



BeWater

Making society an active participant in water adaptation to global change

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Executive summary

*This policy review template with accompanying guidance note are a first draft of a support tool to aid Case Study River Basin Partners in constructing a policy background relevant for their project work at river basin level with BeWater's four Mediterranean river basins; one of which is in North Africa. The template and note reflect the same approach used in the **EU/AU Policy Instruments Review** (deliverable 6.1. March 2014), but with a focus on policies developed by Member States rather than EU institutions, and which are presently more relevant at the river basin level.*

This template and note are aimed at an entry level review and analysis for non-policy oriented professionals and aims to help them to:

- *Gain an idea of the policy landscape in which they are operating*
- *Contribute to a more comprehensive study to be implemented by more detailed and ongoing policy work of the project*

As demonstrated in the EU-wide review, there is a need for a more clear understanding at Member State level of the inter-linkages, overlaps and inconsistencies between sector policies when, and if, they address the issue of climate change and adaptation. In addition to reviewing existing policies, the Policy Watch will work to identify new and/or ongoing policy processes, and upcoming policy initiatives (e.g. consultations, public reviews, policy research) which are addressing aspects of climate change. These ongoing and future initiatives, especially those addressing adaptation, are potential opportunities for BeWater outputs and results to contribute to (and influence) the evolving policy dialogue on climate change.

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1. Analysis of Water & Cross-Cutting Policies at Local (Member State) Level

1.1 Policy Watch Guidance Note for River Basins

The objective of the Guidance Note is to provide orientation for the River Basin Partners to contribute to Task 6.2 as per the description of work :

Following this overview (initial overview of EU and AU policies with C Blue and GWP Med), a second and deeper analysis of policies will be performed to identify where there are complementarities and inconsistencies in how different policy sectors address the issue of global climate change. This will be done at the EU level and at the local (MS) level for the CSRB. At this level we can begin to identify at the implementation level the potential strengths, weaknesses and conflicts within the strategies being defined in the different sectors. This will serve to identify potential institutional challenges and threats to designing solutions for adaptation, and will contribute to identifying institutional focal points which need to be part of adaptation strategies.

This first analysis at local level will begin to identify key government and institutional stakeholders at the policy, implementation and regulatory levels within the water sector and the cross-cutting sectors such as energy, forestry and agriculture which should be included in the consultative process. In a feedback cycle, results from the consultative processes and activities of the other Work Packages will be added into this review to sharpen the identification of specific challenges in the CSRB, which in turn will help focus on the solution strategies. This focus can be on specific institutional levels of capacity, or it can also be on specific thematic issues requiring development at multiple levels. Feedback will also contribute to the improving of the Guidance Note and Template as a tool.

Users should refer to the BeWater D6.1 EU / AU Policy Instruments Review (submitted March 2014). At the River Basin and corresponding Member State level, this study aims to:

- Identify if, and how, specific policy sectors address climate and climate change
- Check policy content to evaluate if and how policies address mitigation and / or adaptation measures
- Do a comparison between policy sectors to see where and how sectors complement each other and or conflict with each other policy-wise

In Annex 1 are examples of a policy identification and analysis (The Renewable Energy Directive and the Birds Directive) which show the format and level of detail sufficient for this exercise.

2. ACTION 1: Identify and describe policies or regulatory instruments dealing directly and specifically with climate and climate change

These will be policies designed to specifically address climate and climate change. They can be identified by name, date and a brief descriptive summary on how climate is addressed. This can include Identify the scale of impact and application of the legislation, such as:

- Basin
- Regional
- National
- Transboundary

3. ACTION 2: Identify and describe Sector Policies and/or regulatory instruments that address climate change in ANY way

Review Sector Policies established at Member State level, which may address climate change IN ANY WAY, noting the particular policy name or title, date and a brief summary description of the policy. Typical sectors to be reviewed are those already addressed in the EU Policy Review study and include:

- Water Policy
- Energy Policy
- Agricultural policy (including forestry)
- Environmental Policy

Identify the scale of impact and/or application of the legislation, such as:

- Basin
- Regional
- National
- Transboundary

There may be additional sectors that are also specifically relevant, either at their MS level, for the particular CSRB, or both.

4. ACTION 3: A comparative analysis of attention to climate change in the various sector policies

Perform a comparative analysis of attention to climate change in the various sector policies (identified in Actions 1 and 2) to identify which are complementary and where potential policy conflicts may arise.

On the European Union policy level, the water and energy sectors are particularly vulnerable to impacts from climate change, and the tendency is for policies to address climate with a strong individual and not multi-sectoral approach. For example, the WFD standards for good conditions for water bodies are seen by the energy sector as hindering the use and expansion of hydropower. EU promotion of biomass production for biofuels aims to reduce greenhouse gases but does not take into account the large shift in consumption of water resources and shifting profiles of the agricultural sector. The agricultural sector is also vulnerable to changes in temperature and precipitation and the new Common Agricultural Policy places more emphasis on climate change. The suite of EU Environment Policies includes the Water Sector but also includes directives which address Air, Soil, Chemicals and Waste management and which also address to varying degrees the potential impacts of climate change.

The need for engaging in a multi-sector approach is equally important at a National level. Policy and regulatory tools linked to climate and adaptation are also relatively new at this level and existing sector policies will have a much longer history and be more firmly entrenched in their sectors. However, key policy sectors will still need to be scanned for content addressing climate, climate change and especially adaptation. As per the template described in this document, content identified from each sector will be flagged and summarized for comparative analysis. An added component for a National-level policy review for river basins is that EU and European Economic Area (EEA) Countries are at different stages of preparing, developing and implementing adaptation Strategies. It will also be important to review National Adaptation Strategies to see how

well they address and are coherent with existing content from Water, Energy, Agriculture, Forestry or Environment policy sectors. For Tunisia, who is not in the EU or EEA, their policy review will be set against the backdrop of their recent social and political changes.

5. ACTION 4: Identify Sector policies which include Adaptation and Participatory content

Identify Sector policies (identified in Actions 1 and 2) which include Adaptation and Participatory content. Provide the name, date and a brief descriptive summary of the policies identified.

Not all policy tools or instruments which address climate also address adaptation measures and / or participation, and those that do address these aspects will do so to a varying degree. For example, adaptation may be only mentioned in a policy instrument, but not clearly defined. Participation of stakeholders, an important element to adaptation practices, may not be mentioned at all, or may be confused with public consultation. Very often, where adaptation and participation is mentioned, its implementation is not detailed and is often left to the determination of member states on how they choose to interpret the policy details.

6. ACTION 5: Identify any new and/or ongoing legislative processes, and upcoming policy initiatives

Identify any new and/or ongoing legislative processes, and upcoming policy initiatives (e.g. consultations, public reviews, policy research) addressing climate change.

Ongoing and upcoming policy initiatives will likely correspond to the sectors identified in Actions 1 and 2, and they may come to light during the review of existing policies on websites such as Climate Adapt and Aquaknow. They may also be identified during the stakeholder workshops.

Upcoming or ongoing initiatives can be described by:

- Identifying key institutions such as ministries, departments and implementing agencies engaged in the initiative or process
- Identifying stakeholders such as key political actors involved in the policy process, especially with whom it is appropriate and also possible to engage
- Identifying the scale of impact and application of the legislation, such as:
 - Basin
 - Regional
 - National
 - Transboundary

7. Annex 1 Examples: Policy Identification and Analysis¹

Renewable Energy Directive (Directive 2009/28/EC, Date: 2009)

Objective: This Directive establishes a common framework for the promotion of energy from renewable sources. It sets mandatory national targets to Member States for the overall share of energy from renewable sources in gross final consumption of energy and for the share of energy from renewable sources in transport. It lays down rules relating to energy transfers between Member States, joint projects between Member States and third countries, guarantees of origin, administrative procedures, information and training, and access to the electricity grid for energy from renewable sources. It establishes sustainability criteria for biofuels and bioliquids.

Analysis: The directive aims to increase the use of energy from renewable sources, together with energy savings and increased energy efficiency, in order to reduce greenhouse gas emissions and comply with the Kyoto Protocol. This approach is focused on mitigation and does not consider the implications of climate change impacts on the energy sector. It does, however, initiate coherence between the objectives of this Directive and the EU's environmental legislation guidelines which should be integrated during assessments, planning or licensing procedures for renewable energy installations. This forward thinking contributes to greater policy coherence with sectors.

Participation: The directive does address public participation with particular reference to Directive 2003/4/EC on public access to environmental information. This allows the public to have access to information and be involved in the decision making process. However the directive fails to give clear guidelines with common direction as to how the public should be included and what would be gained from their involvement. This allows member states to avoid the public processes.

Birds Directive (Directive 2009/147/EC, Date: 2009)

Objective: This Directive relates to the conservation of all species of naturally occurring birds in their wild state in the European territory of the Member States, applying to birds, their eggs, nests and habitats. It covers the protection, management and control of these species and lays down rules for their exploitation and management.

Analysis: Member States are expected to take the requisite measures to maintain the population of the birds naturally occurring in their wild state at a level which corresponds in particular to ecological, scientific and cultural requirements. However, with changing climates at a global level, this expectation maybe evolve outside individual member control as migration patterns of birds may alter due to the changes in summer/winter conditions. An EU wide, comprehensive and integrated approach towards the maintenance and enhancement of ecosystems and the goods and services they provide is needed², with improved monitoring and analysis as well as adopting a trans-boundary scope to account for behaviour change of species in response to climate change.

Further research between climate change and European Biodiversity is needed and it is recommended that a precautionary approach is adopted in developing new policy and a focus on communication between member states to achieve greater co-ordination at EU level and contribute to coherence with other policies.

Participation: There is no public participation mentioned in this directive.

¹ BeWater EU / AU Policy Instruments Review (March 2014, p 35)

² European Commission. White paper - Adapting to CC : towards a European framework for action (2009)

8. Annex 2 Policy Review Template

Policy Review Template		
Analysis of Water & Cross-Cutting Policies at Local (Member State) Level: An analysis of policies will be performed to identify where there are complementarities and inconsistencies in how different policy sectors address the issue of global climate change. This analysis will help to identify key government and institutional stakeholders at the policy, implementation and regulatory levels within the water sector and the cross-cutting sectors such as energy, forestry and agriculture. <i>Please use a separate row for each policy instrument or initiative. Add as many rows as you need.</i>		
Action 1. Identify and describe policies or regulatory instruments dealing directly and specifically with climate and climate change.	Policy Sector: <ul style="list-style-type: none"> • Water • Energy • Agriculture (forestry) • Environmental • Other 	Scale of application: <ul style="list-style-type: none"> • Basin • Regional • National • Transboundary
Action 2. Identify and describe Sector Policies and/or regulatory instruments that address climate in ANY way.	Policy Sector: <ul style="list-style-type: none"> • Water • Energy • Agriculture (forestry) • Environmental • Other 	Scale of application: <ul style="list-style-type: none"> • Basin • Regional • National • Transboundary
Action 3: Do a comparative analysis of attention to climate change in the various Sector Policies (identified in Actions 1 and 2) to identify which are complementary and where potential policy conflicts may arise.	<ul style="list-style-type: none"> • Identify which policies address climate change in a complementary fashion • Identify which policies address climate change in a conflicting fashion³ 	Summarize and describe <ul style="list-style-type: none"> • complementary content • conflicting content
Action 4: Identify Sector policies (identified in Actions 1 and 2) which include adaptation and participatory content.	<ul style="list-style-type: none"> • Summarize adaptation content with description / detail • Summarize participation content with description / detail 	
Action 5: Identify any ongoing legislative processes, and upcoming policy initiatives (e.g. consultations, public reviews, policy research) addressing climate change	<ul style="list-style-type: none"> • Identify key institutions, actors and stakeholders in the policy process with whom to engage • Check relevant websites such as Climate Adapt & Aquaknow 	Scale of application: <ul style="list-style-type: none"> • Basin • Regional • National • Transboundary
Search: Key Words	Search: Key Words	Search: Key Words
climate	participation	public
change	consultation	civil
adaptation	participatory	society
mitigation	information	ngo
flood	awareness	private

³ Comparison indicators will be provided in Guidance Note

drought		research
erosion		business
precipitation		
landslide		
avalanche		
heat		
cold		
extreme		
event		
Strategy		
plan		