

**To:** Commissioner Jessika Roswall, Environment, Water Resilience and a Competitive Circular Economy

#### Cc:

Executive Vice-President Teresa Ribera Rodríguez, Clean, Just and Competitive Transition Veronica Manfredi, Director for Zero Pollution, Water Resilience & Green Urban Transition, DG Environment

Brussels, 1 October 2025

Re: Living Rivers Europe recommendations to foster the implementation of the Water Framework Directive

Dear Commissioner Roswall,

The hydrological cycle is Europe's common good, and the compass for Europe's water policy should be to preserve and value it. As Commissioner for Water Resilience, we call on you to preserve the EU water acquis, so that citizens have access to safe drinking water and quality food products, people are able to swim safely in rivers, freshwater ecosystems are shelters against heatwaves, and groundwater reserves are secured. We urge you to firmly oppose any request to include the Water Framework Directive (WFD) in the upcoming Environmental Omnibus Regulation, and to work towards accelerating the implementation of the WFD.

The European Water Resilience Strategy made it very clear that Europe's water supply hinges on a fragile hydrological cycle, which is being pushed out of balance by land-use, over-abstraction, pollution and climate change. There is no alternative to natural dynamics and ecosystems to recharge water tables, sustain rainfall patterns, or make rivers flow. Drinking water, food crops, sanitation and hygiene systems, industry, and energy production, all heavily rely on clean and abundant water in rivers, lakes, groundwater, soil, nature and air.

More than twenty years ago, Europe adopted the WFD, a holistic water governance system unique in the world to preserve freshwater ecosystems. This piece of legislation sets out a framework for curbing water pollution, delivering water abstraction permits, or allocating water between different users. Its objectives have not been fully reached, and yet they are highly relevant to today's challenges of pollution, climate change, and increasing demand from new sectors such as the digital industry, hydrogen or battery production, as confirmed by the 2020 Fitness Check evaluation. Ramping up WFD













implementation also meets the demand of the **78% of Europeans wanting the EU to do more to tackle water pollution,** according to the 2024 Eurobarometer survey on <u>Attitudes of Europeans towards the environment</u>.

The WFD is the main toolbox for implementing the European Water Resilience Strategy, and a key climate adaptation instrument. Its core provisions regulate abstraction, require ecological flows, control pollution and protect freshwater biodiversity - all essential to water and climate resilience. Without legally mandated WFD measures, the European Water Resilience Strategy will remain politically aspirational but structurally hollow. Revising the WFD only a couple of months after releasing the Water Resilience Strategy would also be highly inconsistent. "We have to radically step up our efforts into climate resilience and adaptation, and nature-based solutions", said Ursula von der Leyen in her State of the Union 2025 address – stepping up efforts calls for more WFD implementation, not weakening of its requirements.

Some stakeholders – notably from the business, agriculture, and mining sectors, as well as certain Member States – increasingly contend that the Directive entails excessive costs, hinders economic growth, or is inconsistent with other pieces of EU legislation which results in delayed or hampered permitting processes. We believe most of those claims are unfounded.

With regards to costs, **Europe already faces substantial annual costs from inadequate water governance**: floods and droughts alone generate average losses of €9 billion per year, and the projected cost of removing persistent contaminants like PFAS from the environment could reach as high as €238 billion if unchecked. By comparison, implementing the WFD fully for the 2022–2027 cycle carries an estimated cost of €89 billion, less than half the accumulated liabilities deriving from ongoing inaction. For public authorities, funding WFD compliance is prudent fiscal management, which can and should be based on the cost-recovery principle. For businesses, expenditures linked to WFD implementation (for instance, technological solutions minimising pollution) are an investment that can make companies more competitive in the long run, and a risk-management strategy to avoid any backlash by public opinion or investors. On the contrary, revising the WFD would only create legal uncertainty and jeopardise the necessary investments.

With regards to claimed inconsistencies with economic development and barriers to permitting procedures, Article 4(7) of the WFD already provides scope to weigh different interests against each other in EU legislation related to land and water use. Guidance documents and Court rulings<sup>1</sup> have established that Member States have a margin of discretion to determine what is of overriding public interest, and that it is the responsibility of national water authorities to ensure compatibility of projects with EU environmental law.

The <u>2020 Fitness Check report</u> flagged that a hurdle towards effective WFD implementation was "the extensive use of exemptions, in many cases without appropriate and detailed justification". This results in water-harming permits being granted throughout Europe by water authorities, as shown by some examples in the **annex**. Some of those permits are granted in the framework of the current Article 4(7) exemption. Others will be facilitated even further by the <u>provisional agreement on priority substances for surface and groundwater</u> reached on 23 September, which introduces two new

http://curia.europa.eu/juris/document/document.jsf?text=&docid=177722&pageIndex=0&doclang=EN&mode=Ist&dir=&occ=first&part=1 &cid=320623 and CIS Guidance Document No. 36,

https://circabc.europa.eu/sd/a/e0352ec3-9f3b-4d91-bdbb-939185be3e89/cis guidance article 4 7 final.pdf













<sup>&</sup>lt;sup>1</sup> See Case C-346/14 Commission v Austria,

exemptions. Therefore, we call on you to focus on making sure that exemptions are used reasonably and with due justification, rather than further extending their scope.

We, the undersigned members of the Living Rivers Europe coalition<sup>2</sup>, stand ready to support the European Commission's efforts to implement the Water Resilience Strategy and Water Framework Directive. We urge you to use the upcoming Structural Dialogues to close implementation gaps, signal a clear intention to maintain the WFD as it stands, and use the European Water Resilience Strategy as a driving vehicle to accelerate WFD implementation, including by improving financial support for WFD implementation.

Yours sincerely,

Ester Asin

Director, WWF European Policy Office, on behalf of the Living Rivers Europe NGO coalition

<sup>&</sup>lt;sup>2</sup> Living Rivers Europe is a coalition of six environmental and angling organisations: WWF's European network, the European Anglers Alliance, European Environmental Bureau, European Rivers Network, The Nature Conservancy and Wetlands International Europe, united to protect Europe's freshwater ecosystems. We represent a movement of over 40 million people across Europe and, together, we started the *#ProtectWater* campaign.













# ANNEX: Examples of projects permitted by national authorities and their negative impacts on the water status and communities

### The Alcolea dam, a doubtful investment on the Odiel River, Spain



Oraque river in Huelva, one of the tributaries that will provide contaminated water to Alcolea Reservoir in case it is finalised. Orangish colour of the water is due to iron and other metal oxides in the water that has a very low pH level due to increased sulfuric acid because of the chemical reactions occurring. ©Antonio Lancho / WWF Spain

The construction of the Alcolea dam, on the Odiel river in Huelva (Spain) began in 2012 and came to a standstill in 2015 with less than 25% completed. The finalisation of the dam is foreseen in the third River Basin Management Plan (RBMP) of the Tinto-Odiel-Piedras basin, as a measure to mainly meet the demand for irrigation<sup>3</sup>, justified under WFD Article 4(7) exemption.<sup>4</sup> However, unless restoration actions are taken in the Odiel and Oraque river basins and abandoned mining sites, the water in the reservoir is unlikely to be usable, as very poor water quality is expected in the future reservoir due to pH and heavy metals coming from abandoned mines.<sup>5</sup>

The regional government of Andalusia commissioned a report from an international consultancy that was initially favourable to the Alcolea dam. After WWF and

the New Water Culture Foundation showed that the data provided by the regional government was incomplete and biased, the consultancy rectified its report and warned about the possible poor water quality expected in the future reservoir. Still, the regional government never published this new report, nor modified the justification for the exemption in the RBMP.

The article 4(7) justification recognises the almost permanent water quality issues and the persistence of abandoned mining sites. Those are also reflected in the Interim Overview of Significant Water Management Issues (EpTI) of the third RBMP, which contains 16 references to the poor quality of Alcolea's waters and flags that the quality of the water in the future reservoir might not be suitable for irrigation use. But those elements are counterbalanced with biased arguments about benefits of the dam for flood protection, water security for the whole Huelva region and even a supposed improvement of water bodies status. None of these arguments are properly justified, nor backed with detailed scientific studies that might guide the improvements or measures to be implemented.

According to ClientEarth, the argument of the "overriding public interest" of the dam is misused in several ways: first, it is based on the claim that the project will boost the economy of rural territories by increasing irrigation, while it will only increases water use in an area which is already under severe water stress, dependent on external water transfers from the Guadiana basin, and where water scarcity is expected to increase as a result of climate change impacts. Second, it is based on

<sup>&</sup>lt;sup>5</sup> Paradoxically, in the nearby basin of the Rivera de Meca, a similar reservoir, El Sancho, stores the same kind of contaminated waters which are not used today due to these issues.













<sup>&</sup>lt;sup>3</sup> It is claimed that the dam would allow an additional new 27.000 ha of irrigated cultures.

<sup>&</sup>lt;sup>4</sup> New modifications to the physical characteristics of a surface water body, causing a failure to reach good ecological status.

the claim that the project will improve the water status, while it will permanently transform one of the last natural rivers in the basin into a heavily modified water body. Third, the cost accountability and the recovery scheme for the costs of the infrastructure (the entire dam and the canal project associated and needed to use the water resources) has been calculated inadequately. More information: <a href="https://www.clientearth.es/media/nldbc0vv/informe-final-completo.pdf">https://www.clientearth.es/media/nldbc0vv/informe-final-completo.pdf</a> and <a href="https://www.clientearth.es/media/nldbc0vv/informe-final-completo.pdf">ht

## Relocation of contaminated sludge in Lynetteholm, Copenhagen

In June 2021, the Danish Parliament decided that the artificial peninsula Lynetteholm will be built in Copenhagen, off the Port of Copenhagen. It is scheduled to be completed in 2070. Marine experts are worried it will act as a plug for the water flow in the Øresund, disrupting the salt balance in the Baltic Sea.

In the spring of 2022, over 200,000 cubic meters of harbour sludge from Lynetteholm was dumped in the Køge Bay. The sludge contained large amounts of nutrients but also significant amounts of environmentally harmful substances, including heavy metals and oil substances.

Following criticisms by experts, the Swedish government, green organisations and thousands of concerned citizens, a political majority in the Danish Parliament made an agreement that permanently stopped the dumping of another two million cubic meters of dredge sludge from Lynetteholm in Øresund. Instead, the harbour sludge will be built into Lynetteholm itself. This means that the sludge will become part of the artificial peninsula instead of being dumped in Øresund.

This example shows that, where there is political will, options that have less negative impact on water can be deployed. However, the recent trilogue deal on priority substances, that introduced new exemptions to the WFD, will grant a legal green light to projects that lead to deterioration of status following relocation of sediments from one water body to another, facilitating projects such as Lynetteholm across the EU.

More information: <a href="https://www.dn.dk/vi-arbejder-for/vand/hav/lynetteholm/">https://www.dn.dk/vi-arbejder-for/vand/hav/lynetteholm/</a>

#### Relocation of contaminated groundwater in river Scheldt, Antwerp

The 3M manufacturing company wants to pump up and discharge its own ultra-short-chain PFAS contamination in groundwater into the river Scheldt. Without a serious impact assessment, 3M was granted a permit with exorbitant discharge standards: 15,000 ng/l for TFA and 21,000 ng/l for PFPrA.

According to 3M, there are no viable alternatives to purify the pumped groundwater more thoroughly than the requested standards. However, 3M has long been aware of the massive contamination and has accumulated substantial profits. The company has sufficient funds to remediate its contamination, instead of simply relocating it.













Environmental organisations Climaxi and Grondrecht have filed a suspensive appeal, and judgement is expected in spring 2026. However, the new WFD exemptions introduced via the trilogue deal on priority substances risk making such permits more difficult to challenge in Court.

More information: <a href="https://www.climaxi.be/nieuws/zwijndrecht-beroep-tegen-lozing-van-ultrakorteketen-pfas-door-3m-de-schelde">https://www.climaxi.be/nieuws/zwijndrecht-beroep-tegen-lozing-van-ultrakorteketen-pfas-door-3m-de-schelde</a>











