



PRIORITY 6

SUSTAINABLE SURFACE TRANSPORT

MTCP

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**Term of Reference of The impact of EU Environmental Law on
Waterways and Ports**

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The impact of environmental legislation on infrastructure development and maintenance for inland waterways and ports

Inland waterway transport plays an important role for the transport of goods in Europe. With its particular effectiveness and energy-efficiency, low energy consumption as well as modest noise and gaseous emissions, it can contribute more to rebalancing the different transport modes while bringing significant environmental benefits.

Binding environmental legislation can have a significant impact on the development and even on the maintenance of the infrastructure of inland waterways and ports. Unlike railways or roads, waterways constitute a constantly changing environment (due to the water flow). The importance of their essential utilisation for transport purposes is often not sufficiently acknowledged when a balance needs to be established between environmental requirements and transport needs.

However, the concrete implications of environmental legislation on infrastructure projects are not always clear. With a view to solving potential conflicts between environmental constraints and the needs of transport infrastructure, an analysis would be needed which would identify actual restrictions to infrastructure maintenance and development. Such an analysis should also explore the positive potential of the current legislative framework, e.g. possibilities for waterbound transport needs to be adequately taken into account in the consideration of the different requirements.

The study should become a tool for policy purposes and the industry in discussions between different stakeholders both from the environmental and the transport side. It would further explore the following issues from a legal perspective:

• **Inland Waterways**

- Water framework directive: the need for further clarification of indicators for an economic analysis of water use and better acknowledgement of economic – and ecological – significance of water transport.

The directive will have a significant impact on simple maintenance activities which might be considered as modifications of a given waterway. Need for clearer guidance that current navigation activities should not be made impossible.

- Habitat directive: waterway maintenance and development may become difficult if Member States declare the fairway of a river as a protected area. Legal guidance is sought with a view to a better integration of the diverse functions of a river and esp. the safeguarding of their transportation function. .

• **Ports**

- Water framework directive - impact on maintenance and deepening dredging and consequently port operation.
- Birds and habitats directive - need for additional guidance and best practices in order to more smoothly integrate port development and the requirements of these directives.