

Chapter 4

An Environmental Focus on Drought: The Water Framework Directive

Abel La Calle Marcos

Abstract Since the 1970s the European Union has maintained a programme for protecting the environment. In the development of this aim the Union began the 21st century unveiling a new legal framework related to its policy for water resources, the Water Framework Directive (Directive 2000/60/EC). The purpose of the protection of water resources established by the Water Framework Directive is set out in a series of general objectives and in some other more concise ones termed “environmental objectives”. The requirement to achieve the environmental objectives is not absolute and certain conditions exist which could permit a temporal suspension of their fulfilment. This paper analyzes the drought conditions that may constitute a short-term exception to the fulfilment of the obligations set out in the Water Framework Directive.

Introduction

Since the 1970s the European Union has maintained a programme for protecting the environment, which entailed the introduction of a policy of sustainable use as one of the current common objectives in the constitutional treaties (article 2 of the Treaty establishing the European Community (TEC) and of the Treaty on European Union (TEU)). To achieve this objective the Union considers it essential to guarantee a high level of protection for the environment (articles 2 and 172 of the TEC), which, in addition to creating an opportunity for internal action, covers the remaining range of public activities in which it should be incorporated at the time of defining and carrying out other policies (article 6 of the TEC).

The aims of this policy of sustainability are the conservation, the protection and the improvement of the quality of the environment, the protection of the health of the individual, the prudent and rational use of natural resources, and the promotion of an international scale of measures to deal with environmental problems at both regional and worldwide levels (article 174.2 of the TEC).

A. La Calle Marcos (✉)
University of Almeria, Spain
e-mail: alacalle@ual.es

In the development of these aims the Union began the 21st century by unveiling a new legal framework relating to its policy for water resources through the Water Framework Directive (Directive 2000/60/EC) in the understanding that water is not a commercial product like other products but, rather a national asset which must be protected, defended and treated as such.

The most important aspect, perhaps, of this new legal framework is the concept that this asset is an essential element of the ecosystem in which we live and on which we depend in contrast to the previously held view that regarded it merely as one element among the many natural resources available to support economic growth.

This change of attitude appears to be due to the state of over-exploitation and deterioration to which we have submitted water resources and their ecosystems, the resulting difficulty of using it as an economic resource or of enjoying it in our recreational and mental development, the integration of current scientific knowledge of the biosphere, and the inefficiency experienced with the fragmented protection of water resources which serve human use.

The aims of this new policy for water resources are in summary: to achieve a good state of water resources by 2015 at the latest; to guarantee an adequate supply of water of a quality suitable for sustainable use; to alleviate the effects of floods and droughts; and to fulfil the aims set out in international agreements (articles 1 and 4 of the Directive 2000/60/EC).

To fulfil these objectives the Directive proposes an integrated policy which is efficient and relevant to the water resources which represent its basic objective: to make provision for, protect and improve aquatic ecosystems and related terrestrial systems; to promote their sustainable use based on a long-term programme of protection and cost recovery, and to reduce or prevent the contamination of water systems (whereas (9) and articles 1, 9 and 14 of the Directive 2000/60/EC).

The character of this “integrated” (whereas (9) and (18) of the Directive 2000/60/EC) policy requires that the planning and management of water resources unite the sectors which previously operated independently, into a unified whole. The Directive is aimed expressly at the integration of the objectives of the water resources policy (articles 1 and 4 of the Directive 2000/60/EC) in themselves and in other public policies (whereas (16) of the Directive 2000/60/EC), the quantitative and qualitative aspects of the water (whereas (34) of the Directive 2000/60/EC), all water resources (article 1 of the Directive 2000/60/EC), programmes of measures and all the required measures (whereas (26), article 11 and annex VI of the Directive 2000/60/EC), and including the control of contamination combining the criteria of the best available techniques and the emission limit values (article 10 of the Directive 2000/60/EC).

The policy, therefore, also implies that the planning and management of water resources should incorporate all the measures necessary to fulfil the agreed aims for protecting and guaranteeing supply together with the aim of alleviating the effects of droughts.

The Environmental Objectives

The purpose of the protection of water resources established by the Water Framework Directive is set out in a series of general objectives already mentioned, and in other more concise objectives termed “environmental objectives” (article 4 of the Directive 2000/60/EC). It involves a series of aims both fixed and time-dependent in the majority of cases which are to be achieved through the programmes of measures and which are grouped according to whether they relate to surface waters, ground waters or to protected zones.

The model of planning and management set out in the Directive through the environmental objectives entails a substantial change in respect of the existing model for water resource planning. Whilst in many cases the planning focussed in the past on the distribution and volume of water supplies for the various uses and types of user, current planning is aimed at the protection and sustainable use of such resources. On the other hand, in order that this protection and sustainable use are not mere official pronouncements or ceremonial statements of no practical application, the environmental aims and the Programmes of objectives and their monitoring are set out in detail.

The schedule of the Programmes of measures draws particular attention to the realisation of the results in such a way that for each body of water it offers a standard for testing and an objective for the improvement of water status both in terms of volume and quality since quality of the environment is dependent on surface water resources. The monitoring also has a particular relevance in this system since continuous evaluation can ensure whether the expected results are being achieved and, if not, a review of the testing may be called for and new complementary or additional measures applied.

The Member states are required to pursue these environmental objectives. It is a statutory requirement (article 249 of the TEC) whereby states are required to adopt all the appropriate general or particular measures to ensure their achievement and the obligation to refrain from all such measures which may put their realisation in jeopardy (article 10 of the TEC). The non-fulfilment of these objectives may result in an action for illegal violation of the rules before the Justice Tribunal (article 226 of the TEC) and, in the case of persistent transgression of this nature, may result in the imposition of important sanctions (article 228 of the TEC).

The linking character of these objectives was the subject of debate over the drawing up of the Directive between the European Parliament and the Commission, both of which aimed to create a text free from ambiguities in this respect, and the Council, which proposed statements of a conditional nature (Legislative Observatory European Parliament COD/1997/0067). The approved text is free of ambiguities on the linking character of these concrete objectives, and as compensation in the precept various exceptions to its fulfilment are included amongst which are those for recognised periods of drought.

The Exceptions to the Fulfilment of the Environmental Objectives

As has been described above the requirement to achieve the environmental objectives is not absolute and certain conditions exist which provide for a deferment of their fulfilment, a reduction in the severity of the objectives, a temporal suspension of their fulfilment, and the removal of sanctions for objectives not reached (article 4.3–7 of the Directive 2000/60/EC). Nevertheless, any of the above involves the condition of exception for which the interpretation has to be strict in definition and the conditions established for their application must be rigorously adhered to (Judgments in Case C-328/91 Thomas [1993] ECR I-1247, paragraph 8, and Case C-287/98 Linster [2000] ECR I-6917, paragraph 49).

These exceptions to the fulfilment of the environmental objectives were introduced during the discussion stage and, among others, States such as Spain proposed in the Council an exception to fulfilment in the case of drought or flood. The Spanish representation perhaps had in mind the recent condemnation by the Justice Tribunal for the Directive on water used for bathing purposes in which it put forward the drought experienced as reason for an exception to the fulfilment of conditions (“In this case, the Spanish Government has not provided any specific evidence, for the individual regions concerned, either of the abnormal nature of the alleged drought or of the resultant inability on the part of the authorities to achieve the minimum standard for bathing water imposed by the directive, even by undertaking further efforts. Suffice it to note, in that regard, that many of the bathing waters not meeting the requirements laid down in the directive are, as the Advocate General has observed in point 28 of his Opinion, situated in the north of Spain which, as the Commission has stated without being contradicted, has been less affected by the drought” Case C-92/96 Commission v Spain [1998] ECR I-505, paragraph 32).

Before analysing the exception of the drought and its legal consequences one must point out that the characterisation of the exceptional drought that the Water Framework Directive mentions, entails a fundamental distinction between the droughts that are exceptional and those that are not.

Starting from this point of differentiation one may conclude that the droughts that are not exceptional cannot defend failure to meet the requirement of ensuring non-deterioration of the body of water. Therefore, the planning set out in the Water Framework Directive must take account of the measures necessary to deal with all situations of scarcity of water supply both social and economic, and the situations of non-exceptional droughts, without additional deterioration of the state of the body of water by reason of human use. This reinforces in an extraordinary way the principle of non-deterioration (article 1 of the Directive 2000/60/EC: «The purpose of this Directive is to establish a framework for the protection of inland surface waters, transitional waters, coastal waters and groundwater which: (a) prevents further deterioration and protects and enhances the status of aquatic ecosystems. . .») established in the Directive since it only allows a short-term deterioration as an exceptional circumstance and under strict conditions.

Nevertheless it is clear that situations of drought may cause an additional deterioration of natural origin in the status of masses of water, logically responsibility for this deterioration cannot be laid upon the State, since what is prohibited under the Directive is that human use may increase the above-mentioned deterioration and obstruct the achievement of environmental objectives.

This need to integrate the shortage and non-exceptional droughts is, moreover, the clear correlative of the legal framework relating to exceptional droughts that is analysed below.

Drought as an Exception to the Fulfilment of Environmental Objectives

In specified conditions drought may constitute a short-term exception to the fulfilment of the obligations set out in the Water Framework Directive, in particular the requirement to predict all additional possibilities of deterioration in the aquatic ecosystems and of the fulfilment of environmental objectives (article 4.6 and 11.5 of the Directive 2000/60/EC).

As has been mentioned above, the vision of the Directive underlines the viewpoint that droughts constitute a phenomenon that should be incorporated into water planning and management in all situations but with a separate legal framework. In the case that one is faced with a drought that is unexceptional and, therefore, capable of being predicted, it should be taken account of in a manner that causes no additional deterioration through human use of the water resources. In the case of a drought of exceptional nature it must be taken account of in the planning but with the difference from the previous condition that allows the possibility of a short-term deterioration of the body of water as a consequence of human use of the water resources.

For practical purposes this should entail that in areas subject to regular periods of drought as in the case of mediterranean regions, considerable effort should be devoted to monitoring the quality level of the body of water, which in turn improves the resilience of ecosystems and so facilitates its recovery. Maintaining a high index level of the exploitation of water resources as exists in many Mediterranean hydrographic basins may create deterioration incompatible with the Water Framework Directive and, more seriously, a collapse of certain ecosystems. In this respect it is necessary to draw attention to the strategic importance of the good status of water resources in areas suffering severe water problems, since it is difficult to imagine that in the case of a body of water at risk of failing to meet the environmental targets as a consequence of over-exploitation, restrictions for extraction of water will be more rigorous when they are more urgently required as a result of being confronted with a period of drought. This does not remove the requirement that in such cases certain environmental conditions, as for example the ecological flow of a river or the volume for refilling an aquifer, will need to adapt to instances of drought in the same way that the removal and extraction of different bodies of water are required to adapt to their circumstances.

The Conditions Necessary to Apply an Exception

As in the rest of the exceptions to the environmental targets contained in the Water Framework Directive the short-term exception in conditions of drought should be interpreted in a restrictive manner, and requires strict adherence to the fulfilment of the agreed conditions.

The conditions agreed in the case of exception provide a guarantee that it will not be misused and aim to prevent contrary abuse of the aims of the Directive. The conditions are set out in accordance with the nature of the drought and with the adoption of earlier, current and measures yet to be agreed.

Conditions for the Characterisation of Drought

As regards the concept of drought it should be remembered that in community law it is an autonomous legal system having priority over the internal rights of Member states in consequence of which its terminology includes a special definition that takes precedence over national law. In other words the transfer of competencies of the States to the European Union entails the need for these to respect the categories and legal concepts that form part of the “glossary” of the Community Law. One might say with Professor Roldán Barbero that the transfer of competencies in favour of the European institutions in consequence results in the transfer of the possibility of defining legal concepts. In truth this requirement has obliged the community jurisprudence to declare the existence of concepts exclusive to the community which are imposed on the different national concepts, as is the case with “worker” or “conditions of work” (See: Fabio Pappalardo, “La notion de “conditions de travail” en droit communautaire”. *Revue du Droit de l’Union Européenne*. 2006–3. pp. 609–617) or the controversial community concept of “waste”.

Moreover, one of the requirements of the result (articles 249 and 10 of the TEC) which the framework Directive for water resources imposes on the State is that it includes in its legal system through an obligatory rule the concepts established therein. Such is the declaration of the Tribunal of Justice of the European Communities in the case of the Commission against Luxembourg for the incorrect application of this directive (Judgment in Case C-32/05 *Commission v Luxembourg* [2006], paragraph 61–65). This confirms the need for member States to include in their internal Law the exception that is under analysis.

In the establishment of these conditions for the characterisation of drought there are at least two relevant underlying aspects: the ambiguity of the term ‘drought’ and the need to guarantee the useful effect of the Directive.

The term drought is used to describe different events although all relate to the shortage of water resources. For example in Spain dictionaries with special relevance to this area offer different definitions for the principle meaning: “period of dry weather of lengthy duration” (*Diccionario de la Real Academia de la Lengua Española*, 22^a edición, RAE, Madrid, 2003), “lack of rainfall which leaves fields

dry, and causes the reduction or disappearance of water currents” (María Moliner, *Diccionario de Uso del Español*, 2^a edición, Editorial Gredos, Madrid, 2001), or “prolonged lack of rainfall” (Manuel Seco (Coord.), *Diccionario del Español Actual*, Aguilar, Madrid, 1999). Whatever the case, the important point to note is the need to determine via defined conditions the precise meaning used by the legislator when speaking of drought, since the fulfilment or non-fulfilment of the community standards may depend on this point. On the other hand the useful effect of the community standard ought to be supported with strict conditions in order that the exception is not in danger of becoming a mere hotch potch of decisions which would enable it to defend any case of non-fulfilment.

In this sense it is of interest to mention the definition of drought proposed by Antonio Estavan who draws attention to the fact that what we refer to regularly as drought is merely the state caused by pursuing a water resources policy based on the continually increasing use of water resources. This policy has created demands, which cannot be supported by the actual availability of resources, which in turn has created excessive pressure on aquatic ecosystems and a corresponding increase in our vulnerability in the face of any reduction in natural supplies. As a consequence, so our author informs us, it is necessary to revise the bases of water resource planning, with particular respect to the supplies produced by our over-estimated ecosystems, and to base our usage on the principle of caution (Estevan, 2005).

With these thoughts on the definition of drought we can proceed to analyse the characteristics which a drought must be fulfil to justify the non-fulfilment of the requirement to prevent deterioration of water resources as set out in the Community legislation.

Perhaps the most important condition is that the drought should be the result of “natural causes or force majeure”. This condition aims to prevent that a drought caused by human activity should justify the short-term deterioration of the body of water. However, to distinguish the causes of the drought is not always a clear and simple matter. To achieve this distinction it is necessary to rely on a range of indicators whose data may not be influenced directly by anthropic action. For example the level of water in a reservoir or the piezometric level of an aquifer depend directly on human action in managing supply and cannot, therefore, be considered in itself an adequate indicator to demonstrate the natural cause of a drought, although it still offers an extremely useful indicator of scarcity of resources for management purposes. It is, therefore, necessary, to revise existing indicators and to differentiate those which show exclusively natural climatological events from those which show situations of water shortage capable of influencing human life. Only on the basis of indicators for natural climatological phenomena can we make a legal decision on whether the drought is the result of natural causes or not.

The Directive moreover describes a drought as “of prolonged nature” but offers no definition of the length of such a period of time. When a drought is referred to in everyday language as of prolonged duration an element of comparison or point of reference is made to the usual duration of periods of drought. A drought would be prolonged in the measure in which its persistence or duration exceeded the normal period. To determine the threshold of frequency which might enable us to discover

whether we are facing a prolonged drought or not, it will be necessary to resort to statistics of occurrences in the relevant Hydrographic Table. In any event and as a preliminary approximation it seems logical that in the mediterranean climate a prolonged drought always lasts more than a hydrological year.

Drought has, moreover, to be “exceptional or one not capable of reasonable prediction”. An exceptional drought is one that is distinguished from the general norm, which tends to happen when it is of an abnormal duration or intensity. A drought which cannot be reasonably predicted is one whose occurrence is improbable, that is to say a drought, which given the frequency with which it occurs within a determined location and period of time, is unlikely to occur. It appears that both cases lead to an abnormal drought and one that is, therefore, exceptional and difficult to predict. However, in order to be able to establish a starting point from which a drought might be considered abnormal in a specific Hydrographic table it is necessary to resort to a historical analysis of occurrences. In any event and as a preliminary approximation it appears logical that an exceptional drought and one which is difficult to predict in a mediterranean hydrographic basin may be one which has a recurring timescale of at least fifty years according to the study undertaken by Prof Pita López (Pita, 2007).

The drought and the conditions which must coincide should be set out in a prior and specific manner in the Hydrographic plan for the basin as well as the indicators and, therefore, the criteria which need to be taken into account. It should be borne in mind that there are at least two criteria which must be taken into consideration: on the one hand the evolution of climate change constitutes a factor with a growing influence on the scarcity of water supplies and drought, and on the other hand the rigorous application of the principle of environmental forward planning.

In short the only type of drought which can justify a temporary deterioration in the body or mass of water is that which, in accordance with the specific indicators and values set out in the Hydrological basin plan, is identified and regarded as of natural origin and has a duration and intensity which are unusual and not capable of prediction in the range of the Hydrographic tables.

Conditions Related to the Adoption of Measures

In addition to the conditions described on the characteristics of drought the Water Framework Directive also establishes the conditions of operational character for considering that the response to drought conditions may justify a short-term deterioration in the state of water. Implicit also in the establishment of these operational conditions is the need to guarantee the useful effect of the Directive and to guarantee under strict conditions that the exception is not used in an inappropriate or fraudulent way to support unjustified failure to comply with requirements.

The aim of these operational conditions focuses on the different aspects of environmental protection, in other words the prevention of new situations of deterioration and the protection and improvement of the state of the ecosystems. In this way

we are faced with the requirement to adopt measures of a preventive nature for the body of water affected or at risk of becoming so, and the measures of recovery for those bodies of water already affected.

The rule demands that all feasible measures should be adopted to prevent the further deterioration of the status of the body of water and to prevent risk to achieving the Directive's targets for other bodies of water not affected by these circumstances. It is a question of a coherent condition with the principle of environmental forward planning in the Community legislature (article 174.2 of the TEC), moreover it should be borne in mind that the aim of the Directive is to establish a framework for the protection of water resources which "might prevent all additional deterioration" in the state of aquatic and directly dependent surface and wetland ecosystems (article 1 of the Directive 2000/60/EC). The achievement of this condition shares its specific character with the principle set out in the Directive since reference is made to "all" feasible measures which is to say that if any measure exists which was capable of being adopted and which was not considered for fulfilling this objective, it would be regarded as a failure to comply with this legal condition. To determine which measures fulfil the condition of "feasible" or capable of being adopted one must remember that the Water Framework Directive distinguishes between basic, complementary and additional measures (article 11 of the Directive 2000/60/EC) and incorporates an annexe listing such measures (annex VI of the Directive 2000/60/EC), as a result of which in the definition of feasible measures one must include in all cases those listed in this source. As a limit the Directive requires that the measures available should not put at risk the recovery of the quality of the body of water once the circumstances that have brought about their adoption have abated. As for the time allowed to react to events, although the Directive makes no express comment on this point, logic leads us to conclude that a quick response is essential, using the least time possible since delay in reacting and adopting measures tends to lead to a disproportionate increase in the costs of recovery.

The Water Framework Directive also requires that the measures that must be adopted in these exceptional circumstances be included in the Programme of measures. One might ask whether it is possible to adopt a measure even though it is not included in the established Programme of measures, the Directive does not exclude this possibility at a later stage if its adoption is justified and it conforms to all the conditions applicable and in a simultaneous or successive form might promote its inclusion in the corresponding Programme of measures.

With reference to the territorial field of measures to be adopted the Framework Directive on Water Policy also includes a preventive judgement which covers both the bodies of water already affected as well as those bodies not yet affected but which are liable to become so, and accordingly are at risk of failing to meet the environmental targets.

As regards the short-term extension of its application one must remember that the requirement to adopt protective measures is a matter of dynamic character and therefore, makes no response to a single moment, rather to a process of application and monitoring which requires the adoption of all additional measures which turn

out to be necessary as a result of the annual review of the effects of drought. The additional measures will be required to meet the same conditions as those already adopted.

Conditions of Information and Public Participation

However briefly it is important to draw attention to the necessity of integrating public participation in the planning and management of droughts and to raise a few points.

There exists a series of requirements in the field of environment with regard to access and dissemination of information, public participation in the taking of decisions and legal protection of those rights, which is included in the Treaty of Aarhus 1998 (Convention on Access to Information, Public Participation in Decision Making and Access to Justice in Environmental Matters, done at Aarhus, Denmark, on 25 June 1998) which has been confirmed in the Community body of legislation (Regulation (EC) No 1367/2006, Regulation (EEC) No 1210/90, Directive 2003/4/EC and Directive 2003/35/EC). These requirements apply in the subject field that is the object of this study.

In addition to these general requirements, however, the Water Framework Directive expressly states that "Member states will promote the active participation by all interested parties in the application of the present Directive" (article 14 of the Directive 2000/60/EC), this requirement serves to reinforce the general demands and imposes the need to involve all interested parties, whether through general interest such as environmental protection or from private economic interest such as those of users.

In this respect it is necessary that all interested parties be identified and that the matter be promoted by means of the dissemination and provision of access to the information, in the same way as via its consultation from the very beginning when all options are still open.

It should be pointed out that in a planning process which regards drought as a natural risk, which should be acted upon in a preventive and progressive manner, the establishment of thresholds for the adoption of measures should include among the interested parties the operators affected by the said measures. A case worthy of mention on the progressive participation by certain agents involved in the adoption of measures is to be found for the urban supplies in the concept of Francisco Cubillo for the Canal de Isabel II (Cubillo, 2003). In whatever case one must not fail to include among the interested parties those non-governmental organisations that monitor the interests of the environment.

Nevertheless the consumption of water in situations of shortage or of drought depends to a large measure on social habits and to change these customs it is essential to devote strenuous effort to promoting the understanding and joint responsibility of the public in general. One should bear in mind that whoever is involved in the decision making process will feel an obligation through his own volition and not from pressure from elsewhere.

In summary the participation by interested parties and by the public in general in the plans and programmes aimed at alleviating the effects of drought is a requirement laid down in the Community legislation (Directive 2000/60/EC, Directive 2003/4/EC and Directive 2003/35/CE) and, although in the application of the said plans or measures the sole requirement is for the participation of interested parties as has already been described, it is equally necessary to involve the general public to ensure its effectiveness.

Conclusions

The Water Framework Directive has as its principal objective the protection of the water resources to prevent all additional deterioration and, protect and improve the status of aquatic terrestrial ecosystems and the dependent wetland systems for which only in exceptional cases set out by the Directive is permission given for non-fulfilment of this requirement and the environmental objectives which specify it for all bodies of water.

The system of planning and management set out by the Water Framework Directive requires that the responses to all situations of shortage of water resources which have a social cause must be integrated into the Hydraulic Basin Plan and its Programmes of Measures and Response as a result of which no justification is possible under any circumstance for the short-term deterioration of the state of the body of water.

Equally the responses to the droughts of natural origin whose intensity and duration may not be exceptional or which it may have been possible to predict with reasonable accuracy, must also be included in the above-mentioned planning. Consequently these droughts also cannot be used to justify the short-term deterioration of the state of bodies of water.

The characterisation of situations of exceptional drought, the indicators and appropriate thresholds together with the measures to be adopted for the protection of water resources and ecosystems which may be affected, must be included in the Hydrological Basin Plan and in the programmes of measures and corresponding follow-up.

Only droughts of natural origin and of exceptional character on account of their duration and intensity which, as a result, could not be predicted with reasonable certainty, justify the implementation of a temporary deterioration in the state of the body of water provided the appropriate feasible measures have been adopted to prevent the continuing deterioration of the body of water affected or at risk of becoming affected, or where the fulfilment of environmental objectives are at risk.

It is incumbent on Member States of the European Union to adapt their internal legislature to the Water Framework Directive which requires that hydrological planning regulates the situations of exceptional and non-exceptional drought within its hydrological planning and to have established in a compulsory standard the conditions whereby the exceptional drought may justify a short-term deterioration of the body of water.

The Member States must make up the informational gaps on the rights, usage and actual updated consumption of water resources, distinguishing those protected by law from those that are not protected. This information may be disseminated publicly via the Internet. This data together with updated and effective figures for the quantity of water available will facilitate a more efficient and effective planning programme and one capable of coping with situations of shortage or drought.

It is necessary to review the current system of indicators in order to clearly distinguish the indicators which enable us to determine whether a drought is the result of natural causes or, on the contrary, whether human intervention may also be a factor in its origin. The use of planning indicators such as the levels of water in reservoirs or the piezometric level of the aquifers are unsuitable for this purpose since they are subject to the effect of human action. It will also be necessary to establish indicators to define the environmental requirements in the event of drought in accordance with its level of intensity, and to define the thresholds that involve the need to adopt defensive measures to meet such eventualities.

In the event that the State draws up specific plans to alleviate the effect of droughts, it is equally necessary that such plans should be designed and structured in such a way as to be capable of integration into the future Hydrological Basin Plans. The measures that will be established in these planning tools will need to be evaluated in the same form as the Directive requires for the Programmes of measures of which they form part. Among the measures to consider for these plans will figure those for environmental protection which will determine in a fixed and forward-looking form an adaptation to the environmental needs at the different levels of intensity of drought, protective measures appropriate to confront the said needs, and measures required to restore the status in order to fulfil the environmental objectives once the exceptional situation has abated. These plans will need to create concrete measures to promote the active participation both of interested parties as well as of the public in general, also in a progressive form consistent with the intensity of the drought.

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