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## Final Report by the Experts

**Advice case title :** Cross-border freshwater sharing between France and Flanders

Full official name of the advised entity : Provincie West-Vlaanderen (Belgium)

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## II. Executive summary

The present b-solutions expert report has analysed the case "Cross-border freshwater sharing between France and Flanders" submitted by the Province of West Flanders. The central issue concerns the administrative and legal coordination of cross-border water management between Flanders (Belgium) and France, particularly in relation to three major rivers: the Schelde (Escault), the Leie (Lys), and the IJzer (Yser). These rivers originate in France and flow into Belgium (Flanders), affecting the region's water management systems, including flood control, water retention, and broader climate adaptation efforts (floods and droughts), as well as cross-border agreements on groundwater management.

The water balance in this area is shaped by the combined influence of these three rivers (surface water) and the underlying groundwater system. Additionally, both the IJzer and the Schelde are used for drinking water production in Flanders. International agreements concerning both water quantity and quality are therefore of critical importance. A number of smaller watercourses also cross the border into Flanders. The obstacle encountered concerns the administrative and legal coordination of cross-border water management between Flanders (Belgium) and France. A recurring issue raised was the lack of clarity about the appropriate counterpart on the other side of the border.

Despite the vital importance of these waterways, two primary categories of obstacles hinder integrated water management in the region:

1. **Administrative and Legal Fragmentation:** Coordination is hampered by a complex institutional landscape characterized by disparate jurisdictional competencies and a lack of alignment between stakeholders. A major recurring issue is the difficulty in identifying appropriate counterparts on the other side of the border. While technical expertise exists, cooperation often relies on personal contacts and ad hoc initiatives rather than structural, sustainable institutional systems.
2. **Communication and Information Flow Deficiencies:** There is a significant disconnect between different governance levels. The top-down flow necessary to operationalize results from high-level cooperation bodies is limited, as is the bottom-up flow required to set agendas based on local operational needs. Furthermore, while international data-sharing conventions exist, the data often fails to reach the local level, leading to the creation of redundant, specific local exchanges.

The legal framework for this cooperation is rooted in both international and regional law, though it remains incomplete and sometimes outdated.

To sustain and optimize cross-border water management, there is a clear need for greater institutionalization to move beyond ad hoc cooperation. This report proposes a roadmap focused on aligning mutual needs, formally translating these needs into updated agreements—including a potential new treaty for the IJzer—and improving the operationalization of existing data-sharing and communication tools.

### III. Description of the obstacles and their causes

Both the top-down flow necessary for the effective operationalization of the results achieved in the cooperation bodies, and the bottom-up flow of information required to lead to agenda setting in line with operational needs, appear to be very limited today. Like the flow of water itself, cross-border cooperation in the Franco-Belgian region moves in waves. The cooperation infrastructure that exists today has been built on the basis of river oriented bilateral agreements and ad hoc cooperation initiatives either on a project basis or on the basis of a specific cooperation structure.

#### III.A. The cross-border region in the case study

The water balance in the border region between Flanders and France is determined by the Schelde, the Leie and the IJzer together (surface water) and the ground water system. In addition, both the IJzer and the Schelde are used for drinking water production in Flanders.

Besides the importance of these 3 large watercourses, there are also some smaller watercourses that also cross the border into Flanders: “*Canal of DunkerqueNieuwpoort*”, the “*Ringsloot*”, de “*Bergenvaart*”, “*Spierebeek*”, “*Canal Spiere*” and the “*Canal of Roubaix*”. The drainage of the “*Ringsloot*” and the “*Bergenvaart*” occurs in ‘*normal*’ conditions towards Dunkerque.

The Canal of Dunkerque-Nieuwpoort drains to the sea via Nieuwpoort under ‘*normal*’ conditions. In times of high water, a temporary shared drainage to Nieuwpoort and Dunkerque is possible.



Figure 1: Studied territory (source: Zuidijzerpolder)

### **III.B. Description of the obstacle**

The obstacle encountered concerns the administrative and legal coordination of cross-border water management between Flanders (Belgium) and France, particularly concerning three significant rivers: the Schelde, the Leie (Lys) and the IJzer (Iser). However it is clear that cross-border water management is crucial in this area for drinking water supply, ecological protection of watercourses and protection against floods.

A (legal) framework facilitating different aspects of cross-border water management, such as resource management, infrastructure management and disaster management is in place, but both legal and administrative obstacles seem to hinder integrated water management in this region. For example, attempts of cross-border water management are often hampered by misaligned stakeholders, disparate jurisdictional competencies, and regulatory divergence. Therefore, the applicant states that the aim of the b-solutions case is to foster an increased cooperation focussing on different dimensions:

1. Improved water management
2. Enhanced emergency preparedness
3. Sustainable development initiatives
4. Joint research and innovation
5. Bilateral funding opportunities
6. Enhanced Policy Alignment

Both the top-down flow necessary for the effective operationalization of the results achieved in the cooperation bodies, and the bottom-up flow of information required to lead to agenda setting in line with operational needs, appear to be very limited today. Like the flow of water itself, cross-border cooperation in the Franco-Belgian region moves in waves. The cooperation infrastructure that exists today has been built on the basis of river oriented bilateral agreements and ad hoc cooperation initiatives either on a project basis or on the basis of a specific cooperation structure.

The effective functioning of this cooperation infrastructure currently appears to be highly dependent on personal contacts and conjunctural political agenda setting. In order to sustain the different cooperation initiatives, there is a clear need for greater objectivity, which can only be achieved by placing strong emphasis on the institutionalisation of cooperation in the border region. Today, an institutionalisation of the cross-border infrastructure on the level of the concerned border region is lacking. However, the success of cross-border water management is related to the nature of the institutional arrangements that have developed.<sup>1</sup>

This report analyses the identified obstacle and formulates possible solutions that are assessed in the light of the forementioned dimensions. The formulated solutions build as much as possible on the existing cooperation framework.

Observing the example of the cross-border cooperation concerning the Gent-Terneuzen trajectory<sup>2</sup>, the applicant considers a formal agreement to be a useful instrument to overcome the encountered legal and administrative obstacles. This

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<sup>1</sup> Specifically related to the importance of institutionalization of cross-border cooperation in water management, see for example Mark Wiering & Joris Verwijmeren, 2012. "Limits and Borders: Stages of Transboundary Water Management," *Journal of Borderlands Studies*, Taylor & Francis Journals, vol. 27, 258.

<sup>2</sup> The Ghent-Terneuzen Canal connects Ghent to the Western Scheldt via the North Sea locks in Terneuzen.

report takes a formal agreement into consideration as one of the mitigating instruments that can be developed.

### III.C. Methodology

The study was carried out by two *b-solutions* experts through an analysis of legal texts, institutional homepages and policy documents, as well as interviews with local, state and international authorities involved in (cross-border- water management and/or active within the studied territory. An overview of the interviews and sources is included as appendix (1) to this report.

## IV. Competent institutions in Flanders and France

In order to formulate possible ways to improve the cross-border cooperation, it is necessary to have an overview of the authorities in charge of water management.

### IV.A. Competent institutions in Flanders (Belgium)

The Belgian system is characterised by federalism, which results in a division of water-related competencies between the Regions and the Belgian Federation (maritime).

Within the ***Flemish Region, various governmental departments and agencies*** have water-related responsibilities. The main responsibilities with regard to water management fall under the policy domains *Environment* and *Mobility and Public Works*. In addition, the policy domain *Agriculture and Fisheries* is also involved in water policy.

Furthermore, the ***provinces, the municipalities, polders, and drainage boards*** — are involved in the water management within the region.

The competences on water management, both on the regional as on the local level, is summarised below.<sup>3</sup> Some of the listed authorities do not have legal competence with regard to water management, but are involved in the policy making process. Input from individuals involved in the practical rollout of water management indicates that the alignment (or coordination) between the legally competent authorities and the authorities involved in the policy-making process is not always optimal today, and thus constitutes a point of attention (or focus area). For example, the alignment on water management between the different competent authorities is merely structural imbedded.

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<sup>3</sup> This overview is based on information provided by the Flemish government on its website and supplemented with information provided (<https://www.integraalwaterbeleid.be/en>) by the applicant. An up to date overview of the watermanagement related competences within the Flemish region can be found on <https://www.integraalwaterbeleid.be/en> (last consultation 2025)

## **Flemish government: policy domain Environment**

### **Competent authorities**

The **Flemish Environment Agency** (Vlaamse Milieumaatschappij, “VMM”) manages groundwater and non-navigable watercourses of the first category.<sup>4</sup> The VMM aims to restore the ecological quality of these watercourses. By creating space for water and developing flood forecasting tools, the VMM seeks to minimize flood damage as much as possible. In addition, the VMM oversees the development of both municipal and supra-municipal sewer networks and monitors them from both ecological and economic perspectives. It collects levies on water pollution and groundwater extraction, and provides advice on applications related to wastewater and groundwater. Furthermore, the VMM measures and monitors the quantity and quality of surface water, groundwater, and waterbeds, and reports on the results. It also monitors drinking water production and distribution. Finally, the VMM coordinates and organises the planning of integrated water policy in Flanders. It presides over the Schelde Integrated Policy Coordination Committee who is establishing the water management plan for the Schelde basin (*Stroomgebiedbeheerplan voor de Schelde*).

### **Authorities involved in policy making**

The **Department of Environment** supports and guides municipalities in erosion control, prepares the Flemish climate plan, supervises certain companies with specific environmental permits, and strives to integrate ecology into infrastructure. Moreover, the department develops spatial planning policy and makes decisions based on a shared spatial vision in the interest of society. It supports, among other things, the demand for more space for water in line with the integrated water policy and seeks the best spatial solutions using an area-specific, integrated, and network-based approach.

The **Agency for Nature and Forests** (Agentschap voor Natuur en Bos, “ANB”) manages public green spaces, parks, nature, and forests in the Flemish Region in the most sustainable way possible. Water is inherently linked to this. Public fisheries also fall under the responsibility of the ANB.

The **Flemish Land Agency** (Vlaamse Landmaatschappij, “VLM”) promotes sustainable fertilisation to improve water quality, concludes management agreements with farmers who voluntarily engage in nature, environmental, and landscape care, carries out land development projects to improve the quality of open space, and manages the land bank.

The **Public Waste Agency of Flanders** (Openbare Vlaamse Afvalstoffenmaatschappij “OVAM”) strives for sustainable waste and materials management and clean soil in Flanders. Groundwater, sediment, and dredged material are closely intertwined with the water system.

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<sup>4</sup> In Flanders, non-navigable watercourses are classified into four distinct categories, determining the competent authority. Watercourse categories reflect their relative importance: **general** (Category 1), **regional** (Category 2), and **local** (Category 3).

## **Flemish government: Policy domain Mobility and Public Works**

### **Competent authorities**

The ***Department of Mobility and Public Works*** supports policy for safe, smooth, and smart mobility, as well as for the integrated and efficient investment in, management, and operation of transport and port infrastructure. Its responsibilities also include scientific research, technical support, and advice related to water systems, navigation, and infrastructure. The multifunctional use of waterways is actively promoted.<sup>5</sup>

***The Flemish Waterway Authority*** (De Vlaamse Waterweg nv “VWM”) manages and operates the waterways and adjacent lands. It takes into account the interests of all stakeholders: water-related businesses, shipping, recreational users, public authorities, and more. Ensuring safety—particularly in terms of flood risk management—is a major challenge.<sup>6</sup>

***The Agency for Maritime and Coastal Services*** ensures safe and smooth maritime traffic to and from the Flemish ports, protects the coastline against flooding, and manages the coastal zone in a sustainable manner.<sup>7</sup>

***The Agency for Roads and Traffic*** manages regional roads and the ditches alongside them, making it an important partner in water-related works.

### **Provinces**

The provinces manage the non-navigable watercourses of the second category (outside the jurisdiction of polders and drainage boards). As part of the internal state reform, many third-category watercourses were reclassified as second-category watercourses.

The provinces play a role in preventing water-related nuisances and are responsible for decisions on environmental and nature permits. As watercourse managers, they provide advice on urban planning permit applications that could have a significant impact on water. The provincial executive serves as the appeals body for permit applications.

### **Municipalities**

In principle, municipalities also have a wide range of responsibilities related to water. They manage third-category watercourses, public ditches, and municipal roadside ditches. They themselves, or a sewer operator appointed by them, are responsible for the collection of domestic wastewater. Municipalities also take the lead in developing local erosion control plans, are responsible for issuing environmental permits, applying

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<sup>5</sup> [www.mobielvlaanderen.be](http://www.mobielvlaanderen.be).

<sup>6</sup> [www.vlaamsewaterweg.be](http://www.vlaamsewaterweg.be).

<sup>7</sup> [www.agentschapmdk.be](http://www.agentschapmdk.be).

the water test, and more. As the primary planners and managers of public space, municipalities are key partners in water policy.

Municipal port authorities manage parts of the waterways that do not belong to the maritime access routes (e.g., mooring places), provided that the respective port authority owns them or has been assigned their management.

In the province of West Flanders, all municipalities have transferred the relevant powers to the provincial competence level.

### **Polders and Drainage boards**

Polders and drainage boards are responsible for managing non-navigable watercourses of the second and third category within their jurisdiction. They also manage public ditches located within their area of authority. Outside the areas where Polders or Waterings are established, watercourses of the second category are managed by the province, and those of the third category by the municipality.

### **Aquafin**

Aquafin, a state-owned company, develops the supra-municipal wastewater infrastructure on behalf of the Flemish Region and manages collectors, pumping stations, and wastewater treatment plants. Aquafin also acts as a sewer operator at the request of a municipality.

The drinking water companies are responsible for the production, distribution, and transport of drinking water. Since 2005, they have also been subject to sanitation obligations. This means that drinking water companies not only supply drinking water but are also responsible for the treatment of the used water.

## **IV.B. Competent institutions in France**

France is a single, indivisible republic: there is only one state and laws are passed in Paris and applied in principle throughout the national territory. Public action at local level is organised in different geographical areas: municipality (*commune*), inter-municipality (*communauté de communes, pays, métropole...*, etc.), *département* (e.g. Nord), *région* (e.g. Hauts-de-France), which do not always coincide with the boundaries of river basins and sub-basins, delimited by surface water divides.

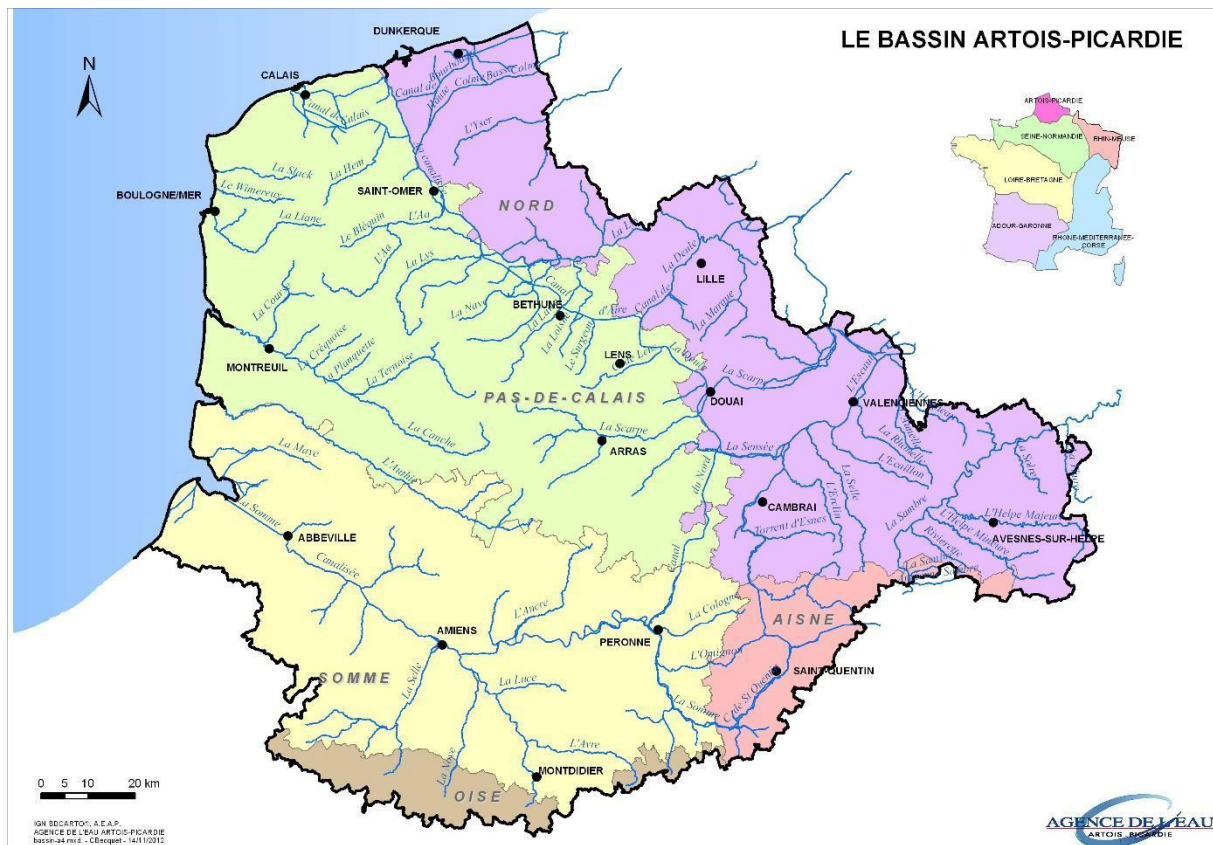


Figure 2: Artois Picardie Basin and Departments in France. Source: Artois Picardie Water Agency

Several public actors operate within these different administrative areas: the State and its public institutions on the one hand, and local authorities and their groupings on the other. The competencies of each body regarding water management are defined in the water law (*loi sur l'eau*)<sup>8</sup>.

#### IV.B.I. Central government departments

The ministries in Paris issue ministerial decrees (*arrêts ministériels*), propose draft decrees (*décrets*) to the Council of Ministers, prepare bills (*lois*) for Parliament and negotiate international treaties. They act through national strategies aimed at setting objectives, mobilising all stakeholders and guaranteeing the means to achieve these ambitions. They issue general guidelines that are then implemented in the regions.

**The Ministry for Ecological Transition**<sup>9</sup> is a state body that implements government (executive) policy in areas related to ecology and the protection of biodiversity, water, the sea, etc.

<sup>8</sup> Law adopted by French Sénat and Assemblée Nationale of 30 December 2006 on water and aquatic environments (Loi n° 2006-1772 du 30 décembre 2006 sur l'eau et les milieux aquatiques), Paris, JORF n°0303, 31.12.2006, P. 125-177.

<sup>9</sup> Exact name of the Ministry responsible for the environment in 2025, which changes with each government: Ministère de la Transition écologique, de la Biodiversité et des Négociations internationales sur le climat et la nature. <https://www.ecologie.gouv.fr/>

The **Ministry of Health** (*Ministère de la santé*) is responsible for environmental health. For example, it sets the limit values for bathing water and drinking water quality and monitors these values.

The **Ministry of Foreign Affairs** (*Ministère des affaires étrangères*) is involved in the signing of international treaties.

#### IV.B.II. State services in the region Hauts-de-France

“Deconcentration” is the transfer of power from the central administration (ministry) to local civil servants within territorial constituencies, while retaining authority over them. Appointed by the President of the Republic by decree in the Council of Ministers, **the Prefect** represents the State in the département or région. He or she may issue prefectural decrees (*arrêtés préfectoraux*), chair certain monitoring committees and manage crises. Restrictions on water use in France can be consulted on the Vigieau website<sup>10</sup>.

A regional state administration prepares prefectural decisions: the **Regional Département for the Environment, Planning and Housing** (*Direction Régionale de l’Environnement, de l’Aménagement et du Logement DREAL*). Under the authority of the regional prefect and departmental prefects, it implements the public policies of the Ministry for Ecological Transition. The DREAL Hauts-de-France oversees the Artois-Picardie river basin delegation. It coordinates the actions of state services in the Artois-Picardie basin, facilitates and consults on issues, and reports them at the national level. It chairs the basin committee responsible for preparing the SDAGE, a management plan for the Artois-Picardie basin, and coordinates the preparation of the Flood Risk Management Plan (PGRI).

At the operational level, the **Departmental Directorate for Territories and the Sea** (e.g. *Direction Départementale des Territoires et de la Mer* - DDTM Nord) advises the departmental Prefect, organises consultation, coordinates environmental policing (e.g. authorising withdrawals and discharges, ex-post controls), reports and deals with accidental pollution. Its section “MISEN” is coordinating all local state offices and directorates dealing with environmental issues.

**The Regional Health Agency** (*Agence Régionale de Santé ARS Hauts-de-France*) reports directly to the Ministry of Health, without being under the authority of the Prefecture. It monitors drinking water collection points.

State services work in cooperation with further public bodies.

**The French Office for Biodiversity** (*Office français de la biodiversité OFB*) is a national public institution dedicated to the preservation of biodiversity, responsible for its protection and restoration. As part of its environmental policing role, the OFB's regional offices monitor areas of environmental interest and raise awareness among users about environmental protection and the regulations in force, and even report infringements. The OFB carries out water quality and aquatic environment preservation checks at the request of the DDTM.

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<sup>10</sup> <https://vigieau.gouv.fr/>

**Water agencies** (*Agence de l'eau*) are public administrative bodies under the supervision of the Ministry in charge of the Environment, operating at the level of a large French river basin. They assist local authorities, industrialists, farmers, fishing and nature conservation associations in financing, supporting and promoting their projects and initiatives to improve health, the living environment, water resource conservation and biodiversity.

They subsidise their work and projects of common interest by redistributing the fees collected for water abstraction and for the deterioration of environmental quality.

**Voies navigables de France** maintains navigable waterways on behalf of the State and can therefore be an important partner in infrastructure projects or flow regulation.

#### IV.B.III. Local stakeholders

Decentralisation is the transfer of powers and resources from the State to separate authorities. Local authorities include municipalities (*communes*), *Départments*, *Régions*, special status authorities and overseas authorities. Local authorities have legal personality (autonomous legal existence), their own resources and powers, and therefore enjoy local autonomy exercised by elected bodies within the framework of the law and under the control of the French State. It is common for the same project to be subsidised by different local authorities.

When it comes to water management, the municipalities and their associations are at the forefront:

**Inter-municipal cooperation** is a form of cooperation between municipalities, which can join together to jointly manage public facilities or services and develop projects for economic development, planning, urban development, mobility, etc. This cooperation is implemented within public establishments for inter-municipal cooperation (*Etablissement Public de Coopération Intercommunale "EPCI"*), which represent the municipalities (e.g. Métropole européenne de Lille). These bodies can in turn join together to create a **joint association** with a single or multiple purposes (*syndicat mixte à vocation unique ou multiple*):

- To manage drinking water production and sanitation (and possibly delegate this to a private company),
- Or to maintain and protect a watercourse and prevent flooding (*Gestion des milieux aquatiques et prévention des inondations*- GEMAPI),
- And/or to provide administrative support for coordinating bodies such as the Local Water Commission (*Commission locale de l'eau*), which establishes and monitors the Water Development and Management Scheme (*Schémas d'Aménagement et de Gestion des Eaux* - SAGE)<sup>11[1]</sup>, a river-level water development and management plan.

GEMAPI is an operational competence for implementing the objectives of the river-level water development and management plan SAGE objectives, through river

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<sup>11[1]</sup> The administrative support (or management) for the **SAGES** (*Schémas d'Aménagement et de Gestion des Eaux* – Water Development and Management Schemes) can vary from year to year and is not always identical to the **GEMAPI** (*Gestion des Milieux Aquatiques et Prévention des Inondations* – Aquatic Environment Management and Flood Prevention) responsibility. -

maintenance programmes, wetland restoration, construction of flood defenses, hydraulic engineering works.

Local water management is undergoing frequent reform. The most significant change was the transfer of aquatic environment management and flood prevention (GEMAPI) to EPCIs and municipalities in 2018<sup>12</sup>. The option given to EPCIs and municipalities to potentially join forces has created or modified a large number of joint river management associations (*syndicats mixtes*)<sup>13</sup>. This variable geometry organisation has made it possible to adapt to hydrographic realities but has hampered clarity. This is why discussions are underway to reform it once again. For example, project management, the pooling of technical expertise and planning are being transferred to public territorial basin establishments (*établissements publics territoriaux de bassin "EPTB"*) set up at the watershed level. An EPTB for the Leie-IJzer is expected to be created in 2026.

**Municipalities** remain important players, as their elected representatives sit on these bodies. In addition, they are consulted by state services when a project affecting a watercourse directly concerns them.

Two local authorities, the Département (which had responsibility for river management until 2017) and the Région, are involved on a voluntary basis, mainly through subsidy programmes for small municipalities or participation in projects. As these responsibilities are not mandatory, the forms of intervention by the Région and the Département may vary after elections or in the event of budgetary difficulties.

The **Department of the North** supports essential development work in sanitation, watercourse management and maintenance, and flood and soil erosion control.

The **Region of Hauts-de-France**, officially leader for economic development, biodiversity and sustainable regional planning, is also in charge of managing European Regional Development Fund( "*ERDF*") , which can be used for river renaturation or water quality monitoring projects and supplemented by co-financing from the Region.

**The Flanders-Dunkirk Urban Planning Agency** (*Agence d'urbanisme Flandre Dunkerque "AGUR"*) is carrying out a programme of studies based on the needs identified by its public and private partners. It draws up land use planning documents and contributes to flood management and prevention plans on behalf of inter-municipal authorities that do not have the technical expertise in-house. Due to the significant impact of climate change and flooding, AGUR has developed expertise in these areas and participates in numerous local and cross-border development and awareness-raising projects. It is a founding member of the West-Vlaanderen/Flandre-Dunkerque-Côte d'Opale EGTC (see section on cross-border cooperation), the result of a proactive approach to Franco-Belgian cooperation.

Finally, the contribution of **private owners, industries and farms** is essential for the maintenance of watercourses and compliance with rules relating to water quantity and quality (e.g. restrictions on use, flood prevention). Non-navigable watercourses belong

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<sup>12</sup> Reform resulting from Law No. 2014-58 of 27 January 2014 on the Modernisation of Territorial Public Action and Affirmation of Metropolises (*MAPTAM Law*), Articles 56 and 59.

<sup>13</sup> GEMAPI responsibility in 2025: Audomarois: SMAGEAA, Delta de l'Aa / Wateringues: IIW + SYMVAHEM, Scarpe aval: SMAPI, Sambre et Escaut: communities of municipalities, Deûle-Marque: Métropole européenne de Lille, Lys: SYMSAGEL, IJzer: USAN

to a multitude of riparian owners, who have a duty to maintain them. Joint associations supervise, support and sometimes replace owners in cases of public interest.

This multitude of actors consult with each other in committees or under the coordination of state services to:

- Plan improvements and implement European water and flood risks directives,
- Carry out local projects,
- Prepare decisions in times of drought.

The composition of these committees is defined by regulations and does not include any Belgian stakeholders.

#### IV.B.IV. Management levels of water management in the North of France

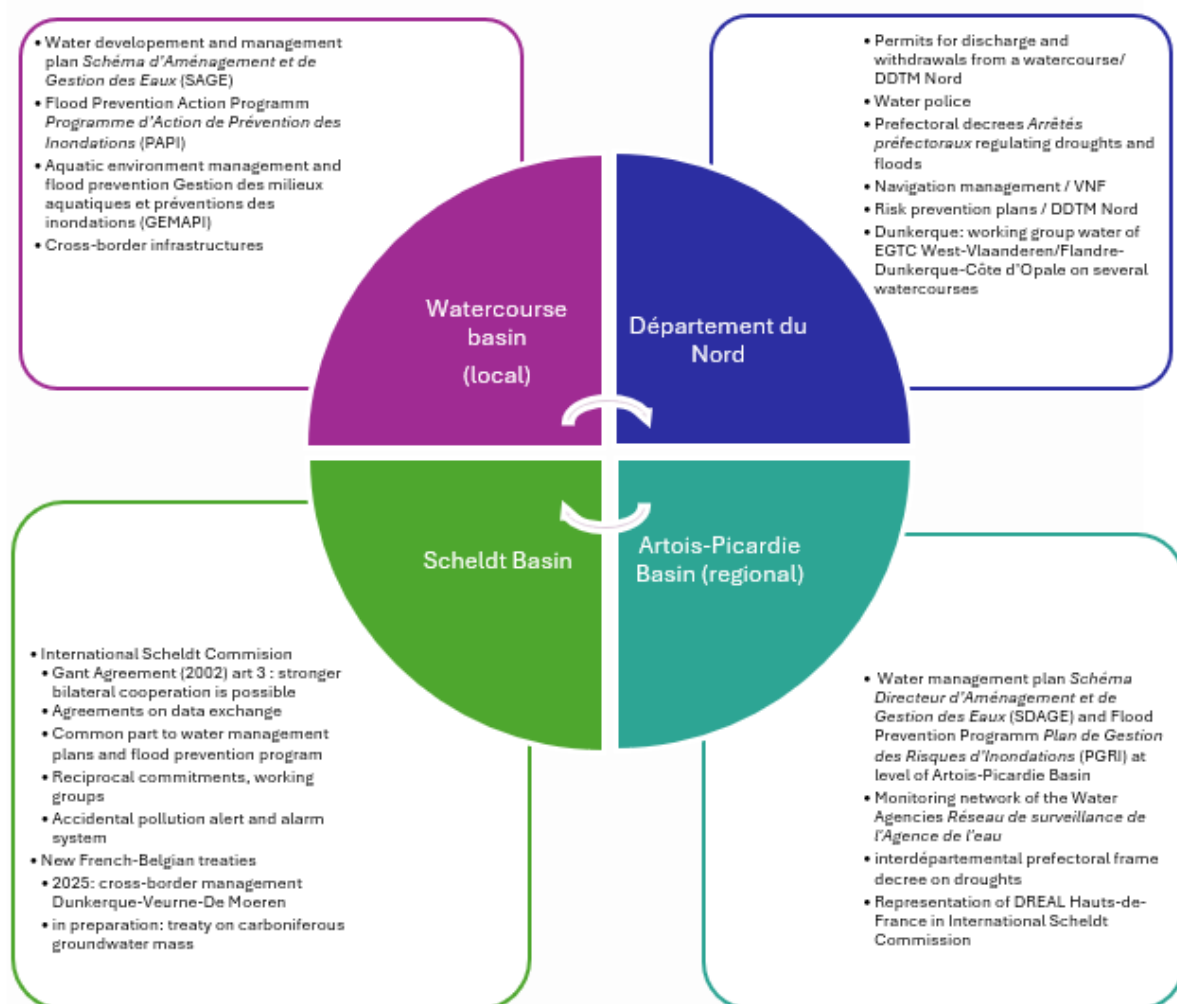


Figure 3: Stakeholders and decisions in French water management. Source: Euro-Institut

The figure above is showing that some decisions are taken at different levels. The people taking decisions at each of the four levels are not knowing each other very well and are facing really different issues. Most important rules are taken at the scale of the

river basin Artois-Picardie which includes territories situated far away from the Belgian border.

#### IV.C. Observations on the competences

Given the differences in the organisation of the internal legal systems in Belgium and France, it is not surprising that the division of responsibilities regarding water management differs significantly. While in France policy authority is situated at the central level, in Belgium policy responsibility lies mainly with the Regions. For the cross-border region that is the subject of this report, the Flemish Region is the most important, but not the only region to consider. In Belgium, there is a strong focus on interregional cooperation since many watercourses flow across regional boundaries. In France, the coordination along a watercourse or within a hydrologic basin (Artois-Picardie) is very formal and organised by national regulations. For instance, the rules on water saving or on river pollution are national or interregional, and so on not considering the impact on border countries. But in everyday life, there is in both countries a gap between the local and the regional level. The local level is more aware of the cross-border issues on common rivers but does not have the right to make the regulations.

Another important difference is the legal ownership of the riverbed of non-navigable rivers, which is presumed public in Flanders and private in France. As a following, French local associations of municipalities (USAN, IIW...) have less direct influence on the river improvement works as they have first to convince the owners.

Despite the differences in internal legal systems, it is notable that local actors on both sides of the border play an important role in water management. This naturally leads to a fragmentation of responsibilities and points of contact.

Both the differences in organisational structures and the fragmentation of competences within each country align with the experiences shared by correspondents in this regard. *A recurring issue raised was the lack of clarity about the appropriate counterpart on the other side of the border.* Not only are the responsible authorities often unclear, but identifying the specific individuals to contact within those authorities also appears to be a common challenge. In the past, *ad hoc* initiatives have been undertaken to create contact lists<sup>14</sup>, but according to the correspondents, no structural or sustainable information system currently exists.

**In** general, these *ad hoc* initiatives have been perceived to be valuable. However, the updating of the lists and sheets drawn up, etc., were identified as a weakness.

With regard to the listing of competences and roles, including individual contact details, immediate action can be undertaken.<sup>15</sup>

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<sup>14</sup> EGTC: annuary of water management 2013 <https://www.egts-gect.eu/fr/activites/eau>

<sup>15</sup> A concrete action point in this regard can be found under the section "Possible pathways for the further optimisation of the cross-border water management between Flanders and France".

## V. Existing cross-border cooperation

At present, cooperation in the field of water management is already taking place across the Belgian–French border. However, hydrographic and administrative boundaries often intersect and remain disconnected. Collaboration occurs at various levels, which currently leads to fragmented and therefore often disconnected cooperation initiatives for which alignment is not structurally embedded. Furthermore, the cooperation initiatives can be divided into different categories: international agreements (A), formally organised cross-border cooperation bodies (B), cross-border consultations (C) and cross-border cooperation projects (D). Below, for each of the different categories of several ongoing cooperation initiatives are listed in a non-limitative way.

### V.A. International agreements

Today, multiple bilateral and multilateral treaties, like for example the Scheldt Treaty,<sup>16</sup> are in force. However, most of the agreements date back a long time and are therefore no longer entirely in line with current water management needs. Furthermore, they vary in geographical applicability.

The various agreements focus on the different major rivers. This river-oriented approach is in line with the Helsinki Convention on the Protection and Use of Transboundary Watercourses and International Lakes (*“Helsinki Convention”*)<sup>17</sup>, which generally focuses on the various transboundary watercourses rather than on cross-border regions more generally.

An important point to note is that there is currently no specific agreement in force for the IJzer. Although the Schelde Treaty also partially applies to the IJzer, there is currently no text that comprehensively regulates aspects such as monitoring and data exchange for the IJzer, as stipulated by the Helsinki Convention. In other word, the IJzer currently flows, partially, in a legal vacuum. Therefore, such a treaty should be drafted and aligned with the, possibly updated, international agreements with regard to the Schelde and the Leie.

Although international agreements are an important basis for cross-border cooperation in the field of water management, it is important to take two important points of attention regarding the use of this instrument into account.

Firstly, the above mapping of competences shows that water management is a matter of different competence levels. Not all of these competence levels have the required *“ius tractati”*, being the competence to conclude international agreements.

Secondly, water management is an evolutionary given. International agreements are by definition not the most flexible instrument. This is due to the fact that the negotiation

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<sup>16</sup> Scheldt Treaty / Ghent Treaty (2002): Treaty regarding the International Scheldt Commission, signed on 3 December 2002, BS 17 July 2019 (Ed. 1, p. 71490).

<sup>17</sup> Treaty Series, vol. 1936, 269, chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://treaties.un.org/doc/Treaties/1992/03/19920317%2005-46%20AM/Ch\_XXVII\_05p.pdf.

and approval processes usually take up a lot of time. Furthermore, once the entire process of formation has been completed, the national and/or regional ratification process is also required. The lead time for both the establishment and the ratification is unpredictable.

## V.B. Formally organised cross-border cooperation bodies

Another category of cross-border cooperation on water management in the Flemish-French border region, concerns formally organised cross-border cooperation bodies. They can be established on the ground of the forementioned international agreements, but this should not necessarily be the case.

Some examples relevant for this specific border region are the International Scheldt Commission ("ISC") and the EGTC West-Vlaanderen/Flandre-Dunkerque-Côte d'Opale

### V.B.I. Convention internationale de l'Escaut - International Scheldt Commission (ISC)

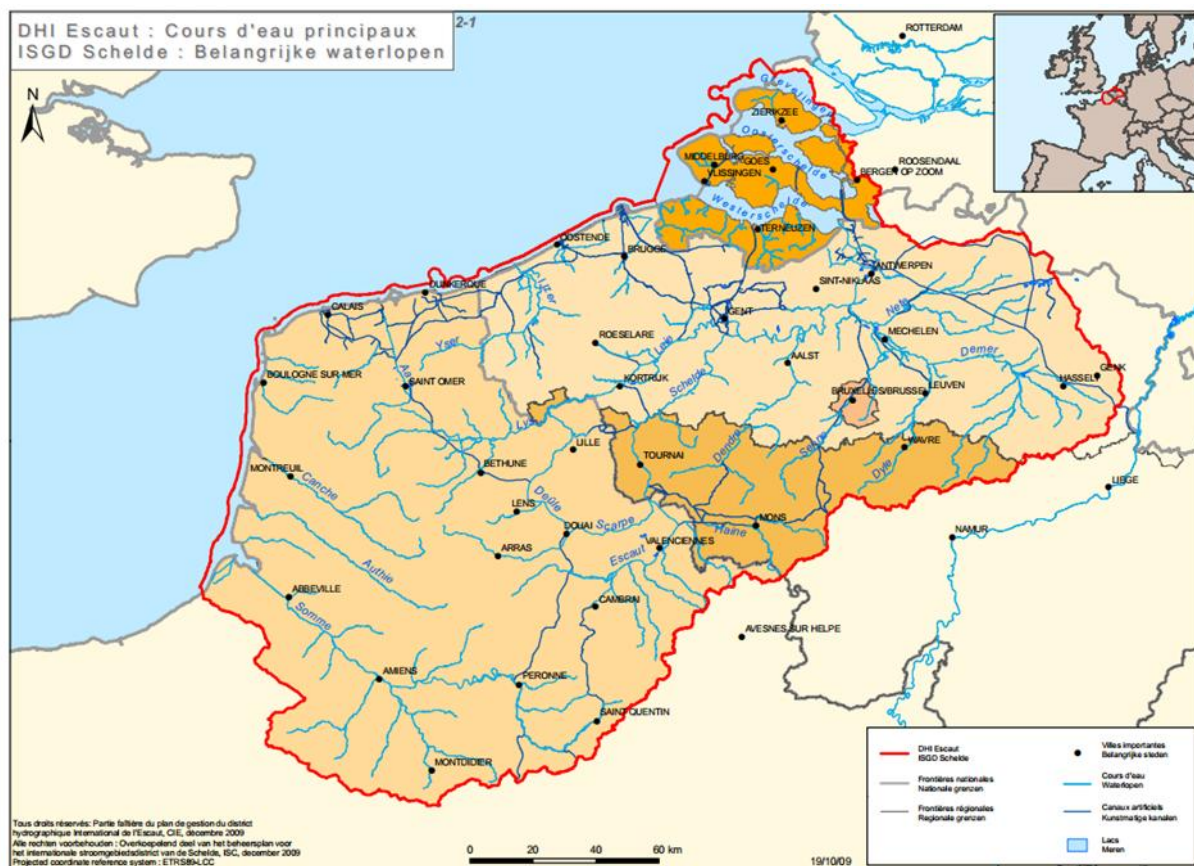


Figure 4 Rivers in the international hydrographical Schelde district. Source: International Schelde Commission

The role of the International Schelde Commission (ISC) is specified in Article 2 of the Ghent Treaty:<sup>18</sup> The parties cooperate more particularly in order to:

- coordinate the implementation of the requirements defined in the Water Framework and Floods Risks Directives<sup>19</sup> to achieve its environmental objectives and in particular all programs of measures, for the international Schelde river basin district,
- produce a single management plan for the international Schelde river basin district in accordance with the articles 3 and 13 of Water Framework Directive;
- consult and then coordinate measures for flood prevention and protection, taking into account ecological aspects, spatial planning, nature management, as well as other areas such as agriculture, forestry and urbanisation, and contribute to mitigating the effects of floods and droughts, including preventive measures;
- coordinate measures for the prevention and control of accidental water pollution and ensure the transmission of necessary information.

The single management plan<sup>20</sup> for the trinational Schelde river basin district includes the management plans of the six parties and a common part describing the issues of water quality and quantity as well as the international coordination.

The principle of consensus may slow down decision-making but has the merit of engaging the ISC stakeholders. Recently, some parties accepted enhanced cooperation between other parties without vetoing it. The DREAL Hauts-de-France ensures the coordination of the French delegation, the monitoring of all work, and the preparation of the Commission's decisions. The VMM (Flemish Environmental Agency) performs the same tasks on the Flemish side. Local actors, who are not members of the ISC, perceive it as a very political body, detached from the field. Interreg projects or local data exchange protocols are developing independently of the ISC's work, which would benefit from being better known. Even the efficient Warning and Alert System (SAA) tool for reporting a serious incident or requesting information from neighboring countries would benefit from being better known internally within each country. Indeed, the main alert centers (CPA) available 24/7 must first be aware of the incident, as they are not the day-to-day contacts for water management<sup>21</sup>. To date, there is no shared political will to also use the SAA to report pollutant threshold exceedances. Two conventions from 2017 govern the exchange of data on groundwater and flow for floods and droughts. *"The Contracting Parties signing this convention agree to the mutual and continuous exchange of hydrological data and forecasts (levels, flows) between the services listed in Annex 1[1]. They commit to reciprocity of exchanges."*<sup>22</sup> This data does not appear to be used at the local level, which is setting up specific exchanges again. Similarly, it does not seem to intervene in decisions concerning the regulation of water quantity in the event of floods or droughts. Water quality is monitored within the framework of the Homogeneous Schelde Measurement Network (RHME), which pools databases within the district. This allows for the production of the triennial report on the water quality of the Schelde river basin district, with data that is 3 to 6 years old.

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<sup>18</sup> Ghent Treaty International Agreement on Schelde (ISC), 3 december 2002, Journal officiel électronique authentifié n° 0200 du 30/08/2006 (French gazette).

<sup>19</sup> Directive (EU) 2007/60/EC and Directive (EU) 2000/60/EC.

<sup>20</sup> <https://www.isc-cie.org/fr/bibliotheque/partie-faitiere-du-3eme-plan-de-gestion-dce-du-dhi-escaut-2022-2027/>

<sup>21</sup> F: Zone Operational Centre, Préfecture Hauts-de-France, Lille W: Prevention and Security Agency (APS), Marche en Famenne BR: Brussels Environment Institute via an external firm (G4S), Brussels VL: River Information System, Evergem NL: Schelde Coordination Centre, Vlissingen

<sup>22</sup> <https://www.isc-cie.org/fr/bibliotheque/convention-de-mise-a-disposition-et-dechange-de-donnees-relatives-a-la-gestion-des-eaux-souterraines-des-calcaires-du-carbonifere/>

## V.B.II. EGTC d'Opale

## West-Vlaanderen/Flandre-Dunkerque-Côte

The European Grouping of Territorial Cooperation is the legal formalization of the multi-policy exchange platform between East Flanders and Dunkerque-Côte d'Opale. The activities and projects take place in the core territory (orange), while the members cover the reference perimeter (yellow + orange).

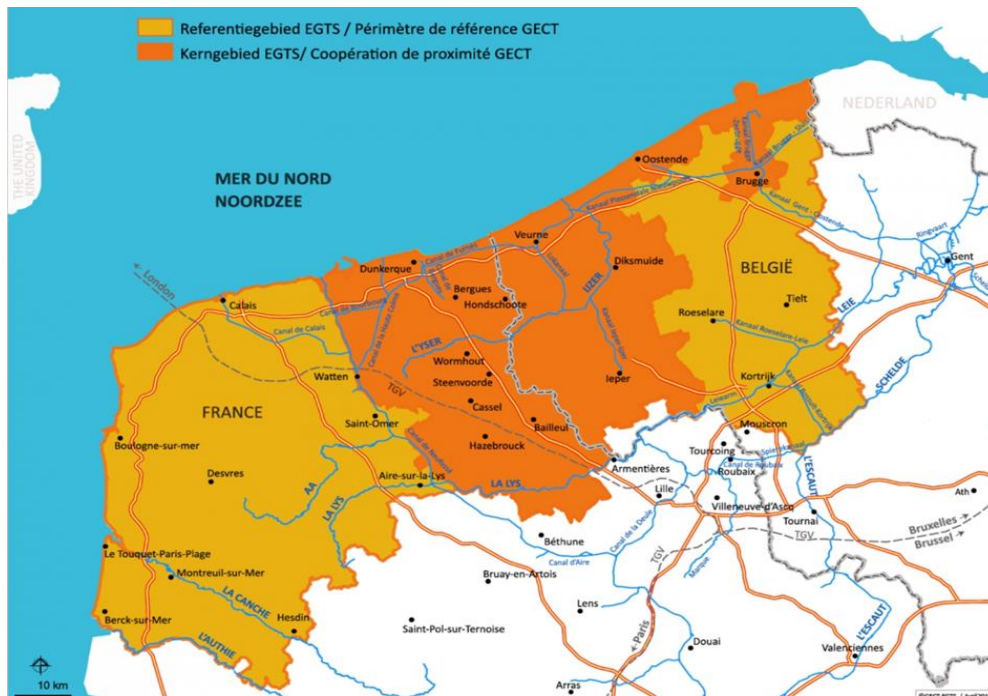


Figure 5: Perimeter of EGTC West-Vlaanderen/Flandre-Dunkerque-Côte d'Opale. Source: EGTC

One of the main working groups organises the exchange on the theme of water. In the 2010s, it helped develop cross-border personal relationships. It brings together a wide range of actors at the technical level, which varies depending on the agenda. Several meetings were devoted to local Interreg projects such as Magétau<sup>23</sup>. These *de facto* excluded people not involved in these projects and other territories, and the role of general coordination between water actors disappeared. During two official meetings per year, the technical exchanges are of high quality, but in recent years there seems to have been a disconnect between the expectations of the French technicians and the political mandate assigned to the group. Indeed, the presidents of the joint water management unions in France are not members of the EGTC, and the political priorities for water cooperation differ between the North and Flanders (e.g., coastal flooding versus water quality on the Lys River).

The two preceding examples show that there are already formalised cooperation bodies active within the border region under study. However, interviews with stakeholders who are actively involved in water management in this region on a daily basis indicate that the flow of information to and from these cooperation bodies is rather limited. Both the top-down flow necessary for the effective operationalisation of the results achieved in the cooperation bodies, and the bottom-up flow of information

<sup>23</sup> Interreg Project Magétau is planning a cross-border water infrastructure between Dunkerque and Nieuwpoort. <http://www.mageteaux.eu/fr/projet>.

required to lead to agenda setting in line with operational needs, appear to be very limited today.

### **V.C. Cross-border consultations**

The UN- Aarhus Convention<sup>24</sup> has been translated into national law and engages each authority in charge of the environment to consult authorities of foreign countries in case of projects with environmental impact. It's used on both sides through written procedure but we could not prove whether the right people were addressed and if more translations were needed.

The European Water Framework directive is encouraging coordination and sharing of information between neighbour regions. Article 3.5 precises: *"Where a river basin district extends beyond the territory of the Community, the Member State or Member States concerned shall endeavour to establish appropriate coordination with the relevant non-Member States, with the aim of achieving the objectives of this Directive throughout the river basin district. Member States shall ensure the application of the rules of this Directive within their territory."*

Authorities of the neighbouring countries are officially consulted during the preparation of water management plans (next one in preparation: 2028-2033). The working group "Coordination" of the International Schelde Commission (ISC) helps to identify the right correspondent. It elaborates the common part of the water management plans. The members of the working group explain themselves the respective management plans after their adoption.

All interviews revealed that despite the formal basis for information exchange, both in the Aarhus Convention and in other international agreements, it is currently heavily reliant on personal contacts. The ISC is coordinating competent authorities at regional level and is not the place for coordinating local executive decisions made by institutions which are not members of the ISC. Although the information exists, it is not always clear which individuals are responsible for its proactive or reactive exchange. In the past, files were created listing the contact details of individuals possessing specific information, but due to staff turnover and the evolution of assigned competencies, such files generally become quickly outdated. Moreover, these files are stored on internal systems that can only be consulted by the managing organisation itself.

### **V.D. Cross-border cooperation projects and initiatives**

All SAGEs (Water Management and Development Schemes for a river) located at the Belgian border in France encourage cross-border cooperation in the major objectives leading to local projects and initiatives:

- Coordination of flood structure management
- Common infrastructure projects to implement the management plan
- Cross-border data exchange agreements at the river level (e.g., IJzer)

Taking advantage of European funds, parallel projects and networks are being created. It concerns for example, the Pas-de-Calais Strait Committee led by the Nord

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<sup>24</sup> Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, Aarhus, Denmark, 25 June 1998. Treaty Series, vol. 2161, 447, [https://treaties.un.org/doc/Treaties/1998/06/19980625%2008-35%20AM/Ch\\_XXVII\\_13p.pdf](https://treaties.un.org/doc/Treaties/1998/06/19980625%2008-35%20AM/Ch_XXVII_13p.pdf).

*Département*, the Interreg VI project GOT-FWVL (Grensoverschrijdend Observatorium - Cross-border Observatory) led by Wallonie-Bruxelles-International, which includes data on water, the Interreg project Care +, led by SAME and the Provaly project, led by provincie West-Vlaanderen.

The interviews revealed that the results of the different projects are often very valuable, but it is rarely possible to sustain them (or make them sustainable / ensure their long-term viability) Indeed, after the end of the project, the framework for cooperation and the financing are missing.

Overall, it can be stated that the established cooperation infrastructure — comprising various international agreements, consultative procedures, cross-border institutions, and projects — has not arisen and/or does not operate in a fully logical manner from the perspective of cross-border collaboration. At present, there exists a certain degree of an integrated legal framework, consisting of international agreements that form the formal basis, or at least the incentive, for existing consultation structures and projects. However, both the analysis of the texts themselves and discussions with correspondents indicate, that the high-level nature of this formal basis leads to a lack of clarity regarding the cross-border policy focus, as well as the powers and responsibilities for its effective operationalisation.

This implies that removing the obstacles encountered will depend on addressing deficiencies in the different phases of cross-border cooperation, being “goal definition”, “policy development” and “institutionalisation” Since the phases of cross-border cooperation should be considered to be successive, it is necessary for actors to go through the different phases together.

The following phases of cross-border cooperation can be identified<sup>25</sup>:

- Focused interaction
- Goal definition
- Policy development
- Institutionalisation
- Unification

During the phase of **focused interaction**, public actors interact with each other in a targeted manner. There is a mutual awareness of the added value of interacting with one another concerning a specific aspect falling under the respective competences of the actors involved.

With the **goal definition**, public actors explicitly delineate the substantive objective of their targeted interaction.

**Policy development** entails that public actors jointly outline a policy to pursue the achievement of a common substantive goal. The joint policy consists of agreements that each of the involved actors implements on behalf of their own organisation.

During **institutionalisation**, public actors translate a joint policy into an overarching structure, which they formally establish. In this way, they embed the already developed practice into an overarching cooperation structure. The actors are free to transfer certain tasks and/or competences to this overarching structure and/or to grant it legal personality.

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<sup>25</sup> Different phases identified by WIERING and VERWIJMEREN (2012), with a specific focus on cross-border water management. Scheme further developed from a general legal perspective by VAN DER AUWERMEULEN (2023).

**Unification** implies that public actors identify significantly with the overarching structure by implementing the overarching policy in the name and on behalf of the overarching structure.

Furthermore, the scheme below shows that achieving cross-border cooperation is/should be driven by the aim of achieving a certain degree of policy cohesion. Therefore, the various successive phases of cross-border cooperation are characterised by an increasing degree of policy cohesion. Depending on the degree of policy cohesion that cooperating partners wish to achieve, facilitation by means of an integrated framework is required. Therefore, from a legal perspective, the statement by WIERING and VERWIJMEREN that "*building cooperation across borders can be considered a process of increasing complexity*" can be fully endorsed.<sup>26</sup>

However, consciously undertaking steps from one phase of cross-border cooperation to the next helps to curb the complexity. When we look at the infrastructure for cross-border management within the studied border region, we observe that there is a certain degree of institutionalization. It is apparent, from both the theoretical analysis and the interviews, that **there is focused interaction, but that the common goal and the resulting developing policy for water management in the Flemish-French border region are unclear**. The question therefore arises whether the current institutionalisation of cross-border water management adequately serves the common needs and ambitions both at the operational and at the policy level. The proposed action points are therefore linked to these three different phases.

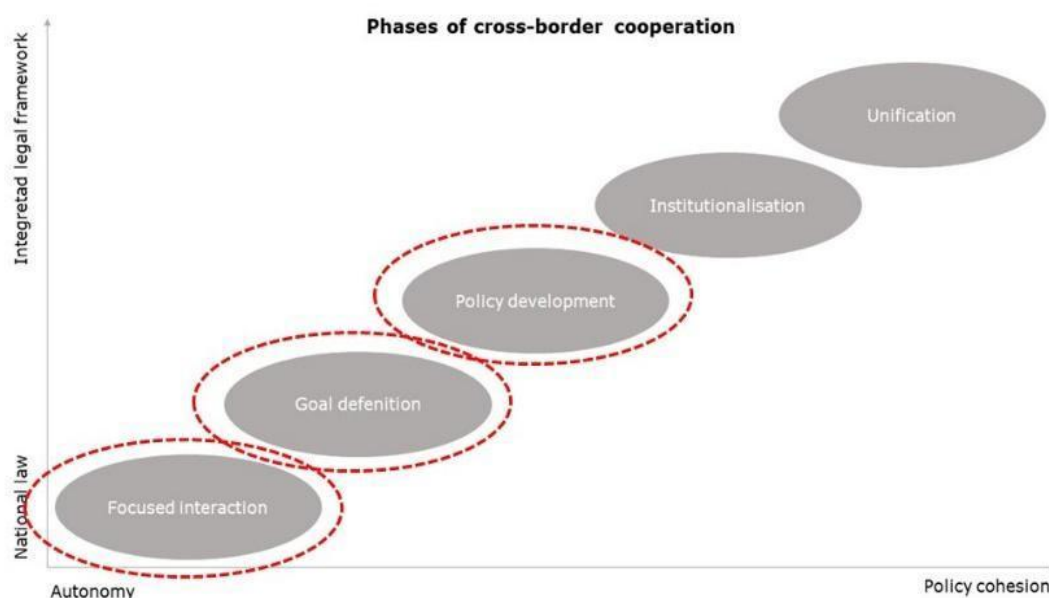


Figure 6: Phases of cross-border cooperation: L. VAN DER AUWERMEULEN (2023), ©UHasselt

<sup>26</sup> Mark Wiering & Joris Verwijmeren, 2012. "Limits and Borders: Stages of Transboundary Water Management," Journal of Borderlands Studies, Taylor & Francis Journals, 268.

## VI. A roadmap towards possible solutions for the further optimisation of the cross-border water management between Flanders and France

### VI.A. Why optimising the cross-border water management in this region?

Before formulating different action points, it is important to emphasise why an optimisation of the current cross-border water management in the Flemish-French region is necessary.

Boundaries are artificial demarcations with multiple dimensions—geographical, cultural, legal, and beyond. Yet, many contemporary challenges transcend the territories these boundaries define. Watercourses are a particularly salient example: they traverse national borders and are only partially amenable to human control.

This case study clearly demonstrates that neighbouring states are deeply interdependent with respect to their hydrological systems. Furthermore, it highlights that in the Flemish–French context, cooperation is impeded not only by legal and administrative constraints but also by the geographical configuration of the two territories.

Stakeholders acknowledge that, despite numerous initiatives, there is currently no cross-border water governance framework in place that provides a robust foundation for the coordinated, sustainable, and adaptive management required today—and even more critically in the future.

From an intrinsic standpoint, the imperative to pursue optimal cross-border cooperation stems from legal, administrative, and geographical divergences which, in practice, too often constitute barriers to effective collaboration.

From an extrinsic standpoint, enhanced cooperation in this region is equally urgent. The Helsinki Convention, the EU Water Framework Directive, and the Floods Directive each establish binding obligations for coordination and collaboration. Ensuring compliance with these instruments, while maximising mutual benefits, necessitates a governance approach that transcends jurisdictional limitations and fosters a shared, long-term vision for water management across the border.

Both the General Report from the Commission to the Council and the European Parliament on the Implementation of the Water Framework Directive (2000/60/EC) and the Floods Directive (2007/60/EC)<sup>27</sup> and the specific reports for Belgium<sup>28</sup>, and, respectively, France<sup>29</sup>, indicate that **strengthening governance is a key priority in the implementation of both directives**. A lack of such governance constitutes a significant barrier to the effective achievement of the objectives of these directives, and

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<sup>27</sup>European Commission, 'Report from the Commission to the European Parliament and the Council on the implementation of the Water Framework Directive (2000/60/EC) and the Floods Directive (2007/60/EC)' COM(2019) 95 final, C 145, 12.4.2019

<sup>28</sup> European Commission, 'Assessment of the final updated National Energy and Climate Plan of Belgium' SWD(2025) 16 final, CELEX: 52025SC0016 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52025SC0016>.

<sup>29</sup> European Commission, 'Assessment of the final updated National Energy and Climate Plan of Belgium' SWD(2025) 15 final, CELEX 52025SC0015 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52025SC0015>.

in particular to the objective of enhancing cross-border cooperation. In other words, an elaborated water management governance, is key to bridging the gap between policy formulation and the effective implementation.

## **VI.B. A roadmap towards possible short, medium and long term solutions**

Based on the analysis undertaken, a number of targeted solutions can be advanced. These recommendations are informed by the observation that, while cooperation within the region under study has already been initiated, it must be significantly intensified to meet present and future challenges. Accordingly, the proposed measures are designed to build upon and enhance the collaboration already in place, while decisively moving beyond the current reliance on interpersonal relationships.

The proposed solutions therefore place strong emphasis on maximising the value and further development of the existing cooperation framework, alongside the institutionalisation of cross-border collaboration in the field of water management. In doing so, they seek to ensure that governance structures are resilient, coordinated, and sustainable over the long term.

These solutions can be distilled into a set of concrete, actionable steps:

- Determination of the mutual cross-border needs and ambitions
- **Formal translation** of the mutual cross-border needs
- **Operationalisation** of the formalised institutional framework

### **VI.B.I. Determination of the mutual cross-border needs and ambitions**

#### **What?**

This step falls within the cross-border cooperation phases of “*goal definition*”.

Both the legal analysis and the stakeholder interviews reveal that, despite the existence of numerous agreements, consultative bodies, projects, and similar initiatives, the mutual cross-border needs are not clearly defined. Due to the differing geographical contexts, the respective interests of the parties involved diverge significantly—an aspect that, according to respondents, should not be underestimated. It is noteworthy that cooperation between the Netherlands and Flanders is perceived as a *good practice*, and in fact could serve as a benchmark for Flemish–French collaboration. A key advantage of Flemish–Dutch cooperation lies in the alignment of interests, arising from their comparable geographical positions.

As previously noted, the geographical context of Flanders and France differs considerably. For instance, water quantity is a particular focus for Flanders, while water quality and flood risk is generally the primary concern on the French side. Nevertheless, their interests are not inherently in conflict. Addressing a problem on one side of the border can yield positive impacts for a problem that either exists or may emerge on the other side. One example is the discharge of water from Flanders: if

carried out in a targeted manner, taking into account anticipated needs regarding water quality in France, this could result in a genuine win–win situation.

The correspondents emphasise that the implicit benefits of focusing on the concerns on one side of the border with regard to the issues on the other side of the border should not be lost sight of.

The most important point of attention for the formulation of the ambitions is that they should be truthful and not necessarily towering. An analysis of cross-border water management cases showed in the past that the cases that were modest, with low but clear ambitions of integration, were most successful.<sup>30</sup>

## **How?**

Determining the mutual cross-border needs is, first and foremost, a policy exercise that must be conducted independently of existing treaties. This needs assessment should be approached from both an extrinsic and an intrinsic perspective. In practice, this means policy alignment should be undertaken in light of the evolving context of water management and the associated increase in regulatory requirements. Both sector-specific regulations and overarching European legislation—such as the Water Framework Directive and the Floods Directive—are relevant in this regard.

The intrinsic perspective takes into account the specific geographical context of the border region itself. In this respect, the geographical relationship between Flanders and France warrants particular attention.

Alignment can be formalised through a policy declaration, commitment, action plan, or similar instrument.

## **Who?**

Discussions with respondents indicate that, at the operational level, daily cooperation needs are being experienced. Mapping these needs—starting with the competent authorities involved—is therefore an important first step. As noted, competencies are fragmented. It is therefore essential that an intermediary competent authority act as a single point of contact (SPOC) throughout this mapping process. By analogy with the border coordinators who serve as single points of contact for Flemish–Dutch cooperation in general, the establishment of a dedicated *water border coordinator* could also be considered.

On the Flemish side, the provincial level is the most appropriate, given its coordinating and water management responsibilities. On the French side, the future EPTB Leie-IJzer could be a first SPOC because it would have the overview of the stakeholders and their needs. Also the DDTM Nord could play this role, as it takes decisions on environmental and nature permits and water regulation. However, this institution is not used to an everyday cross-border cooperation and not involved into projects.

Policy declarations should be concluded at the level of the competent authorities (the minister with substantive responsibility and/or the regionally competent authority DREAL Hauts-de-France).

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<sup>30</sup> Wiering, M., Verwijmeren, J., Lulofs, K., & Feld, C. (2010). Experiences in regional cross border co-operation in river management. Comparing three cases at the dutch-german border. *Water Resource Manage*, 24, (2010), 2670.

A potentially valuable forum for translating bottom-up mapping into a top-down policy document is the Benelux Union. Given the geographical scope of the intended cooperation, the fact that France as a whole is not a member does not pose an obstacle to developing such a policy document within the Benelux context. Indeed, the involvement of the Netherlands in the Benelux constitutes a potential advantage, as Flemish–Dutch good practices could be readily incorporated.

In fact, within the Benelux framework, a first tentative step towards policy alignment has already been taken through the Action Plan for Closer Cooperation between the Hauts-de-France Region and the Benelux Union of 20 May 2025<sup>31</sup>, which includes specific attention to water management. The ISC can also be considered to be a valuable forum.

## **VI.B.II. Formal translation of the mutual cross-border needs**

### **What?**

This step falls within the cooperation phases of “policy development” and “institutionalisation.”

However, a lot of cooperation initiatives are formalised, but an overarching policy focus with regard to cross-border water management in the region is lacking. The current lack of an overarching policy focus, result in the underutilisation of opportunities and the lack of capacity to encounter needs across the Flemish-French border.

The joint policy consists of agreements that each of the involved actors implements on behalf of their own organisation and can take various forms. It may, but does not necessarily have to, involve bilateral agreements. Although a number of international agreements already apply to this region, an overarching formal framework for this specific region is still lacking.

The formalisation exercise may be accompanied by an institutionalisation exercise in which not only mutual agreements, but also an overarching structure is established. Such an overarching structure may, but does not have to, possess legal personality, like for example an EGTC has. Certain competences can be transferred to it. Regarding the transfer of competences, the mission/remit of the partners represented in this structure is leading. After all, cooperation is principally an instrument to implement one's own competences with united efforts.

### **How?**

The formalisation exercise builds on the mutual needs’ identification exercise. Both an update of the current formal framework and the establishment of new formal instruments is necessary.

The river-oriented agreements, such as the mentioned Schelde and Leie Treaties, need to be updated. As mentioned, many (international) agreements date from a long time ago. This results in the necessity to adapt them to new needs such as, for example, salinization, climate change and flooding/submersion, and water quality. For

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<sup>31</sup> Plan d'action pour une coopération plus étroite entre la Région Hauts-de-France et l'Union Benelux, 20 May 2025, <https://www.benelux.int/wp-content/uploads/2025/05/20250520-Plan-daction-Benelux-HdF.pdf>.

the IJzer, an agreement should be put in place. In order to achieve a real cross-border water management governance, a formal basis needs to establish/acknowledge the institutionalisation specifically focused on the region. Besides referring to the institutional aspects deriving from the river-oriented agreements and situating them in the region, region-specific institutionalization, based on for example a region-wide treaty, is crucial.

If international agreements are concluded, it is important to ensure their sustainable nature as optimally as possible. This is a particular point of attention because not only the factual, but also the regulatory water-management context is constantly changing. Therefore, consideration should always be given to which aspects must absolutely form the basis of an international agreement and which aspects should be formalised in an operational agreement. The maximum flow rate is an example of an aspect that is currently regulated in an international agreement, while in practice it is experienced as a highly evolutionary factor and is hampered by its definition in international law.

Other points of attention that require a formal basis are data sharing, contact exchanges, emergency planning, and evaluation.

Although the agreements focused on the various rivers have a wider territorial scope, a comparison of the different agreements applicable to the border region is relevant. A certain degree of harmonisation would promote the operationalisation of the framework set out for cross-border water management in the region.

### **Who?**

The competence for concluding adapted treaties/addenda or new treaties lies with the respective competent ministers. It's not always very clear if the federal / national level has to sign or if the regional representant of French state (Préfet) or the Governor of Region Flanders is able to sign. Most of the time, it is highly political and depends on issues of parallelism between countries or former treaties.

Bottom-up support for the formalisation process is an essential condition. For this, the SPOCs (Single Points of Contact) and/or forums used for the mutual needs identification can be employed.

### **VI.B.III. Operationalisation**

Unlike the previous actionable steps, this step should not be considered as a specific phase of the cross-border cooperation, but it should be based on the outcome of the thorough exercise of (re)running through the phases of goal definition, policy development, and institutionalisation.

The interviews revealed that clear agreements at the highest policy level are necessary. However, today there is a lack of an overview of the agreements made for the region. After all, knowability/visibility is essential for their operationalisation. Furthermore, respondents indicate that notification/communication at the level of the agreements themselves is insufficient. Also, information exchange between the various established structures and all other actors is essential. Information exchange must also be better facilitated between the various individual actors themselves. A situational analysis of the different actors at the role level and at the personal level is

required. This situational analysis must be done in a dynamic way that allows for a response to the particularly evolutionary character and the often high necessity of water management.

## **How?**

Today, a lot of information exchange happens via email and at a personal level. Information storage is usually done on local servers. An information flow at the role level (for example, with mailboxes linked to specific roles) and a storage of organisational charts, reports, etc., in a shared environment would be more in line with the dynamic needs that are currently being experienced. Transfeau<sup>32</sup> is a Franco-Walloon exchange platform on the Meuse towards a better understanding of neighbours, initiated by Interreg funds and can be seen as an example.

## **Who?**

As stated, the competences for water management are very widely distributed. It is therefore advisable that a clear party responsible for information exchange is designated in each organization. The financial burdens for the information exchange and shared storage could be borne *pro rata*.

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<sup>32</sup> <https://transfeau.eu/>

## V. List of legal acts and treaties

### **International Treaties and Conventions**

Helsinki Convention (1992): Convention on the Protection and Use of Transboundary Watercourses and International Lakes, signed on 17 March 1992.

Scheldt Treaty / Ghent Treaty (2002): Treaty regarding the International Scheldt Commission, signed on 3 December 2002, BS 17 July 2019 (Ed. 1, p. 71490).

ISC Convention on Hydrological Data Sharing (2017): Convention on data sharing and flood and low water forecasting, adopted by the International Scheldt Commission on 7 December 2017.

ISC Convention on Groundwater Data (2017): Convention regarding the exchange of groundwater data in the International Scheldt river basin district, adopted on 7 December 2017.

### **European Union Framework**

Water Framework Directive (2000/60/EC): Directive of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy, OJ L 327, 22.12.2000, p. 1–73.

Floods Directive (2007/60/EC): Directive of the European Parliament and of the Council of 23 October 2007 on the assessment and management of flood risks, OJ L 288, 6.11.2007, p. 27–34.

European Commission Implementation Report (2019): Report on the implementation of the Water Framework Directive and the Floods Directive, COM(2019) 95 final, OJ C 145, 12.4.2019.

European Commission Assessment (2025): Commission Staff Working Document: Assessment of the final updated National Energy and Climate Plan of Belgium, SWD(2025) 15 final, CELEX 52025SC0015, 17 January 2025.

### **Regional Acts: Flanders (Belgium)**

Decree on Integrated Water Policy (2003): Decree of 18 July 2003 on Integrated Water Policy (*Decreet betreffende het integraal waterbeleid*, BS 14 November 2003).

Coordinated Decree (2018): Coordinated version of the Decree on Integrated Water Policy, established by the Besluit van de Vlaamse Regering on 15 June 2018, BS 31 August 2018.

### **National & Regional Acts: France**

Loi sur l'eau et les milieux aquatiques (2006): Law No. 2006-1772 of 30 December 2006, JORF 31 December 2006.

GEMAPI Law / MAPTAM (2014): Law No. 2014-58 of 27 January 2014 regarding the modernization of public territorial action, JORF No. 0023, 28 January 2014.

GEMAPI Implementation (2018): Effective transfer of competencies for the management of aquatic environments and flood prevention to EPCIs, as of 1 January 2018.

SDAGE Artois-Picardie (2022-2027): Master plan for water development and management, approved by the Prefect of the Basin on 21 March 2022, JORF 5 April 2022.

## VII. Appendix

### Appendix 1: Interviews

| Interviewees                                 | Institution                                                                                           | Flanders/<br>France | Interviewer     | Date     | Consent for<br>using input<br>in the report |
|----------------------------------------------|-------------------------------------------------------------------------------------------------------|---------------------|-----------------|----------|---------------------------------------------|
| Olivier Prévost                              | DREAL Hauts-de-France - Délégation de bassin Artois-Picardie                                          | France              | Clarisse Kauber | 26.06.25 | yes                                         |
| Brian Levardon                               | Direction Départementale des Territoires et de la Mer (DDTM) Nord - Service Eau Nature et territoires | France              | Clarisse Kauber | 27.06.25 | yes                                         |
| Véronique Gosselain et Leon Daene            | International Scheldt Commission (CIE ISC), Secrétariat général                                       | France              | Clarisse Kauber | 27.06.25 | yes                                         |
| Philippe Parent<br>Frédérique Barbet         | Institution Intercommunale des Wateringues (IIW) (Association of municipalities)                      | France              | Clarisse Kauber | 04.07.25 | yes                                         |
| Stéphane Parmentier                          | Union Syndicale d'Aménagement hydraulique du Nord (USAN) (Association of municipalities)              | France              | Clarisse Kauber | 04.07.25 | yes                                         |
| Xavier Chelkowsky                            | Agence AGUR Dunkerque                                                                                 | France              | Clarisse Kauber | 15.07.25 | yes                                         |
| Kobe Brantegem                               | VMM                                                                                                   | Flanders            | Loth            | 28.07.25 | Yes                                         |
| Chris Marey<br>Anne Martens                  | Province West-Flanders                                                                                | Flanders            | Loth            | 29.07.25 | Yes                                         |
| Saskia La<br>Lies Verstraete<br>Marijn Galle | VMM                                                                                                   | Flanders            | Loth            | 27.08.25 | Yes                                         |

## **Appendix 2: useful weblinks**

Water-Webportal of DREAL Hauts-de-France and Agence de l'eau Artois-Picardie: <https://www.artois-picardie.eaufrance.fr/> (read on 04.06.25)

Préfecture du Nord, water section: <https://www.nord.gouv.fr/Actions-de-l-Etat/Environnement/Eau> (read on 03.06.25)

International Schelde Commission: <https://www.isc-cie.org/fr/> (read on 04.06.25)

EGTC West-Vlaanderen-Dunkerque-Côte d'Opale : <https://www.egts-gect.eu>

Institution intercommunale des Wateringues (IIW) : <https://www.institution-wateringues.fr/> (read on 03.07.25)

Union Syndicale d'Aménagement hydraulique du Nord (USAN) : <https://www.usan.fr/> (read on 03.07.25)

Interreg CARE + project; <https://www.interreg-fwvl.eu/nl/projecten/grensoverschrijdende-samenwerking-voor-acties-ter-ondersteuning-van-de-watervoorraden>

Interreg Provaly project: <https://www.interreg-fwvl.eu/nl/projecten/bescherming-van-de-ijzervallei>

### **Appendix 3: Overview of possible first actions linked to possible responsible parties for these tasks.**

| Proposed solution                                                                                                                                                             | Responsible for the implementation                           | Associated partners                                                                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| Designate a single point of contact in France                                                                                                                                 | DDTM du Nord                                                 | Future ETPB Lys-Yser Associations of municipalities<br>AGUR<br>DREAL Hauts de France (as member of ISC)                               |
| Designate a single point of contact in Flandern                                                                                                                               | Provincie West Flanders                                      | VMM (as member of ISC)                                                                                                                |
| Formalise the information sharing between single points of contacts in a durable way                                                                                          | Both single points of contact                                |                                                                                                                                       |
| Improve the internal communication in Flandern dealing with cross-border issues (consultation procedures, accidental pollutions, decisions on water quantity, data exchanges) | Provincies<br>Then single point of contact                   | WMM<br>EGTC                                                                                                                           |
| Improve the internal communication in France dealing with cross-border issues (consultation procedures, accidental pollutions, decisions on water quantity, data exchanges)   | DDTM du Nord - MISEN<br>Then single point of contact         | Associations of municipalities / Future ETPB Lys-Yser in charge of management plans SAGE<br><br>DREAL Hauts-de-France (as member ISC) |
| Improve the communication between international district level and local level                                                                                                | DREAL Hauts-de-France and VMM as members of ISC              | Secretary of ISC                                                                                                                      |
| Redefine the goals of working group water of EGTC, if necessary outsource it                                                                                                  | EGTC (AGUR + VMM)                                            | Associations of municipalities                                                                                                        |
| Write operational agreements on shared rivers (planned infrastructure)                                                                                                        | Provincie + Association of municipalities in charge of water | Technical help of AGUR<br>DREAL Hauts-de-France                                                                                       |

|                                                              |                                                            |                                                                                    |
|--------------------------------------------------------------|------------------------------------------------------------|------------------------------------------------------------------------------------|
| projects, common requirements...)                            | management plans<br>SAGE                                   |                                                                                    |
| Imagine political governance for French-Flemish river basins | Associations of municipalities and Provincie West Flanders | Potential: use the revision of water management plans 2028 (discussions 2025-2027) |
| Find out if treaties are necessary                           | VMM + DREAL Hauts de France                                | International Scheldt Commission                                                   |