivity.

As with most of the issues surrounding participation, there is no right or wrong way to conduct evaluation and the key is to be as inclusive and flexible as possible.

Below are some basic evaluation principles that may be helpful:

- Carry out evaluation where possible throughout a process, not just once it is completed so processes can be revised and reviewed;
- Make evaluation as inclusive as possible by involving a range of stakeholders (e.g. project staff, competent authorities, participants involved in consultation);
- Use evaluation frameworks (see Annex I Logical Framework) where appropriate but also be flexible and allow for other, perhaps less formal evaluation methods;
- Be aware that evaluation will reveal tangible results (e.g. product orientated) as well as intangible ones (process orientated).

In the autumn of 2002 the drafting group will further discuss the “outline for the reporting”

Section 7 – Success and obstacle factors

The previous sections have shown the importance of public participation in the implementation of the Directive, necessary for transparent and accepted water management. However, active involvement and consultation as described above will only work if some conditions for success are considered in due time before. We call them success factors. At the same time public participation will not work if some surrounding conditions behave differently as predicted. We call them obstacle factors.

7.1 Obstacle factors

All procedures followed, the planning process considered, everything well analysed, agreements made, expectations managed, all pitfalls considered and suddenly there was a hitch... The public participation project got stuck. What happened? If you are sure it does not depend on a deficient process design, there can be several factors that influenced the intended process. These obstacle factors are:

- political tumult
- organisational or institutional changes
- changes in budget due to saving/cut backs
- a comparable project has a bad name
- ..

The strength of a good process is to be flexible, to recognize the deficiencies, to make arrangements and to dare to start again.

[If anyone has experience with obstacle factors or examples please contact the drafting group]

7.2 Success factors

The success factors are:

- change in attitude of public authorities;
- organisational consequences;
- political commitment and resources;
- capacity building and representation of stakeholders;
- reaching beyond stakeholders to individual citizens and enterprises;
- demonstration.

The challenge is to take these factors into account while organising the process of public participation. This will mostly be done during the Preparation Phase with the following activities:

- 1 developing the terms of references for the process together with the main stakeholders and the authority indicating:
 - shared objectives of the process;
 - political conditions;
 - financial resources and allocation;
 - needs for flexibility in organisational support;
 - process and timing of formal decision making;
 - commitments from politicians a.o.;

2 teambuilding and competence development (see attitude and skills).

In the following these factors are further explained.

Change in attitude; stakeholders as partners in water management

The centralised public policies based on regulatory approaches and drawn up in the 1960s and 1970s, have shown their limitations in the fight against ecosystem degradation. Government authorities have experienced that the “command-control” management system is not very successful. Sharing the management on natural resources with the people that depend upon them for their livelihood and lives, will make their management more sustainable, more efficient, less expensive, and better accepted socially.

The English Stakeholder Sounding Board considers WFD-related issues for the whole of England.

This national forum allows stakeholders to give input directly into policy thinking. It allows direct access to government officials and provides a mechanism by which government can assess the most important issues. Members are Government bodies, Statutory agencies, Private Sector organisations, selected NGOs and other stakeholders.

The terms of reference for the Stakeholder Sounding Board says that it is a forum for stakeholders to:

- provide input to DEFRA (Department for Agriculture, Food and Rural Affairs) thinking on transposition, and related policy issues, of the Water Framework Directive
- raise issues relating to the Directive of concern to the group
- provide input into development of a long-term strategy for the environmental quality of water - what it should cover, in what detail, risks and opportunities. Participation takes the form of regular meetings (approximately 3 or 4 a year), hosted in turn by different stakeholder Sounding Board members. The meetings are chaired by a senior official from DEFRA. DEFRA also undertakes a secretariat function.

Organizational consequences

Public Participation requires a different working approach by government authorities with respect to the following:

- **results of the planning process are open** (depending on new insights, knowledge, ideas for solutions). When embarking on active involvement a more open-ended process will be initiated. Active involvement is by its nature more unpredictable in terms of content, scale, financial cost and time;
- input by stakeholders requires a **flexible approach** as the contributions of stakeholders may result in new insights and ambitions, timing and tempo of the process may change throughout the process;
- as results are open, the **financial planning needs to be flexible**. Open budgets (not earmarked to certain measures before hand) are needed;
- public participation is an **investment** which inevitable costs more staff in the beginning, but pays off in the long term (less conflicts, better solutions etc);
- **water management becomes a human topic**, as much as a technical one. Public participation requires **specific skills and attitude** of authorities for mobilising, motivating and structuring the contributions of stakeholders. Participation is about how people interact. Dominating behaviour by government authorities may inhibit participation, while an attitude where government authorities realise they need to listen to knowledge, insight and solutions of their partners (stakeholders) in order to be able to provide high quality RBM plans encourages it. For those with power and authority to adopt non-dominating, learning attitude may even entail personal change.

This implies water managers to be not only technical experts, but also process managers;

- **local and holistic approach.** Public authorities working within a certain sector and or institution inevitably orientate towards their own obligations and objectives and the delivery of these become the key concern, while the local, often holistic context can be forgotten;
- **credibility and transparency** as crucial pre-conditions for mobilising stakeholders to take on shared responsibility beyond their own immediate interests. The difference between being partners in water management and opponents due to lack of a trust and hidden agenda's and co-operative climate for creative solutions may be considerable. It is particularly important in the decision-making process. Thus, it is really important to carefully explain the "rules of the game" for participation:
 - Why their participation is useful
 - How they will contribute
 - What will be done with their input
 - Their influence. Decision making often remains in the hands of authorities
- **Non-technical summaries** which also reflects the perceptions of the stakeholders and the broad public will become important in the reporting. This also includes providing non-technical summaries of the RBD analysis for the local catchment situation. Thus, local stakeholders will be able to identify themselves with specific situations.

The challenge of government organisations will be to handle these changes. Changes in procedures and structures take their time. However, in the mean time the change in attitude and skills of the motivated government employees will help in finding "room for change" within the existing institution.

Political commitment

The starting point for embarking on a participatory approach is a commitment at political level. This commitment has to be based on an understanding and awareness on the new obligations and why active involvement is not only beneficial but also necessary in order to deliver the anticipated water quality objectives as a significant part of promoting sustainable development.

In this regard, politicians need to be aware of the following:

- What is participation and what does it imply? What will be new compared to previous practices?
- What can stakeholders contribute to water management? Which political choices have to be made here?
- Their commitment to the process (not to the outcome)
- The moments for formal decision making in the process and hence their moment of control.
- What is needed to reach beyond organisations and institutions to individual citizens?
- Possible consequences of the process. For example are changes in water pricing acceptable?
- Water management is not any longer the sole responsibility of government authorities. Rather network organisations are needed in which government organisations work together with NGO's, business enterprises, interest groups, experts (universities).

- The commitment from the politicians needs to be transformed into concrete resource allocation ensuring sufficient staff, budget, mandate, ambitious public participation objectives and internal training.

The Danube River Basin takes up approx 1/3 of the surface of Europe. Within this scale, linking local and international levels constitute a major challenge. The international cooperation takes place within the framework of the Danube River Commission ICPDR).

Stakeholders e.g. NGOs can apply for observer status to the Commission, which implies full participation, no voting rights. A large number of smaller (national and local) NGOs are connected with this through co-operation platforms, notably the Danube Environment Forum (Assembly of NGOs), and other networks such as the Global Water Partnership CEE. The GEF-financed Danube Regional Project supports the Danube Environment Forum (DEF) by financial means, hereby enabling the NGO-participation in practise.

DEF is an NGO platform with combined local and regional structure, established in 1999 to promote NGO participation in government fora, programmes and initiatives. Within this context, the NGOs have been able to contribute e.g. as follows: facilitating dialogue on transboundary River Basin Planning, participating in the establishment of ICPDR Expert Group on River Basin Management and WFD Implementation, development of Issue Paper on WFD and Public Participation, ensuring NGO and public participation in the Danube River management and co-ordination through DEF, providing concrete, local cases for the ICDPR discussions.

Capacity building and representation of stakeholders

To take step from some degree of “consultation” towards “active involvement”, whatever shape it may take, will also be a challenge for the stakeholders. Will the stakeholders have sufficient capacity in terms of resources, qualified people, their knowledge of the situation (e.g. what happens down-stream) and acceptance level for changes, understanding that they have to take co-responsibility for ensuring long-term water quality etc.

Providing stakeholders with improved access to information and decision-making, will also oblige them to take shared responsibility for utilising their networks and communication channels to prepare their members and associates for e.g. accepting increased water pricing.

Business sectors that are further involved in the decision-making, and are eventually presented with demonstration projects aiming to identify appropriate water management solutions, will have an equal obligation to inform their members and motivate them for a new approach to water use.

A fundamental problem within NGOs is their ability to resource their work programmes. Often they depend on various funding schemes offered by national or international donors. These schemes will become particularly relevant in situations where the Competent Authorities request participation in water management bodies. This problem is particularly relevant for local NGO's and regional branches of nation-wide NGO's, being less experienced and having less resources than the central offices, with often only voluntary members.

For companies, an analysis of their situation and interests with regard to water management could include questions on the following issues:

- Current water use
- Current pollution level / recent pollution permits
- Relative cost levels on water use and wastewater services
- Current incentives / legislative framework for water use

- Degree of subsidises in the production
- Experiences with EMA / code of conduct / good agricultural practices
- Awareness level and knowledge of the river basin, particularly down stream

This type of analysis is clearly closely linked to economic issues

Reaching beyond organisations to the individual citizens and companies

A significant part of a Communication / Participation Strategy should be prioritised to consider reaching beyond organisations and institutions to individual citizens. A large part of the water use as well as water pollution is generated at the level of single households, dispersed settlements, individual companies and agricultural units.

Reaching beyond organisations to individual citizens and companies is crucial for water management, due to the large share of water use and water pollution held by individual households, dispersed settlements, small and medium enterprises and small agricultural units.

Demonstration

Demonstration projects will demonstrate the success of public participation in the water management sector. Competent authorities should consider to initiate such projects. These projects could have a wide range of aims:

- Through a “don’t talk about it, show it”-approach, to convince target groups to embark on new, different practices with regard to active involvement
- To create win-win situations: active involvement gives stakeholders the possibility to influence the implementation process with regard to their interests, the competent authorities will achieve an accepted implementation approach, especially an accepted program of measures likely to be realized.

Reducing water consumption in the Graphic Sector, Denmark.

The objectives are:

- To involve stakeholders in the set-up and implementation of demonstration activities
- To make them “ambassadors” of the new water consumption practices, by showing results and its impact on sustainable water consumption

Danish Environmental Protection Agency unit for cleaner production, consultancy company, selected companies from the Graphics Sector, Graphics Business Sector Association were involved comprehensively throughout the entire process shaping the improvements within the daily activities of the companies and testing new equipment, supported economically by the project. With rather limited funding schemes, demonstration activities can successfully be conducted, with the results being extracted for later inclusion in revision of environmental regulation of the sector’s environmental impact. Demonstration of concrete opportunities and providing of win-win examples allows for a new business paradigm to spread. Further, through this co-operation the Competent Authorities also gets input on how to establish a feasible planning and incentives framework.