

# Water European Law And The Watershed Management

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## ABSTRACT

*Water is one of the main concerns of EU environmental policy and as such has been considered one of the environmental priorities of the European Commission. The paper analyzes the transcendent Directive 2000/60/EC of the European Parliament and Council of 23 October 2000 establishing a framework for Community action in the field of water policy. Directive extends its objective the protection of all waters, surface and groundwater, and introducing water management based on river basins*

**Keywords:** Water Rights; European Community Law; Watersheds

## 1. INTRODUCTION

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 ("Framework Directive on water policy").

This is the most ambitious and complex of the EU water, and perhaps in general environment. Both his approach, considered together inland surface waters and groundwater, transitional and coastal, as their objectives are based on achieving good water status by protecting the ecosystems that depend on it, represent a radical change in European legislation yet in force (1).

Beyond these concerns, focusing on the quality of certain waters or their origins, the Directive extends its objective the protection of all waters, surface and groundwater, seeking to achieve its proper status in a period of fifteen years, and introduces concepts as innovative water management based on river basins, the combined approach of emission controls and quality standards, the use of economic instruments such as economic analysis and pricing policies to promote efficient water use, or participation processes public. An essential element of this policy and new water is the water planning. It developed a plan for each river basin in Europe, and this plan is the main instrument for programming and monitoring of activities on water. The plans have been published in 2009 and updated every six years.

The framework of action to take is the watershed, having collected them in a river basin management plan, to be published shall have a maximum term of nine years from the entry into force of Community law. In the case of international basins, the Directive requires, in addition, to coordinate the programs of measures with neighboring countries.

Moreover, the directive set in the year 2010 the horizon in which Member States must have pricing policies that encourage the rational use of resources, while allowing some flexibility, depending on the socioeconomic and ecological peculiarities of each country.

## 2. THE PROVISIONS OF THE DIRECTIVE WHICH AFFECT THE ADMINISTRATION OF THE WATER: THE RIVER BASIN. WATER MANAGEMENT BY RIVER BASINS

Directive 2000/60/EC clearly opted to prioritize the management of river waters. Underlines the preamble to the Directive that "the objective of achieving good water status should be pursued for each river basin, so as to

coordinate measures for surface water and groundwaters belonging to the same ecological, hydrological and hydrogeological (paragraph 33) and that "the purpose of environmental protection, it is necessary further integrate qualitative and quantitative aspects of both surface waters and groundwaters, taking into account the natural flow conditions of water within the hydrological cycle "(paragraph 34).

The articles of the Directive defines watershed as:

*"The surface of land from which surface runoff flows entirely through a series of streams, rivers and, possibly, lakes into the sea by a single river mouth, estuary or delta" (paragraph 13 of Article 2).*

Meanwhile, a sub-basin for the directive is: "the surface of land from which surface runoff flows entirely through a series of streams, rivers and, possibly, lakes to a particular point in a water course (normally a lake or a river confluence) "(paragraph 14 of Article 2).

But like most striking feature in the organization of the European standard water enters the novel concept of the river basin, which is:

*"The marine and land consisting of one or more neighbouring river basins and associated coastal waters and groundwater, designated under paragraph 1 of Article 3 as the main unit for management of river basins" (Article 2, paragraph 15).*

The territorial proximity criterion watershed is that the Directive adopts the division boundaries (2). In this regard, Article 3.1 of the Directive states that Member States shall specify "the river basins lying within their national territory and included in river basin districts. Small river basins may, where appropriate, combined with larger river basins or joined with neighbouring small basins to form individual river basin. Where groundwater do not fully correspond to any particular river basin, shall be identified and the river basin in the nearest or most appropriate. Coastal waters are identified and assigned to the river basin district or nearest or most appropriate. "

### **3. THE EUROPEAN WATER DIRECTIVE IS INSERTED INTO THE ENVIRONMENTAL POLICY. THE EMERGENCE AND EVOLUTION OF COMMUNITY CONCERN FOR THE ENVIRONMENT**

Directive 2000/60/EC establishing a framework for Community action in the field of water policy ("Framework Directive on water policy"), was approved by the Union using its powers to the environment.

Water is one of the main concerns of EU environmental policy and as such has been considered one of the environmental priorities of the European Commission. The European Union also considers water supply as a service of general interest, therefore needed to promote at Community level (Article 16 of the Treaty on European Community).

With the new understanding of the environment enshrined in the Treaty of the European Community after its reform in 1992, 1997 and 2001, and in a global framework for greater public awareness to environmental problems, new programs were approved community environmental protection: the "V Community program of policy and action on environmental and sustainable development" (1992-2002) and the "Sixth Community Environment Action Programme Environment" (2002-2012).

The European Union action on environmental issues has resulted from the seventies, an important piece of legislation. In the past three decades, the Community has played a leading role in promoting environmental protection through the law, both in the whole community as partners in the international arena. The more than three hundred legal rules in this sector have lighted the Community institutions-fundamentally-directives, have led to a cascade of national legislation, regional and local thousands of pages in the official journals in all Member States.

As a result of this legislative activity, the Community and Member States that constitute it have significantly limiting threats to public health and the environment, and now have a body of legislation which, while

relatively recent and far from complete, provides a solid base for the next steps to be taken in the coming years (3). In this sense, much of the current Spanish legislation on environment is adapting and European environmental standards.

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**NOTES**