- BRIEFING PAPER -

Water Framework Directive review and revision
March 2026

The Water Framework Directive (WFD) is a cornerstone of EU environmental law. It aims at (i) preventing further destruction of the EU's water environment and (ii) achieving good status of European rivers, lakes, streams, wetlands, groundwater, and transitional and coastal waters. In doing so, the law secures the crucial benefits of healthy freshwater ecosystems for the sake of human and environmental health, economic prosperity and climate resilience. The Commission's announcement on 3 December 2025 in the RESourceEU Action Plan Communication to "review and revise the WFD, […] paying particular attention to simplification and the need to address potential bottlenecks" in Q2 2026, is casting a major risk of weakening of the water protection rules.

In this paper, **the Living Rivers Europe coalition warns against the revision of the Water Framework Directive**, which will most likely result in weakening of the WFD and lead to more pollution and nature destruction, undermining Europe's water resilience and citizens' trust in the EU. During the call for evidence on the Environmental Omnibus in September 2025, nearly 200,000 Europeans wrote in to oppose environmental rollbacks and demanded even stronger protection of nature, specifically highlighting the importance of the water protections laws for them. Unfortunately, the European Commission remained deaf to those calls and has embarked on the course of weakening the EU's flagship water law. The ongoing Hands Off Nature campaign that our organisations support continues to mobilise Europeans who demand that our European leaders defend the laws that protect people and nature, and do not bow to polluters and vested interests.

In the RESourceEU Action Plan Communication, the review and revision of the WFD is framed as a way to "promote circularity and access to critical raw materials in the EU." This objective, repeated in the Environmental Omnibus communication, implies the lowering of water protection standards to respond to concerns raised in particular by the critical raw materials sector. Our analysis of those concerns, summarised in the publication *"Industry's role in water resilience: How some lead – and others wreck"*, showed if the Commission implemented the changes put forward by the polluters, they would be giving those industries the green light to carry out activities that are harmful for nature and people's health, resulting in further pollution and degradation of our vulnerable freshwater ecosystems. Moreover, even if the Commission's forthcoming proposal remains targeted to allowing more pollution only from the mining sector, there remains a danger in the fact that the scope of the revision can be broadened in the co-decision process, as shown during the update of the EU's water pollution standards, where Member States introduced new exemptions to the non-deterioration principle of the WFD.

Our coalition believe there are at least 5 reasons to not revise the WFD:

Reason 1: Sound water protection and legal stability are essential to Europe's competitiveness

Water and freshwater ecosystems have an immense economic value estimated to be over €11 trillion in Europe – about 2.5 times the GDP of Germany. Europe's competitiveness depends on sound regulatory requirements, not a race to the bottom to appease those who will not take the necessary steps to address their pollution at source. Forward-thinking companies stand up for strong water protection because, in their own words, "*a stable, ambitious regulatory framework is key to encouraging investment, innovation, and sustainable business practices that contribute to Europe's water and climate resilience*".

Water quality is as important as water availability. Key economic sectors such as agriculture, fisheries and aquaculture, energy production, and industries, including some participating in the green transition such as data centres, renewable hydrogen, and electric vehicle battery production, rely on both clean and abundant water supply – which is sourced from healthy freshwater ecosystems. Weakening the legislation which protects the ecosystems and the water cycle itself on the grounds of simplification is missing an entire part of the picture.

Unreliable access to clean and available water is increasingly identified as a business risk on our continent. This is due in the first place to human activities such as pollution and over abstraction, as well as to climate change. The 2022 IPCC report confirms that climate change manifests primarily through water, which reflects the findings of the Stern review on the Economics of climate change, which holds that the economic impacts of climate will also be most felt through its effects on the hydrological cycle. Economic losses from water scarcity (primarily driven by excessive water demand and aggravated by the effects of climate change) already reach up to €9 billion per year in the EU, largely through impacts on water-dependent sectors. The WFD is the tool to mitigate those impacts.

There is ample evidence that environmental regulation drives innovation and is a means to boost competitiveness. A 2024 study from the European Central Bank concluded that decisive environmental policy action is essential for increasing clean technology innovation, which in turn is vital for delivering emission reduction at a lower cost in the future. As an illustration, the introduction of the Water Ecological Civilisation City Pilot policy in China, a new environmental policy, has resulted in pollution reduction while increasing the number of green patent applications. Similarly, research showed that the Montreal Protocol and the U.S. Clean Air Act requiring the elimination of ozone-depleting chlorofluorocarbons (CFCs) led to innovation and the adoption of substitutes (for instance, cleaning agents used in industrial processes), resulting in an increase of product quality, lower operating costs and enhanced competitiveness.

A sound and stable WFD is needed to support a water-resilient industry. We welcome the fact that the EU has committed to become more climate and water resilient including in the recent EU Water Resilience Strategy, one of the key deliverables of the von der Leyen II Commission. Climate and water resilience can be achieved by promoting an industry that has taken responsibility to limit its impact on freshwater ecosystems (see example of investments at the Kittilä mine in Lapland, Finland, in annex) and adapted to withstand the consequences of our changing climate. Sound water protection standards force companies to invest in making their activities more water and climate resilient. On the contrary, backtracking on environmental regulation would kneecap industry that has already invested in adapting, and lead to a race to the bottom. As the effects of climate change worsen, this will just result in a less resilient industry, easily wiped out by the inevitable material shifts of climate change, and subsequent re-legislating to adapt to them (this being the opposite of a no-regret policy).

The Commission proposed an update to the WFD[1] already three years ago which provided additional flexibilities and extensive deadlines for Member States in tackling water pollution with pollutants of emerging concern such as PFAS. It went beyond the agreed mandate of the technical update of the directive by introducing two new exemptions from its environmental objectives. Rather than another revision of the WFD, companies need a stable and predictable regulatory framework that enables consistent implementation and improvement over time.

> "*Particularly in the case of large environmental policy stringency tightening shocks, non-market-based policy induces a strong response in cleaning technology innovation, which peaks three years after the event. In as far as the implied flexibility of market-based policy instruments may come, at least to some degree, at the expense of certainty at the individual firm level,* ***our findings are consistent with the notion that policy uncertainty has adverse effects on investments for the low-carbon economy.***"
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> European Central Bank

Reason 2: The WFD is needed to deliver water resilience

The WFD is the toolbox which the EU Water Resilience Strategy relies on. In this Strategy, the Commission highlights that "*Achieving water resilience will depend on enhanced implementation of the comprehensive EU water acquis*". On 21 October 2025, Environment Ministers stressed in the Council conclusions on the EU Water Resilience Strategy *"the urgent need for improved implementation of existing EU water legislation across sectors*", a call which had also been made in the European Parliament's EP INI report on water resilience in 2025. Announcing a revision of the WFD only a couple of months after releasing the Water Resilience Strategy is politically inconsistent – and would make it impossible to achieve the objectives of the Water Resilience Strategy.

The European Environment Agency's State of Water Report (2024) states that: "*Urgent action is required to improve Europe's water resilience. Climate change is disrupting weather patterns and further increasing pressures on our water resources and ecosystems. Europe's water management practices are poorly adapted to cope with such rapid and large-scale change, which will compromise water security*."

Droughts already affect 20% of Europe's land each year, while water-related disasters have multiplied and intensified during recent years, with severe consequences for people and the economy. In 2024, storms and floodings across Europe claimed 335 lives and cost at least €18 billion. At the same time, water pollution across the EU remains significant, with less than 30% of surface water bodies meeting EU quality standards, putting at risk the right to access to clean water and burdening public budgets and drinking water bills.

Agriculture is reliant on water availability, and amongst the first to be hit by water scarcity and drought. 62,000km2 of cropland was affected by drought in Europe on average every year during the period 2000-2021 – twice the surface area of Belgium (EEA, 2021). By regulating water abstraction permits and water allocation among users, the WFD ensures that water abstraction is kept to a level which guarantees the replenishment of ecosystems storing water. The proper allocation of water among different users is one of its key elements. Loosening the rules on water abstraction, or over-promising water to agriculture, like in the Adour river basin or in the Marais Poitevin in France, would only undermine the resilience of the sector in the long term.

[1]In October 2022, the European Commission already presented a proposal revising the WFD, Groundwater Directive and Environmental Quality Standards Directive to update the list of priority substance in surface and groundwater. This update was a legal obligation, as priority substances need to be updated every 6 years.

Reason 3: A revision now would undermine efforts to close implementation gaps

Environmental governance requires a long-term vision; translating legal objectives into ecological outcomes requires planning, implementation, investment and monitoring by Member States. The Water Resilience Strategy launched Structured Dialogues with each Member State, starting in November 2025, to identify and overcome country-specific implementation issues. Changing the WFD at this moment will not only cause confusion, but it also risks taking valuable time from the preparations of the next River Basin Management Plans (2028-2033) and the intensive work required at the EU and national level to close implementation gaps by 2027. It does not make sense for the Commission to be working to help Member States identify and close implementation gaps of a law, while at the same time preparing to dismantle those rules.

Implementation gaps that have already been identified are the lack of capacity at a municipal level, and an annual investment gap of around €23 billion (0.1% of EU GDP) to implement the existing water legislation. Focus should be on closing this investment gap perhaps by supporting some of the sectors which need the most help to reduce their impact on water, for instance agriculture (see text box). On the contrary, frequent reopening of core objectives, shifting timelines, or weakening obligations undermine these processes by increasing uncertainty and discouraging long-term commitments.

> With diffuse pollution from agriculture being the main pressure on surface and groundwater, changes in farming practices can help sustain productivity while reducing pollution and adapting to lower water use. The use of nature-based solutions in farmland, such as buffer strips around water courses, reduced mowing, tree or hedge planting, can facilitate water infiltration, mitigating both drought and flood risks. Transitioning to less water-intensive crops is also needed in the regions that are the most impacted by water stress. Additional incentives and financial support in the upcoming CAP could help farmers upscale such practices.

The EU agreed to comply with the WFD by 2015, but Member States could spread action over two additional 6-year implementation cycles for cases where more time was needed. After 2027, Member States will have less room to justify why they are not meeting the objectives, meaning that the next cycles of River Basin Management Plans that are currently being drafted by authorities will be the first 'real' implementation plans. Some countries are making significant advances on this, for example, Denmark which recently banned several PFAS-containing pesticides with a view to protect groundwater. It is inconceivable that the standards would be lowered at this point to appease those sectors and Member States that haven't taken sufficient action for the past 25 years.

Reason 4: There is no evidence supporting the need for revision

The WFD was assessed "fit for purpose" in the European Commission's Fitness Check evaluation in 2019. As its objectives have not been achieved but are more important than ever for the wellbeing of European citizens, nature and industries, the law must be kept strong and its implementation boosted.

The upcoming WFD revision proposal will need be accompanied by a comprehensive Impact Assessment, as required by the Inter-Institutional Agreement on Better Law-Making and the Commission's Better Regulation Guidelines (paragraph 13). Exemptions from this requirement exist and have been invoked by

Commissioner Roswall in her exchange with the ENVI Committee in January 2026, however they do not cover the present case. The burden of proof demonstrating that the RESource EU Action Plan does qualify under an exemption relies on the Commission, and we have not seen such proof. The EU Ombudswoman recently highlighted the risks of an overly wide interpretation of the term ''urgency'' to justify not conducting impact assessments.

No evidence has been brought that revising the WFD to simplify it would result in substantial and significative reduction of financial burden for the industry for which this revision is promised. On the contrary, research shows that the costs of not fully implementing EU environmental law and policy amounts to at least €180 billion a year.

According to the 2024 Eurobarometer survey on *Attitudes of Europeans towards the environment*, 78% of Europeans want the EU to do more to tackle water pollution. Reopening the WFD would therefore also go against the wishes of a large majority of European citizens.

Reason 5: The WFD is a flexible tool, striking a balance between different water users

The WFD, as it is now, is a "flexible enough" tool, that already allows certain derogations, depending on the circumstances. Article 4(7) makes it possible to give projects derogations to the environmental objectives of the WFD if some conditions are met. One of those conditions is that projects are of overriding public interest – something which, according to case law, must be determined at a national level. There is therefore inbuilt flexibility and subsidiarity embedded in the existing directive.

Additional flexibility was also recently granted as part of the update of priority substances in surface and groundwater, expected to enter into force shortly. The administrative burden for authorities was lowered by removing the obligation to report on implementation progress mid-way through the RBMP cycle. Two new exemptions were also introduced to article 4(7) to address the argued lack of flexibility of the non-deterioration principle of the WFD. Namely, one exemption regards short-term temporary deterioration of chemical (1 year) and biological (3 years) quality elements, and the other one allows for relocation of pollution from one water body to another.

The Environment Omnibus and Grids Package contain legislative proposals, namely the Regulation for the speeding up of environmental assessments and the Directive on the acceleration of permit-granting of certain infrastructure projects, which amend directly or indirectly the Water Framework Directive to add flexibility for permit-granting. For example, the Regulation for the speeding up of environmental assessments (Article 14 and annex) grants the status of public interest to certain projects developed for strategic sectors or categories and flags that they "may be considered to have an overriding public interest", including with regards to the obligations referred to in WFD Article 4(7). In addition, both packages introduce rigid EU-level deadlines for undertaking environmental assessments including assessment required under Article 4(7) of the WFD.

It is important to recall that the WFD is about balancing interests between water users. Multiplying derogations, particularly if those would be sectoral ones, or loosening legal requirements to improve the water status, might shift this balance and have repercussions for other water users. The WFD 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. For instance, weakening requirements to address water pollution from agriculture (nitrates, phosphorus, pesticides) would result in further shifting the burden of clean-up to drinking water customers, which is in total contradiction with the standards recently adopted under the recast of the Drinking Water Directive that require more action to address pollution at source.

Way forward: Implement new flexibilities already granted before deciding if more flexibility is needed

Some Member States and industry sectors claim that the WFD is standing in the way of permits. The European Court of Auditors indeed found out that 'lengthy and complex permitting" is a key bottleneck for permitting for critical raw materials projects, highlighting that "*The Commission has clarified the conditions for extraction in Natura 2000 areas, but it has not done so in relation to the Water Framework Directive. It has also started to address the permitting bottleneck in the Critical Raw Materials Act, mainly through one-stop shop solutions (paragraphs 70-75)*". As a matter of fact, the Commission in its RESourceEU Action plan announced a guidance document to enable a simpler and more harmonised implementation in Member States of the EU law on environmental permitting, including aspects relating to the mining sector for Q1 2026. A revision of the WFD before Member States have properly started using the guidance document is therefore premature.

The Swedish government, in its list of simplification proposals sent to the European Commission, calls on the Commission to find ways to balance the interests at stake in situations where there are competing objectives, specifically mentioning Article 4(7) of the WFD. But Article 4(7) already offers this balance, for example by allowing Member States to grant permits to harmful projects if they are deemed to be of overriding public interest. The perceived bottlenecks thus rather come from the fact that the competent Member State is not applying this exemption and using the flexibility offered by the Directive. As a result, the mining industry has chosen to lobby for changes to European policy rather than adjust its practices to reduce pollution and build trust with the local population.

Member States must first be given a chance to adapt national rules following the upcoming guidance document, so that issues which are rather connected to the transposition of the WFD into national law than to the WFD itself can be identified and solved at the appropriate level (see annex on Mining in relation to the WFD).

Recommendations

We ask the European Commission and co-legislator to:

- Refrain from revising or weakening the WFD;
- Prioritise the full and timely implementation and enforcement of the existing water acquis (including the provisional deal to update priority substances in surface water and groundwater) and the Water Resilience Strategy, including through pursuing the Structured Dialogues started at the end of 2025 with Member States;
- Give Member States time to implement the upcoming new guidance document on environmental permitting in relation to mining and water, and assess only later if more flexibility is needed;
- Ensure a clear, stable and predictable regulatory environment that safeguards progress, qualified workers and investment.

Annex: Mining in relation to the WFD

Mining is the industry that produces the largest amount of waste globally. This waste includes both waste rock, and waste from mineral processing, called "tailing", which may contain hazardous substances. Mining companies commonly store these materials behind tailing dams, with a significant risk of failure which may result in environmental harm and risks to nearby communities. Even without dam failure, or when operations cease, the toxic materials can continue to contaminate surrounding waterways (for instance, by infiltrating into groundwater) and threaten local ecosystems. Mining activities also consume significant volumes of water for extraction operations and can therefore lead to water depletion.

The green transition does not make it necessary or advisable to lower critical health and environmental safeguards. Maintaining sound water protection standards is necessary to safeguard people's health and secure the availability and quality of water for now and future generations. Weakening water protection rules to fit the lowest performers only benefits laggards, does not promote innovation, and removes mining companies' social licence to operate.

Avoiding cascading impacts on people and on other sectors

If mining is to occur after fulfilling the requirements of meaningful participation and especially free prior and informed consent, it must also be combined with strong environmental protection to minimise impacts on people and nature. These impacts include acid mine drainage, pollution of watercourses with heavy metals (e.g. cadmium, mercury, arsenic), and water depletion, among others. The costs of mining activities to society, such as environmental degradation, health risks and social disruption, cannot be justified by mining companies' profits.

Europe is already dealing with a legacy of mines without appropriate remediation - for instance, Sweden has over 300 suspected contaminated areas from abandoned mines that pose a very high or high risk to the environment and human health. Some of those abandoned mines have already caused important damages. Agriculture appears to be one of the main sectors exposed to the pollution of water courses from upstream industrial activities or human settlements. For instance, in Wales, pollution from derelict metalliferous mines caused potentially toxic concentrations of lead in vegetables and eggs produced near the mines. Similarly, the Minas de San Finx tin and tungsten mine in Galicia, Spain has caused chronic heavy metal pollution: cadmium levels downstream are 93 times above maximum allowable limits, with approximately 50,000 litres of contaminated water and mine waste released per hour into the river, polluting shellfish beds in the Muros-Noia estuary that provide livelihood to over 1,500 families. Broadening derogations to the obligation of meeting "good ecological status" or" good groundwater status", for new industrial or extraction projects, as requested by Euromines or Business Europe, will only lead to more risks of water pollution for agricultural land downstream.

Lowering environmental standards will not solve one of the main hurdles to mining in Europe, which is local opposition, . According to the European Court of Auditors (paras 70-75), almost half of the member states identified environmental and social considerations, such as pollution or people's concerns with losing their land, possibilities to fish or continue their job, as the primary obstacle to increasing domestic extraction. As this opposition continues to rise, it is crucial that the European Commission addresses citizens' concerns. Removing environmental protection will therefore only incentivise local opposition by removing safeguards of trust and social and environmental accountability.

Balancing between water protection and mining activities

The WFD aims to ensure that human activity, including mining projects, is planned and carried out with respect for natural waters. This scrutiny is particularly important in the current context where there is a lot of political and financial pressure to speed up mining permits, and widespread concern from affected populations.

The pressure from the mining sector to lower the environmental objectives of the WFD is not new. The 2019 WFD Fitness Check already referred to "numerous contributions" from the mining industries to the fitness check consultations highlighting issues with additional emissions leading to deterioration of the status of water bodies. Seven years later, the mining industry is still trying to push the idea that core principles under the WFD, such as non-deterioration, need to be weakened to ease the approval of new projects. Several considerations must be made:

- It is striking that in their joint statement on the Announced Guidance Document and Revision of the Water Framework Directive, Raw Materials Europe coalition does not provide any concrete justification for the amendments to the WFD which they ask for.
- Claims from the mining industry with regards to the non-deterioration principle are out of proportion and at odds with article 1(d) of the WFD which states that the purpose of this directive is to establish a framework which "ensures the progressive reduction of pollution of groundwater and prevents its further pollution". One of the main requests from Raw Materials Europe is broadening of the exemption under WFD Article 4(7) "so that no constellation of circumstances is excluded from the scope of this exemption from the outset". This means nothing less than a blanket exemption allowing for all types of modifications to a water body to be eligible, and covering all aspects of the water status, including chemical status. This is going far beyond the logic of Article 4(7) and departs from the interpretation in Guidance document No. 20 that those exemptions "*should not be the rule, but exceptional*".

WFD Article 4(7) covers two cases:

- failure to achieve good groundwater status, good ecological status or, where relevant, good ecological potential or to prevent deterioration in the status of a body of surface water or groundwater is the result of new modifications to the physical characteristics of a surface water body or alterations to the level of bodies of groundwater, or

- failure to prevent deterioration from high status to good status of a body of surface water is the result of new sustainable human development activities

Projects fitting into one of those two cases may be authorised only if:

- All practicable steps are taken to minimise harm (Art. 4(7)(a)).

- The reasons for the modification are clearly explained in the RBMP (Art. 4(7)(b)).

- It serves an overriding public interest, and the benefits outweigh the environmental costs (Art. 4(7) (c)).

- No better environmental alternative exists that is technically feasible or not disproportionately costly (Art. 4(7)(d)).

- A new mining project can be authorised in the framework of the WFD if a proper assessment of the project's impact on the achievement of WFD's objectives is done (the so-called "article 4(7) test"), and if an exemption under Article 4(7) WFD is properly invoked and justified. Members States have also been using exemptions under article 4(5) and 4(4)(c) to justify pollution from mining activities (Austria used article 4(5) for 14 water bodies contaminated with heavy metals from mining, and Catalonia used article 4(4)(c) for justifying saline conditions from former mining activities). For an exemption under Article 4(7) to be rightly invoked, proper mitigation measures should be taken (among other conditions). However, examples show that rather than conducting the Article 4(7) test, and then putting in place effective mitigation measures, as well as meeting the other conditions imposed by article 4(7), Member States are simply claiming that the project does not jeopardise achieving the objectives of the WFD (see, for example, application before the General Court of the EU regarding the Barroso project in Portugal). This shows that Article 4(7) is misused.
- The European Court of Auditors shows that a large share of strategic projects under the Critical Raw Material Act (CRMA) are unlikely to deliver any significant volumes by 2030. Lowering water protection standards for projects which are not making any significant difference in improving the security of supply for raw materials might not be worth it, especially when they raise costs for the rest of society.
- The European Court of Auditors notes that although the CRMA sets a non-binding target to boost domestic extraction of strategic materials to 10% and processing to 40%, financial, legal and administrative bottlenecks hamper progress in this area. The guidance document to enable a simpler and more harmonised implementation in Member States of the EU law on environmental and water permitting, including aspects relating to the mining sector, expected for Q1 2026, will probably be helpful to address some of the administrative bottlenecks, such as incomplete permit applications which do not contain the necessary assessments. Other bottlenecks, such as the lack of capacity in local administrations to deal with permitting, are implementation issues that must be first dealt with at national level rather than at EU level.

Encouraging frontrunners, not laggards

The mining industry claims that *"Europe is at the forefront of sustainable and responsible mining practices with its cutting-edge technologies provided by EU suppliers for EU mines, with world leading ESG standards."* Rather than lowering environmental standards, such responsible practices should be encouraged and supported. For instance, Agnico Angle Finland invested €80 million in 2016-2020 in environmental measures for the Kittilä mine, such as a treatment facility which managed to reduce the sulfate content of the discharge water by 75%.

There are other ways to address barriers to raw material extraction than weakening the WFD

In 2011, the Commission issued guidance about non-energy mineral extraction and Natura 2000 to ease the situation and complemented it with case studies in 2019. In the RESourceEU Action Plan, the Commission has already committed to issuing similar guidance in relation to the Water Framework Directive. This avenue should be first explored, before revising the Directive.

Another avenue is to reinforce capacity in national administrations to deal with environmental authorisations. The European Court of Auditors (para 71) indicates that six Member States have indicated that bottlenecks arise from both insufficient administrative capacities in the public sector (for example to grant mining and exploitation licences). In addition, while the Critical Raw Materials Act required member

states to establish by February 2025 national one-stop shops (single contact points) responsible for both mining project applications and permits, as of November 2025, only 16 out of 27 Member States had created these one-stop shops.

In the long term, the environment can be protected from mining only if policies reduce the demand for raw materials as much as possible and develop circularity and sufficiency measures. The European Court of Auditors indicates that substitution of critical raw materials is not sufficiently covered by the EU legislation and national circularity plans are likely to be delayed (paras 78-81).

Living Rivers Europe is a coalition of seven environmental and angling organisations: the European Anglers Alliance, the European Environmental Bureau, the European Rivers Network, Surfrider Foundation Europe, The Nature Conservancy, Wetlands International Europe and the WWF's European network.

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