Living Rivers Europe

Industry's role in water resilience:

How some lead - and others wreck

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, Wetlands International Europe and The Nature Conservancy. Living Rivers Europe presents a powerful vision of healthy river ecosystems flourishing with wildlife to the benefit of society at large, the economy and sustainable development in Europe. To make this vision a reality and give our water ecosystems a real future, we stress the importance of an ambitious implementation of the EU Water Framework Directive and related policies. Together with our members and supporters, representing a dedicated movement of over 40 million people across Europe, we aim to ensure that the loss of aquatic wildlife is halted and reversed and that European waters are managed more sustainably.

Lead authors: Athénaïs Georges (European Environmental Bureau), Claire Baffert (WWF European Policy Office)

Editing: Ben Snelson (European Environmental Bureau)
Graphic design: www.dougdawson.co.uk

Cover photo: Yellow-bellied toad swimming in a pool of bauxite coming from a mine in Romania.
© Michel Gunther / WWF

Funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or CINEA. Neither the European Union nor CINEA can be held responsible for them.

Contents

Introduction: securing the future of Europe's waters

© Arthur de Bruin

Healthy rivers and groundwater are the foundation of climate and water resilience, public health and long-term prosperity. In Europe, less than 40% of EU rivers, lakes, streams, wetlands and coastal waters are in good condition today, largely due to governments failing to limit pressures from industrial agriculture, infrastructure building, mining, chemicals, or fossil energy production[1].

Achieving water resilience in the EU requires urgent actions to cope with continued human pressures and growing water-related extreme events. Instead, some of those industries, although highly dependent on clean and abundant water, are using their considerable lobby power to evade, and actively weaken, key provisions of the EU Water Framework Directive (WFD) - Europe's main water protection law - under the pretext of "simplification" and unblocking barriers to the "green transition". They are pressuring the European Commission to use the upcoming "Environment Omnibus Package" – originally intended to (apparently) make EU environmental laws "more effective"[2] – to rip up core objectives and principles of this legislation. Doing so would have devastating consequences for EU water governance, as will be explored in this briefing, but would also derail the EU Water Resilience Strategy (WRS), approved only a couple of months ago as a key deliverable of the second mandate of Ursula von der Leyen's Commission and widely supported by Member States and a broad range of stakeholders.

The many significant changes requested would essentially give those vocal industries the green light to maintain their "business as usual" activities, resulting in further pollution and degradation of our vulnerable freshwater ecosystems. But real water resilience can only be built on solid and stable water rules, protecting and restoring a viable water cycle. These rules exist not only to protect environmental and human health but also fundamentally business interests - through establishing a level playing field across Member States and supporting business and investor confidence. The narrative of weakening the WFD to reinforce competitiveness, especially at times of accelerating climate change and an increasingly ruptured natural water cycle, is short-sighted, and rooted firmly in mis- and disinformation. **What would give European agriculture and industry a competitive advantage is sustainable and resilient water management across the EU, which can only be achieved through protection and restoration of Europe's freshwater and coastal ecosystems, and a reduction in overall water abstraction, as provided for by the WFD**.

"Europe's citizens, environment and economy are intrinsically dependent on water, yet the continuing availability of sufficient, good quality water cannot presently be assured".

European Environment Agency, *Europe's state of water 2024: the need for improved water resilience*, 2025

Brought into effect in 2000, the WFD remains a unique, *modern and powerful tool* fit for purpose to provide clean, healthy water, based on an innovative and holistic approach to water management. It recognises that water is a common good (recital 1) and that "water supply is a service of general interest" (recital 15), underlining the shared nature of its governance. It acknowledges that when freshwater ecosystems are healthy or in "good status", they generate a wide range of benefits - from clean water and

1. EEA, Europe's state of water 2024: the need for improved water resilience (2024), *https://www.eea.europa.eu/en/analysis/publications/europes-state-of-water-2024*
2. European Commission, Call for evidence on Simplification of administrative burdens in environmental legislation, *https://environment.ec.europa.eu/news/feedback-request-simplification-environmental-legislation-2025-07-22_en*

natural flood defence, to providing habitats for wildlife, sustaining biodiversity and storing carbon. The Directive aims to prevent further destruction and achieve good status of EU rivers, lakes, streams, wetlands, groundwater, and transitional and coastal waters by 2027. In doing so, it secures the crucial benefits of healthy freshwater ecosystems for the sake of human and environmental health, economic prosperity and climate resilience.

The European Commission's most recent *report on WFD implementation* clearly states that Member States and water users have not taken the necessary steps to either prevent the deterioration of our aquatic environments nor to sufficiently address the pressures and drivers of the poor state of Europe's waters. Yet, it is widely agreed that water resilience, hailed as a priority in the European Commission's 2024-2029 Political Guidelines for the purpose of securing Europe's competitiveness, relies on the full implementation of the WFD. EU Environment Ministers stressed "the urgent need for improved implementation of existing EU water legislation across sectors" in the *Council conclusions on a European Water Resilience Strategy* adopted on 21 October 2025, echoing a similar statement from Members of the European Parliament in their earlier *resolution on the European water resilience* Strategy.

The decision of the European Commission to include the WFD in the upcoming environmental omnibus package or not will therefore have a massive consequence. The European Commission now has a choice to make. It can stand by its commitment as Guardian of the Treaties to make Europe's economy water resilient – building on more than twenty years of WFD implementation, maintaining Europe's frontrunning position in water management globally, aligning with science, and protecting citizens' health, drinking water supply and food security. Or it can turn backwards and side with the self-serving and short-sighted requests from vested industry interests resisting change by giving them the green light to continue polluting and abusing water resources – and delaying **the needed change**.

© WWF CEE / Alexander Ivanov

This briefing brings together the positions on the WFD of national and European associations, individual companies from sectors of industrial agriculture and forestry, energy, extractive and raw material industry, as well as several business associations. It is based on publicly available answers provided by those associations or companies to the *call for evidence* on Simplification of administrative burdens in environmental legislation, which ran from 22 July to 10 September 2025[3]. The briefing then outlines why this "wish list" of changes would, if introduced into the legislation, be a devastating blow for nature and EU citizens alike. The briefing concludes with a list of recommendations to the EU institutions to ensure full implementation of the WFD.

This wish list from vested interests is nothing new. Back in 2019, similar asks had been made during a two-year robust analysis carried out by the European Commission in wide consultation with administrations and stakeholders on whether the WFD and related water laws were fit for purpose. The answer was very clear then – the WFD is a modern and much needed law fit for our times that needed to be effectively implemented and enforced.

Today, it must be noted that only certain companies and business associations in some specific sectors are asking to dismantle the provisions of the WFD. Other companies, often in the same sectors, are already trying to be more compliant with the WFD's provisions, acknowledging the relevance of the Directive to allocate responsibilities among water users, and value the legal stability it brings to plan investments and ensure wider business confidence. The requests to include the WFD in the Environmental Omnibus Package come from a limited number of respondents to the above-mentioned call for evidence. They therefore do not reflect any established consensus or unity among industry actors.

This wish list also stands small compared to the huge mobilisation, in just ten days of almost *200,000 citizens opposing environmental rollbacks* and demanding even stronger environmental protections in Europe. When asked about the main threats linked to water issues in their country, Europeans consider water pollution to be the main threat.[4] These concerns are backed by science, as the European Environment Agency recently identified water pollution and human health as one of the five environmental indicators (out of 35) where deteriorating trends are expected to dominate in the next 10-15 years.[5]

Against this backdrop, the WFD is a key instrument to curb water pollution and improve public health. It provides an integrated pollution control framework, combining emission limit values with environmental quality standards to systematically tackle both point-source and diffuse pollution through River Basin Management Plans. It provides sufficient flexibility to attend to emerging pollutants, as evidenced by the recent *provisional agreement* on amending the WFD, Groundwater Directive and Environmental Quality Standards Directive (EQSD) to updating the list of priority substances which national water authorities must monitor and regulate, including the integration of critical pollutants of concern such as PFAS. Undermining the WFD's key provisions will not make pollution vanish; it will simply delay action – risking to require their reintroduction in the future, under even worse conditions. In other words, a properly implemented WFD is our ticket to a safer and more stable water future.

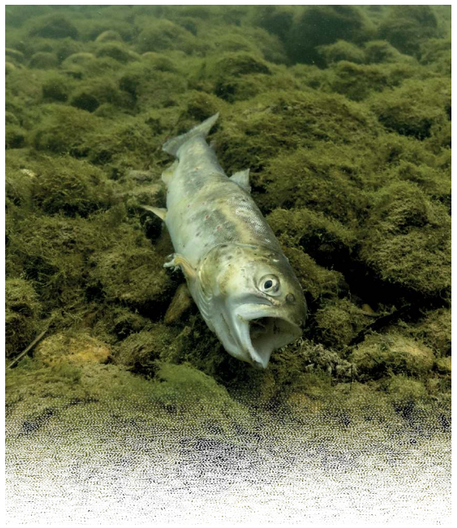
It is therefore the duty of the European Commission to fully build on the momentum of the EU Water Resilience Strategy and strengthen the enforcement and implementation of the Water Framework Directive.

3. Overall, the call for evidence received more than 190 000 responses.
4. 2024 Eurobarometer on Attitude of Europeans towards the environment, *https://europa.eu/eurobarometer/surveys/detail/3173*
5. EEA, Europe's Environment 2025 – Main report, 2025, *https://www.eea.europa.eu/en/europe-environment-2025/main-report*

© Arthur de Bruin

I. Industrial agriculture & forestry

As captured in the positions of Copa Cogeca, Deutscher Bauernverband e.V., the Irish Farmers Association, Confagricoltura Brussels, and the Swedish Forest Industries Federation.



© Arthur de Bruin

The industrial agriculture and silviculture sectors claim to have contributed to more sustainable water management, but the current state of water as reported by Member States does not reflect this. Member States report that the most significant pressure impacting both surface and groundwaters arises from agriculture, resulting from water use and pollution from the intensive use of nutrients and pesticides[6]. Diffuse pollution pressures from agriculture affect 32% of groundwater and 29% of surface water.[7] Agriculture is also the main pressure on water abstraction[8], yet the powerful industrial agriculture lobby acts as a major WFD detractor. Water abstraction for industrial agriculture destroys habitats and ruptures water flow regimes of rivers and wetlands (e.g. through damming rivers and draining peatlands) as well as depleting precious groundwater.

The industrial agriculture lobby calls for a replacement of what they call "non-achievable" objectives with what they consider to be "realistic" targets. The science is clear: the resource is dwindling. The targets in the WFD do not represent a hazy political goal, but rather science's best estimation of a planetary boundary which is, by default, non-negotiable.

Healthy forests play a vital role in supporting the WFD's objectives by establishing stable and resilient water cycles in terms of flow, filtration and storage. Nonetheless, some forestry activities such as afforestation, deforestation or logging, can degrade water quality through sediment losses, the release of nutrients such as phosphorus or ammonium, or physical alterations to the bed and banks of watercourses coming from land drainage and channel maintenance.

✓ Industry wish list:

What industrial agriculture and forestry sectors call for

Scrap the "one-out, all-out" principle. According to this principle, the condition of a water body is only considered "good" if all its quality elements (for example the flow, or the presence of fish) are classified as "good". If only one quality element is not good, then the whole water body cannot be defined as good. The industrial agriculture lobby wants this principle to be replaced with a system that reflects efforts made by farmers to reduce water pollution even if those efforts have not led to any results in that regard (Copa Cogeca). Granting this request would fundamentally misrepresent reality. 'Good Status' is a scientific measure, not a pretty label that can be stuck wherever: water bodies can only be in 'Good Status' when all indicators meet the criteria.

Postpone the 2027 deadline to reach "Good Ecological Status". The intensive agriculture lobby wants to postpone this target to allow for further actions based on the Water Resilience Strategy (Copa Cogeca). The rationale behind this allegation is puzzling, since the Strategy itself notes that "the Water Framework Directive's objective to achieve good status of all water bodies by 2027 and the objectives of the Floods Directive remain the compass for action".

Extend the scope of Article 4(7) exemption to allow harmful projects to go ahead. However, the WFD already offers Member States broad discretion to define what qualifies as an overriding public interest and on this basis, grant exemptions (Case C-346/14, *Commission v. Austria*). Therefore, the request to amend this already flexible provision reflects an underlying intent to allow activities which can run counter WFD objectives, but also human and environmental health.[9]

Diffuse pollution pressures from agriculture affect 32% of groundwater and 29% of surface water.

© WWF España / Alberto FLOP

6. EEA, Europe's state of water 2024: the need for improved water resilience, 2024, *https://www.eea.europa.eu/en/analysis/publications/europes-state-of-water-2024*
7. Same as previous.
8. EEA, Europe's state of water 2024: the need for improved water resilience, 2024, page 75, *https://www.eea.europa.eu/en/analysis/publications/europes-state-of-water-2024*
9. The Swedish Forest Industries Federation's argument that exemptions under Article 4(7) don't properly balance interests at stake, is therefore unfounded. It is striking that the same argument is used in the list of simplification proposals for EU legislation from the Swedish government, released in July 2025 – showing therefore an alignment of the government with the claims of the forestry industry.

II. Energy sector

As captured in the positions of EUROCOAL, The International Association of Oil and Gas Producers (IOGP), TenneT, Elia and A2A Italy.

One of the main water users in the EU, the energy sector is diverse and so are its impacts on water quality and quantity. On top of its impacts on climate, the production of fossil energy is also a leading driver of water pollution: coal and lignite combustion are the primary source of mercury atmospheric deposition in water, which in turn is the main reason for EU water bodies failing to achieve good chemical status under the WFD. Hard coal extraction also generates elevated concentrations of chlorides in groundwater.

The oil and gas industry use water at every step of its activities, from exploration (water is used for drilling and fracking) to production (cooling) to the refining processes. It severely impacts water by consuming large volumes, polluting surface and groundwater with hydrocarbons, heavy metals, and chemicals, and thus directly undermines the principle of prevention of pollution at source and the ability to ensure good chemical and ecological status.

Electricity transmission may also have impacts on water: for instance, the development of underground cable projects or the construction of pylons require pumping large amounts of ground water.

Business associations representing coal, lignite, oil and gas producers have similar requests to those of the extractive industry, arguing that the WFD requirements to achieve good status and avoid deterioration cannot be fulfilled by their activities. Some Transmission System Operators (TSOs) and energy groups argue that their impact on water is minor and does not justify spending time on lengthy assessments or seeing some permits refused.

© Arthur de Bruin

© Arthur de Bruin

✓ Industry wish list:

What the industrial sectors call for

Scrap the "one-out-all-out" principle. This way, they seek to facilitate permitting for what they call 'modern industrial facilities', even though they would result in the deterioration of the water body (A2A).

Weaken the "non-deterioration" requirement. The "non-deterioration" obligation is a cornerstone of the WFD – it exists to ensure that no freshwater ecosystem is allowed to deteriorate any more than it has done already. Still, EUROCOAL suggests a new definition[10] which completely contravenes the established jurisprudence by the Court of Justice of the EU (Weser Case, C-461/13, CJEU[11]). IOGP asks for discharges to be regulated at the level of a water body rather than individual installations – another contrary interpretation to the Weser case.[12] Such claims risk greenlighting projects with damaging impacts for water, nature, and people's health.

Postpone the 2027 deadline to reach "Good Ecological Status". Some groups suggest extending the deadline until 2045 (EUROCOAL), while action to protect and restore Europe's water bodies is more needed than ever.

Extend the scope of Article 4(7) exemption to facilitate the future development of projects with harmful impacts on water, such as coal or lignite mining (EUROCOAL). Such a change would result in an increase in the already considerable pressures on Europe's freshwater systems, while the current process for applying exemptions already provides large flexibility to national authorities. TSOs argue that electricity network expansion has only marginal impact on water and complain that having to prove that those projects do not affect water bodies is an unnecessary burden, "without any discernible added value". They ask for a new regulation dedicated to the electricity sector, which would provide them with blanket exemptions to provisions under environmental laws such as the WFD. This would mean that projects can go ahead disregarding the many likely harmful impacts on water and people's health.[13]

Extend the scope of Article 4(5) exemption. Article 4(5)(c) of the WFD allows setting less stringent environmental objectives only if further deterioration is avoided. Some groups think this is too hard to fulfil and therefore ask for the removal of this condition (EUROCOAL) - which would seriously undermine the protection provided by the WFD.

Align permitting rules with Best Available Techniques (BATs) under the Industrial Emissions Directive (IED). A2A Italy wrongly argues that compared to the BATs under the IED, the WFD's provisions are too strict and hinder the permitting. BATs could potentially allow wastewater discharges that meet technical standards but still compromise surface and groundwater quality and fail to fully align with the WFD. Favouring BATs over WFD standards could lead to a race to the bottom and would contradict Article 18 of the IED, which requires authorities to set stricter conditions to permitting where required to meet environmental quality standards.

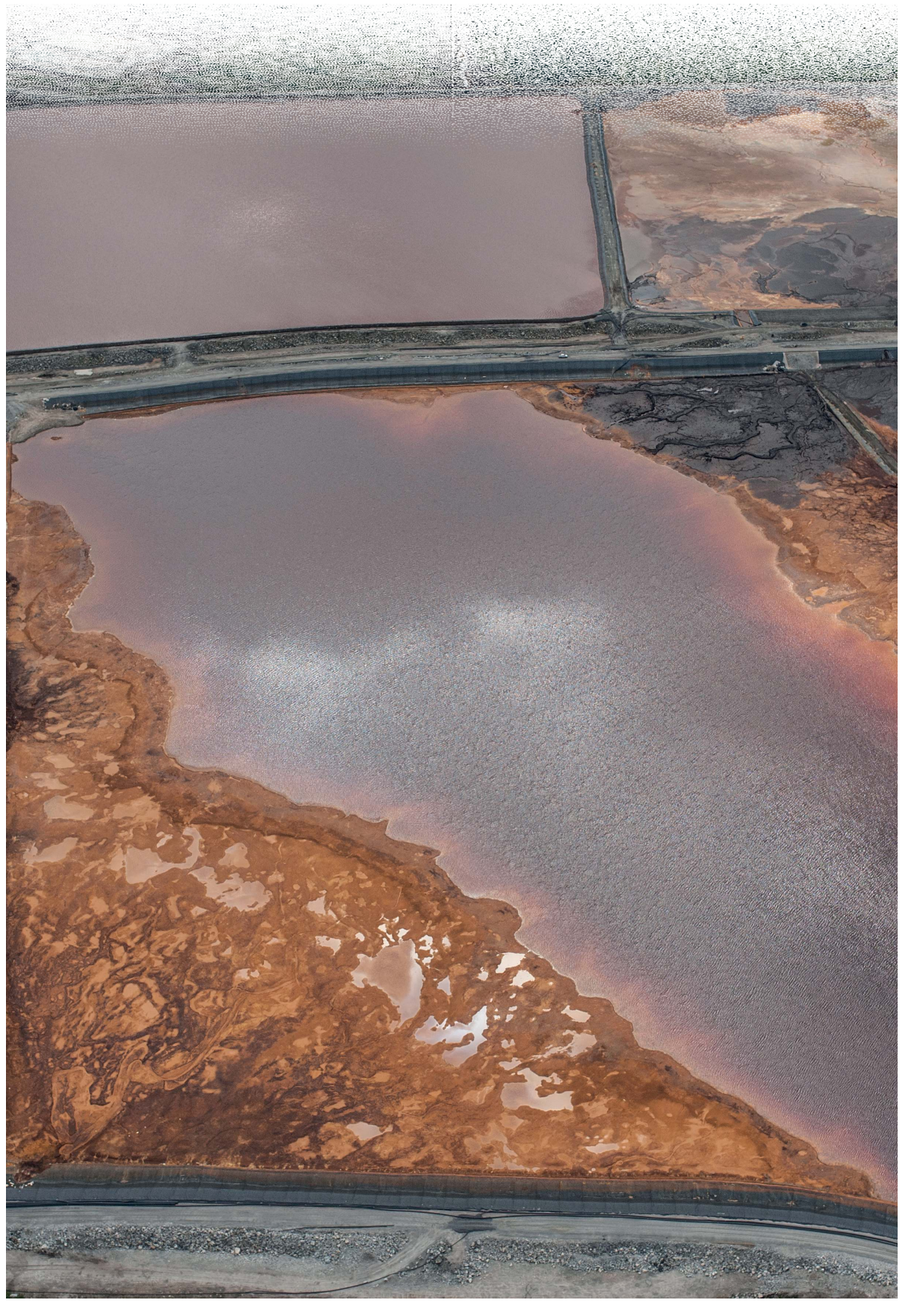
10. *"Deterioration of the status of a water body means only the lowering of the status of at least one of the quality elements, within the meaning of Annex V to this Directive, by one class, if that lowering results in a fall in the classification of the body of water as a whole."*
11. The Weser Case *C-461/13 Bund für Umwelt und Naturschutz Deutschland* eV vs. Bundesrepublik Deutschland (C-461/13) states that deterioration is established as soon as the status of at least one of the quality elements falls by one class, even if that fall does not result in a fall in classification of the body of surface water as a whole.
12. In Case *C-461/13 Bund für Umwelt und Naturschutz Deutschland eV vs. Bundesrepublik Deutschland*, the CJEO ruled that the objective of preventing deterioration is not only decisive for water management and planning but is also a necessary condition for a project to receive a permit (para. 51).
13. The fact that TSOs from other countries replied to the call for evidence without including such claim, also weakens this position – see RTE, *https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/14794-Simplification-of-administrative-burdens-in-environmental-legislation-/F3695246_en*

III. Extractive industry – mining, metals & raw materials

As captured in the position of Euromines, Eurométaux, EUROFER, International Copper Association Europe, European Potash Producers Association (APEP), and the Nickel Institute Canada.

Extractive industries at large (mining, raw material processing such as copper and metals) have been major obstacles to restoring our rivers and lakes. Their activities lead to severe water pollution through metal contamination (including mercury, nickel and copper) with severe impacts on wildlife, sedimentation, salinisation and acidification. Water pollution happens through discharged mine effluents (liquid waste), as well as surface run-off of minerals and sediment, amongst others. This also results in hydromorphological changes (changes to the physical shape and/or flow) of the river. Despite such destructive impacts, the sector argues that more flexibility should be granted to authorities to prioritise the construction of "new modern mines or other industrial facilities" over the interest of protecting rivers and groundwater.

14. APEP, *https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/14794-Simplification-of-administrative-burdens-in-environmental-legislation-/F3714517_en*
15. Euromines, *https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/14794-Simplification-of-administrative-burdens-in-environmental-legislation-/F3713533_en*



© Antti Lankinen

✓ Industry wish list:
What the extractive industry calls for

Scrap the "one-out, all-out" principle with the argument that the WFD's rules for evaluating the water status result "in distorted assessments of water quality status"[14] because they do not reflect improvements made by the industry to mitigate the impacts of their activities on water, and stop the development of mining projects (Euromines, Eurométaux, EUROFER). However, water bodies can only be assessed in 'Good Status' when all indicators meet the criteria - otherwise, we risk allowing mining projects which can severely harm water, nature and people's health.

Weaken the "non-deterioration" requirement. The "non-deterioration" requirement, together with the "one-out, all-out" principle, stops the development of mining projects because of the obligation to not grant a permit for an individual project where it may cause a worsening of the ecosystem health (deterioration) of a body of surface water. Extractive industries' argument that the evaluation of non-deterioration should allow for integrated assessments (rather than considering individual quality elements) and minor deviations (EUROFER, APEP) is an attempt to get allowances to freely pollute and wreck Europe's natural waters.

Postpone the 2027 deadline to reach "Good Ecological Status". Some associations (Euromines, APEP) argue for a "realistic extension". A reminder: the first deadline was initially set to 2015, and in 2027, it will be 27 years since the WFD entered into force…

Broaden exemptions to allow harmful projects to go ahead: Extend the scope of Article 4(7) exemption. Today this exemption is only applicable for projects leading to a failure to achieve good ecological status. The mining sector would like to extend it (Euromines, EUROMETAUX, APEP, International Copper Association Europe) to cover a failure to achieve good chemical status, or even to extend it "so that no constellation of circumstances is excluded from the scope of this exemption from the outset"[15]. This would considerably increase the number of greenlighted harmful projects. Euromines also asks to **extend the scope of Article 4(5) exemption** to get rid of the condition to avoid further deterioration.

Challenge Environmental Quality Standards: Copper and Nickel industries (sometimes located outside the EU such as the Nickel Institute) challenge either the recently revised Environmental Quality Standard (EQS) value for their products (nickel), or the process for introducing new EQS (copper). They argue that assessments of metal toxicity should be based on bioavailability (proportion of a substance that reaches the systemic circulation of a living being), a concept which differs from organism to organism, making it an inadequate criterion to assess the ecological status, and overlooking the chemical status as such. Besides, the International Copper Association Europe claims that the process of identification and addition of priority substances under the EQSD is "unclear, unrealistic and leads to considerable uncertainty for all stakeholders" when, on the contrary, it creates a stable and scientifically grounded framework.

IV. Industry associations

As captured in the position of CEFIC, the Federal Association of the German Industry (BDI), the European Confederation of Paper Industries (CEPI), Zellstofffabrik, and the European Waste Management Association (FEAD).

The positions of sectoral associations come from sectors which have important impacts on water. The chemical industry significantly affects water resources by discharging hazardous substances, nutrients, and other effluents, which can contaminate surface and groundwater, disrupt aquatic ecosystems, and pose health risks. The paper and pulp industry heavily impacts water through high consumption, organic and nutrient-rich effluents, chlorinated compounds, and thermal discharges, all of which can deplete oxygen, drive eutrophication, and threaten aquatic ecosystems.

When it comes to national associations, the German industry association has a long wish list and complains that the implementation of the WFD requires lengthy preparations and studies by project developers. However, in Germany, recent assessments indicate that only around 8% of rivers meet this standard, and catchment-level studies report compliance rates below 2% for key nutrients, despite decades of investment in wastewater treatment.

The waste sector, including landfills, incineration, and uncontrolled dumping, poses significant threats to water quality and availability. Discharge from landfills can carry heavy metals, nutrients, organic pollutants, and pathogens into surface and groundwater, while poorly treated wastewater from waste processing plants can elevate biochemical and chemical oxygen demand (BOD/COD), accelerating oxygen depletion and eutrophication. Additionally, runoff from waste storage or illegal dumping sites can introduce microplastics and persistent organic contaminants into rivers and lakes, harming aquatic ecosystems and endangering public health.

© WWF / Michael Gunther

✓ Industry wish list:

What some industry associations call for

Scrap the "one-out, all-out" principle and replace it with specific targets for individual pressure indicators, instead of the current holistic and scientifically based approach. The European Waste Management Association complains that permits for "new modern industrial facilities" have been rejected by national authorities due to the deterioration of a single quality element – while case Law precisely provides that every single quality element must be "good" for the whole water body to be assessed as "good".[16]

Weaken the "non-deterioration" requirement. The listed associations argue that not every impact on a single quality element should constitute deterioration. This is exactly the opposite of the Court of Justice of the EU's (CJEU) interpretation of non-deterioration, which co-legislators recently agreed to add to the WFD in the provisional agreement on amending WFD, Groundwater Directive and EQS directive.

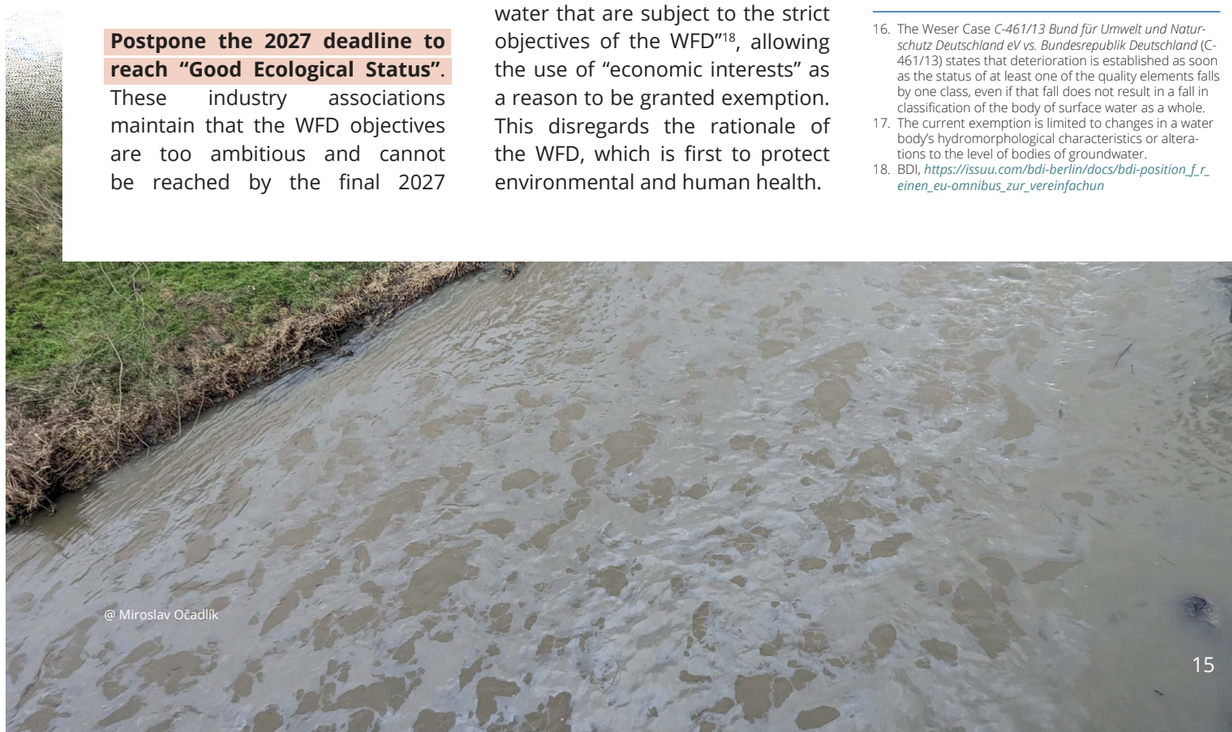
Postpone the 2027 deadline to reach "Good Ecological Status". These industry associations maintain that the WFD objectives are too ambitious and cannot be reached by the final 2027 deadline, implying that the burden on companies outweighs the importance of protecting Europe's drinking waters and ecosystems. The German industry association is therefore asking to postpone the deadline for achieving WFD objectives until 2045, while action to protect and restore Europe's water bodies is more needed than ever.

Broaden exemptions to allow harmful projects to go ahead: Widen the scope of the WFD exemption for harmful projects (Article 4(7)). This aims to permit, for instance, under set conditions, activities that worsen the chemical status of water bodies, or activities that worsen the ecological status of water bodies due to broader reasons than the ones currently listed in the Directive.[17] FEAD claims that the exemptions under Art. 4(7) are "almost impossible" to make with "unrealistic requirements for emissions to water", while BDI wishes to widen the scope of Art. 4(7) to "all activities relating to water that are subject to the strict objectives of the WFD"[18], allowing the use of "economic interests" as a reason to be granted exemption. This disregards the rationale of the WFD, which is first to protect environmental and human health.

Associations also ask to **broaden the scope of Art. 4(5) exemptions** and scrap the condition to avoid any further deterioration of water quality.

Align permitting rules with BATs under the IED. CEPI challenges the interpretation of the non-deterioration principle of the WFD, as made in the Weser case jurisprudence, but also indirectly states that BATs should take priority over the provisions of the WFD, which is not in line with the revised IED and goes against water and health protection. The waste sector considers that BATs should be enough to obtain permits, despite emissions to water affecting the water bodies' chemical and ecological status. FEAD even argues that it should be addressed to "simplify the burdens in environmental legislation". This is a misunderstanding of how IED and WFD are to be used for permitting.

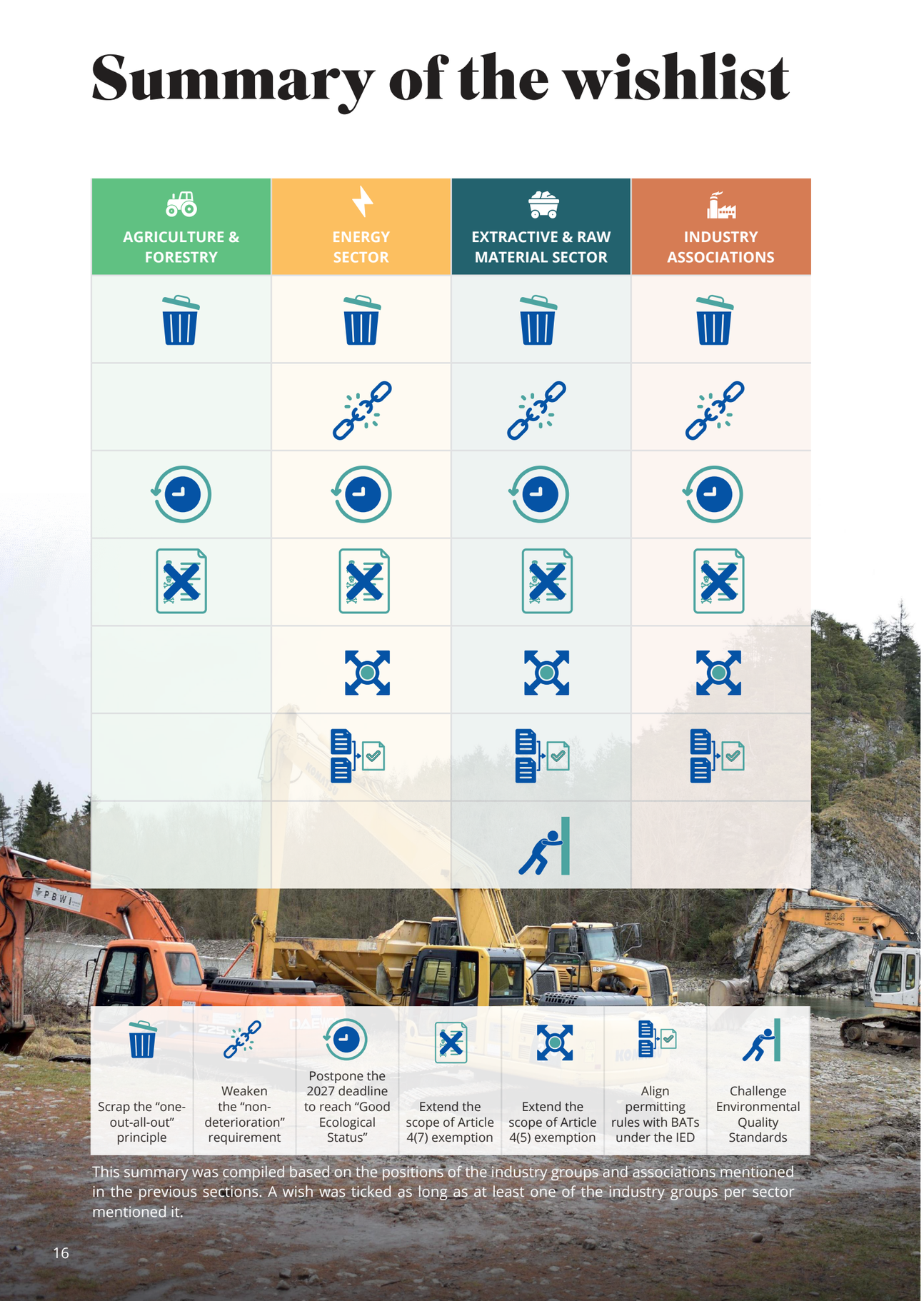
16. The Weser Case *C-461/13 Bund für Umwelt und Naturschutz Deutschland eV vs. Bundesrepublik Deutschland* (C-461/13) states that deterioration is established as soon as the status of at least one of the quality elements falls by one class, even if that fall does not result in a fall in classification of the body of surface water as a whole.
17. The current exemption is limited to changes in a water body's hydromorphological characteristics or alterations to the level of bodies of groundwater.
18. BDI, *https://issuu.com/bdi-berlin/docs/bdi-position_f_r_einen_eu-omnibus_zur_vereinfachun*



@ Miroslav Očadlík

Summary of the wishlist

AGRICULTURE & FORESTRY	ENERGY SECTOR	EXTRACTIVE & RAW MATERIAL SECTOR	INDUSTRY ASSOCIATIONS
✓	✓	✓	✓
	✓	✓	✓
✓	✓	✓	✓
✓	✓	✓	✓
	✓	✓	✓
	✓	✓	✓
		✓	



Scrap the "one-out-all-out" principle

Weaken the "non-deterioration" requirement

Postpone the 2027 deadline to reach "Good Ecological Status"

Extend the scope of Article 4(7) exemption

Extend the scope of Article 4(5) exemption

Align permitting rules with BATs under the IED

Challenge Environmental Quality Standards

This summary was compiled based on the positions of the industry groups and associations mentioned in the previous sections. A wish was ticked as long as at least one of the industry groups per sector mentioned it.

Why these asks are bad for people and nature

INDUSTRY WISH 1: Scrap the "one-out, all-out" principle

The "one-out, all-out" principle recognises that freshwater ecosystems are comprised of complex, interconnected and interdependent relationships between species and physical processes. It embodies the precautionary principle in the face of uncertainty about how these complex interactions and interdependencies operate. The "one-out, all-out" nature of status objectives for the WFD has been critical for the effectiveness of the WFD, as it has pushed Member States to address all pressures and clearly points out where this has not taken place. Whilst it can happen that some water bodies do not reach good status despite some individual pollutants being reduced, the reasons for this are legitimate: these water bodies are simply not in good enough health to meet the objectives of the WFD, and some pressures remain unaddressed. It is possible to communicate progress achieved in the status of our waters, as well as any other positive trends, without changing the WFD. Nevertheless, all sectors analysed in this publication are pushing for scrapping the "one-out-all-out" principle. If this happens, there is a real danger that the actual status of our water bodies will neither be properly assessed nor addressed. Ultimately, people's health and their ability to enjoy their fundamental right to water and to a healthy and safe environment would be put at risk by impacting drinking water quality, quantity and affordability; recognising polluted water bodies as fit for recreational activities (such as swimming or fishing); and undermining public trust in water management. The UN has recognised the Human Rights to Water and Sanitation (2011) and to a safe, clean, healthy and sustainable environment (2022) for all.

INDUSTRY WISH 2: Weaken the "non-deterioration" requirement

Any changes to the "non-deterioration" obligation would be tantamount to weakening the legislation's standards. This obligation has blocked some damaging projects and, subsequently, defended the WFD's strong environmental objectives. A recent example is the Sokli phosphate and iron mining project in Finland, whose permit-granting decision was overturned by the Supreme Administrative Court in March 2022 because it would have harmed the endemic lake trout population (deterioration of a single quality element), potentially causing the Nuorttijoki River to deteriorate from 'high' to just 'good' status.[19] The Court found that the project's water management plans had not considered scenarios of exceptionally heavy rainfall or longer periods of drought, which could have led to significant pollution and silting. If the non-deterioration principle was weakened, projects like the Sokli mine could get permits, destroying a unique natural site and a severely threatening a species of fish found nowhere else.[20] This directly conflicts with the idea of nature and water as public common goods, which should be governed as such, allowing the wider rights and interests of people to take precedence over private short-term interests. It is particularly relevant as extreme weather events and climate change introduce hard-to-predict risks for the water cycle and people's livelihoods.

INDUSTRY WISH 3: Postpone the 2027 deadline to reach "Good Ecological Status"

Bearing in mind the considerable threat to freshwater ecosystems across Europe and the future availability of good quality water, the argument that the WFD's objectives would delay the green transition is weak. On the contrary, action to protect and restore Europe's water bodies is more urgently needed than ever, and all measures should be implemented to reach the WFD's targets - as soon as possible. It is also crucial to remember that the WFD itself does not expire in 2027, and that many of its key principles, such as non-deterioration, ecological flow requirements and public participation, are not time-bound. If the deadline to achieve the objective of good ecological status was delayed until 2045 - which is the deadline put forward by some industry groups, there would be very little incentive for all water users to take action.

© Arthur de Bruin

INDUSTRY WISH 4: Broaden exemptions to allow harmful projects to go ahead

Although co-legislators have just agreed to add two new exemptions in the provisional agreement on amending the WFD, Groundwater Directive and EQS directive,[21] industry groups are still trying to exploit more opportunities to exempt themselves from the WFD's requirements.

4.1 Extend the scope of Article 4(7) exemption

Despite the strong "non-deterioration" principle, Article 4(7) of the WFD provides for the possibility of exemptions. Already now, this provision is being used extensively, to the detriment of environmental protection and people's health, and without providing evidence that the conditions laid out in Article 4(7) are met. Out of the ten Member States where Article 4(7) is used for new modifications to the physical characteristics of a surface water body, only half bring justification for overriding pubic interest or benefits of the projects outweighing other benefits; just four provide evidence that all practicable steps to mitigate impact have been taken; and only one brings proof that the consistency with other pieces of EU legislation is ensured.[22] Even where justification is provided, it is not always scientifically based, such as in the case of the Alcolea reservoir project in Spain, where the justification claims that more water will become available for agriculture, despite evidence that the water in the reservoir is unlikely to be usable for farming, as very poor water quality is expected in the future reservoir due to acid and heavy metals coming from abandoned mines.[23]

Today, this exemption is limited in scope, but industry groups would like to broaden it – e.g. making it applicable to all types of modifications to a water body, not just for modifications to hydromorphological characteristics, and to failure to reach good chemical status of surface waters (not only good ecological status). If this were to pass, it would almost certainly lead to many projects similar to the Alcolea reservoir, resulting in additional water pollution and further costs to nature and people's health.

4.2 Extend the scope of Article 4(5) exemption

This exemption allows to reach less stringent environmental objectives when water bodies are too affected by human activities or too far from their natural conditions. Still, it requires water authorities to ensure that the water body does not further deteriorate, and that the best possible condition is reached. Three of the sectors analysed in this publication (energy, mining and raw materials, and business associations) consider that this condition is "contradictory" to the objective of allowing less stringent objectives – while actually, it is coherent with the other condition for using this exemption, making sure that the highest ecological and chemical status possible is achieved. If the no-further deterioration condition was removed, this exemption would become a blanket authorisation to drop all efforts towards reaching WFD goals – allowing already fragile freshwater ecosystems to be damaged further.

INDUSTRY WISH 5: Align permitting rules with Best Available Techniques under the Industrial Emissions Directive

Best Available Techniques (BATs) are instruments under the IED. They are developed to guide how industrial installations should operate to limit their emissions to water, air and soil; setting standards and providing advanced methods and technologies to minimise and prevent pollution while being technically and economically viable. BAT conclusions are issued to assess best practices during the BREF (BAT Reference Document) process.

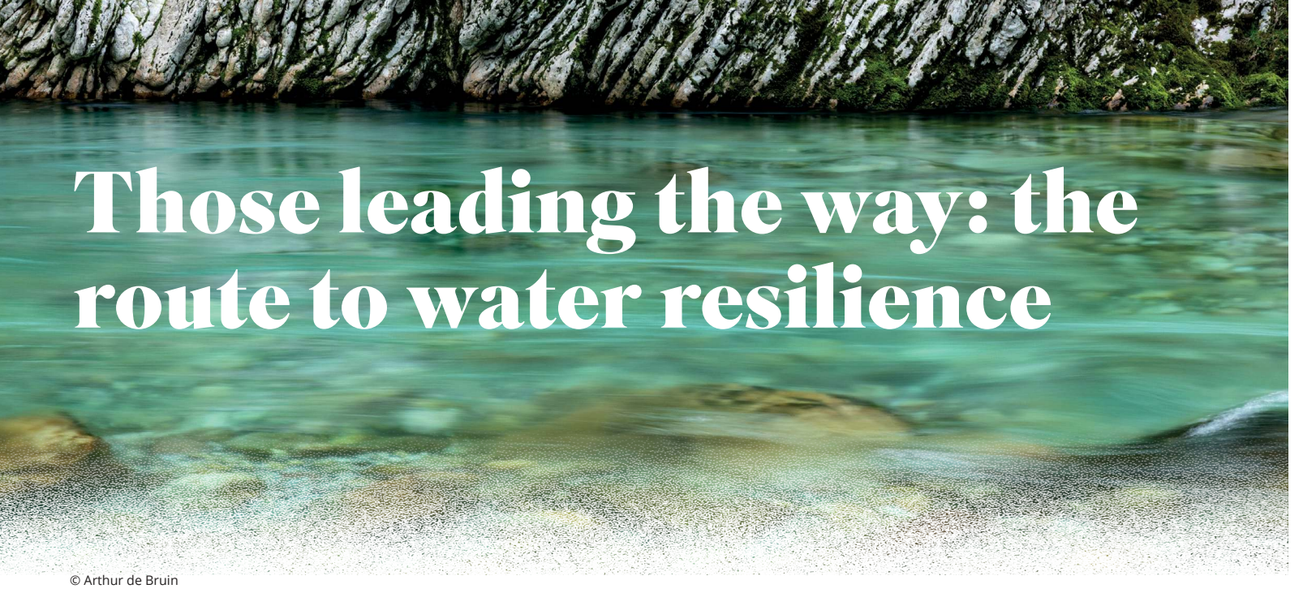
In 2018, an EU report on "IED contribution to water policy"[24] found that less than 20% of existing BATs conclusions actually addressed emissions into water. More recent reports and assessments from the OECD[25] and NGOs regret that the BREF process still lacks a strong and adequate water emphasis.

If the WFD provisions would be weakened to align with current BATs for industrial permits, it's the very essence and objectives of the WFD which would be erased – opening the gates to further pollution. Standards under the WFD are robust, scientifically grounded and benefit from decades of work and investigation by a broad range of stakeholders. In addition, because BATs are conditional to the current state of knowledge and technologies in given sectors, and by virtue of the precautionary principle, they are insufficient to grant permitting to industries.

INDUSTRY WISH 6: Challenge Environmental Quality Standards

Environmental Quality Standards (EQS) are defined and regulated under the EQS Directive, recently revised through the update of the list of priority substances. It sets values for individual substances, which must be complied with to reach the objectives of the WFD. The Copper and Nickel sectors are challenging the introduction of new EQS values (for nickel), and the process for the regulation of new substances under the EQSD, defined in Article 16 of the WFD. If the new EQS introduction were based on bioavailability (proportion of a substance that reaches the systemic circulation of a living being), as they propose, this would overlook the chemical status as such, and make the assessment of the ecological status of water bodies unreliable, as bioavailability differs from organism to organism.

19. Finnish Supreme Administrative Court, *https://www.kho.fi/fi/index/paatokset/ennakkopaatokset/1647851309062.html*
20. It is also most contradictory that, referring to the Sokli case, Euromines wrote in a position paper from July 2023 that no negative impact could be seen on biological quality elements.
21. *https://www.consilium.europa.eu/en/press/press-releases/2025/09/23/water-pollution-council-and-parliament-reach-provisional-deal-to-update-priority-substances-in-surface-and-ground-waters/*
22. European Commission, Task 2 report, *Support to the Task force on Exemptions – stock taking of exemptions and comparing justifications and measures under the third RBMPs*, 2025, *https://circabc.europa.eu/ui/group/9ab5926d-bed4-4322-9aa7-9964bbe8312d/library/3976f8d6-ee10-4abe-992c-c4d9ca3120fc/details*
23. ClientEarth, *Informe sobre planes hidrológicos españoles del tercer ciclo: cambio climático y aspectos clave en la aplicación de la directiva marco del agua*, *https://www.clientearth.es/media/nldbc0vv/informe-final-completo.pdf* and English Summary: *https://www.clientearth.es/media/3xkjllk1/executive-summary-english.pdf*
24. Ricardo Energy & Environment for the European Commission, *Summary on IED contribution to water policy*, 2018, *https://circabc.europa.eu/sd/a/af2ff560-431b-4b61-b318-4543a9b176ff/Summary%20on%20IED%20contribution%20to%20water%20policy.pdf?utm_source=chatgpt.com*
25. OECD (2022), *Best Available Techniques (BAT) for Preventing and Controlling Industrial Pollution, Activity 5: Value chain approaches to determining BAT for industrial installations*, Environment, Health and Safety, Environment Directorate, OECD, *https://www.oecd.org/content/dam/oecd/en/publications/reports/2022/01/best-available-techniques-bat-for-preventing-and-controlling-industrial-pollution-activity-5-value-chain-approaches-to-determining-bat-for-industrial-installations_503ecaf0/799483e4-en.pdf*



Those leading the way: the route to water resilience

© Arthur de Bruin

Besides the industry groups whose positions have been explored in this briefing, a large share of the business community feels very differently about the Water Framework Directive. It recognises that implementing the WFD is essential to the sustainability of their activities and the achievement of the objectives of the EU Water Resilience Strategy.[26]

Some sectors are intrinsically dependent on the quality of the aquatic environment where they operate – such as sustainable agriculture and fisheries, aquaculture and shellfish farming, drinking water, sustainable tourism, or the outdoor industry. Entire sectors of European business are also reliant on clean and abundant water, such as the food and beverage industry, semiconductors, batteries, and hydrogen. For those sectors, a well-implemented and enforced WFD will ensure the quality and sustainability of freshwater and coastal ecosystems, and therefore water security.

A stable regulatory environment will give the right incentives to invest in water efficiency, water treatment, and nature-based solutions, in line with the recommendations of the European Water Resilience Strategy. The Competitiveness Compass for the EU states that "Member States need to address growing water scarcity by improving water management practices and infrastructures, increasing water efficiency and promoting sustainable water use". With 15% of industrial facilities in the EU located in flood-risk areas[27], and 34% of the European Union territory affected by water scarcity during at least one season in 2022,[28] there is no doubt that such investments need to be prioritised immediately.

The WFD is supported by an innovative platform - the "WFD Common Implementation Strategy" (WFD CIS) - where common understanding of the WFD is elaborated between Member States, water-using sectors and civil society. The platform also shares good practice and collaboratively develops guidance for the impactful implementation of the WFD. Thus, industry actors interested in the achievement of the WFD's environmental objectives for the benefits of all have a platform to play a constructive role. So, the calls to weaken the WFD are mainly coming from big business actors who choose not to engage constructively and are resisting the urgently needed green transition.

Various companies have already invested in water resilience, including the improvement of freshwater and coastal ecosystems. In business circles, these calls are only growing. The financial[29] and insurance[30] sector, but also the Corporate Leaders Group, are increasingly recognising climate and water-related risks and announcing pledges to invest in nature-based solutions to mitigate them. The European Central Bank *estimates* that over 40% of banks' loan portfolios are to companies highly dependent on surface and groundwater resources, underlining the importance – and growing recognition – of water as a core financial risk. SME United reports that *half of all SMEs have already taken steps to save water*, according to Eurobarometer data, and are in favour of strengthening the implementation of the Water Framework Directive.

26 This is visible in the answers of some individual companies to the call for evidence, as well as in position papers listed in the "Sources" sections.

27. EEA, Responding to climate change impacts on human health in Europe: focus on floods, droughts and water quality, 2024, *https://www.eea.europa.eu/en/newsroom/news/climate-health-risks-posed-by-floods*

28. EEA, Water scarcity conditions in Europe, 2025, *https://www.eea.europa.eu/en/analysis/indicators/use-of-freshwater-resources-in-europe-1*

29. Through CDP, 275 major financial institutions – including European banks, insurers, and asset managers – controlling more than US $20 trillion in assets have committed to act on water security, with more than half already measuring or planning to measure their portfolios' water impacts (CDP, 2023).

30. Insurers are integrating flood and drought risks into underwriting and developing tools such as Swiss Re's CatNet, FLOAT, and FLOW to model and manage water-related losses.

Recommendations

Because the industry groups whose positions have been explored in this briefing exert a huge amount of pressure on freshwater ecosystems, the European Commission must ensure that it is acting for the good of nature and citizens, and not in the name of short-term profits for vested industry interests.

We therefore call on the European Commission to:

- ✓ **Keep the Water Framework Directive out of its upcoming Environmental Omnibus Proposal**. Revising the WFD would hamper two decades of efforts from public authorities and companies and give the wrong signal to investors and decision-makers. As the next planning cycle approaches, it is essential that national water authorities have legal clarity to be able to focus on preparing River Basin Management Plans for 2028-2033 cycle.

- ✓ **Focus on enforcement of measures**. In the Water Resilience Strategy, the Commission has committed to launch Structured Dialogues with Member States from November 2025 to jointly define implementation priorities. Any revision of the WFD at this point would weaken the Commission's position in the ongoing and upcoming Structured Dialogues.

- ✓ **Use upcoming policy initiatives as well as the WFD Common Implementation Strategy to support WFD implementation**, particularly the European integrated framework for climate resilience, to mainstream water protection and water resilience. This would increase the uptake of nature-based solutions to ensure that freshwater biodiversity can spread back into degraded areas.

- ✓ **Ensure coherence between management and conservation of water ecosystems and relevant sectoral policies** (most notably agriculture, energy, defence, digital sector and climate adaptation).

- ✓ **Ensure that the Water Resilience Strategy is matched with appropriate funding in the upcoming Multiannual Financial Framework**, so that its flagship actions can be delivered.

© Arthur de Bruin

Glossary

“Article 4(7)” exemption: This exemption specifies the scenarios in which Member States are exempt (not required) from complying with the “non-deterioration” obligation or from reaching good ecological status or good groundwater status.

“Article 4(5)” exemption: This exemption allows to reach less stringent environmental objectives when water bodies are too affected by human activities or too far from their natural conditions. Still, it requires water authorities to ensure that the water bodies do not further deteriorate, and that the best possible condition is reached.

“Best Available Techniques” (BATs): Under the Industrial Emissions Directive, BATs are defined as the most effective techniques to achieve prevention and reduction of emissions and environmental impacts while providing emission limit values and permit conditions. BATs have been criticised for their lack of scientific rigour when it comes to properly addressing water pollution, by focusing on technical standards rather than ecological impacts. In 2018, a report addressed to the European Commission found that only 17% of BATs covered emissions into water. More recent (2022-2024) JRC and NGO assessments acknowledged the production of new BATs but indicate that water remains under-represented.

“Environmental Quality Standard”: Under the EQSD (Environmental Quality Standard Directive), substances to be monitored and kept under a certain threshold for the achievement of the objectives of the WFD, in particular with the establishment of a list of priority substances (Art. 16(2), WFD).

“Good Ecological Status”: Under the WFD, the vast majority of EU rivers, lakes, wetlands, streams, groundwater, coastal and transitional waters are required to reach good health - defined as “Good Ecological Status” - by 2027 at the very latest. All elements that contribute to a healthy, functioning freshwater ecosystem are considered within this definition, including whether it is biodiversity-rich, and whether its hydrological characteristics and chemical characteristics are in order.

“Non-deterioration” obligation: Within the WFD, Member States must ensure that the current state of any given water body does not deteriorate any more than it has already. The Weser ruling (C-461/13) states that deterioration is established as soon as the status of at least one of the quality elements falls by one class, even if that fall does not result in a fall in classification of the body of surface water as a whole. Decision-makers have just agreed to add this definition to the Water Framework Directive, in the provisional agreement on amending WFD, Groundwater Directive and EQS directive reached in September 2025.

“One-out, all-out” principle: A principle within the WFD which states that if one parameter for evaluating the status of a freshwater ecosystem is not in good status, the ecosystem as a whole cannot be classified as good status.

“Polluter pays” principle (PPP): Those who exert major pressures on freshwater ecosystems (e.g. polluters or heavy water users) should pay the cost for protection and restoration, the cost reflecting the value and state of the resource in a given context (water scarcity, pollution pressures from diverse industries, etc.). In the WFD, the PPP is reflected in Article 9 through the “Cost recovery principle”, according to which the amount of money being paid for water services needs to include not only financial (investment and operational) costs but also the costs of associated negative environmental impacts (environmental costs) as well as forgone opportunities of alternative water uses (resource costs).

River Basin Management Plans (RBMPs): These plans are a requirement of all Member States under the EU’s water legislation. They outline governments’ plans to achieve its objectives in each river basin, and are an effective tool for achieving the protection, improvement and sustainable use of freshwater across the EU.

Sources

This publication is based on a non-exhaustive analysis of the answers to the European Commission’s call for evidence on Simplification of administrative burdens in environmental legislation, which ran from 22 July 2025 to 10 September 2025.

Other sources include:

CDP, “Hundreds of financial institutions controlling trillions of dollars are committed to act on water”, available on *https://sdgs.un.org/partnerships/hundreds-financial-institutions-controlling-trillions-dollars-are-committed-act-water?utm_source=chatgpt.com*

Corporate Leaders Group Europe, “Principles for an ambitious EU Green Industrial Strategy”, 2023, *https://www.corporateleadersgroup.com/files/principles_for_an_ambitious_eu_green_industrial_strategy.pdf*

Eurofer, Euromines, Eurometaux, “The non-deterioration principle enshrined in the Water Framework Directive and interpreted through the EU Weser ruling must be amended to enable the green transition”, Position paper, 2023.

Euromines, “Commission´s proposal on integrated water management - Adaptation of article 4 paragraph 7 EU-Water Framework Directive”, Position paper, 2024.

European Commission, “Support to the Task force on Exemptions – stock taking of exemptions and comparing justifications and measures under the third RBMPs”, Task 2 Report, 2025, *https://circabc.europa.eu/ui/group/9ab5926d-bed4-4322-9aa7-9964bbe8312d/library/aabceecd-ef02-4921-9fae-3a3076d12a85/details*

European Mollusc Producers Association, “Manifesto for the Sustainable Development of the European Shellfish Sector”, 2024, *https://www.oceanspacemedia.com/files/2024/10/26/AEPM_MANIFESTE_V4.pdf*

Government Offices of Sweden, “Simplification proposals - A list of simplification proposals for EU legislation from the Swedish government”, July 2025.

SME United, “Empower SMEs to shape a water resilient Europe”, 2025, *https://www.smeunited.eu/admin/storage/smeunited/20250624-smeunited-finalwaterresilienceposition.pdf*