



To: Ursula von der Leyen, President, European Commission

Cc: Teresa Ribera, Executive Vice-President for a Clean, Just and Competitive Transition, European Commission; Stéphane Séjourné, Executive Vice-President for Prosperity and Industrial Strategy, European Commission; Jessika Roswall, Commissioner for Environment, Water Resilience and a Competitive Circular Economy; Valdis Dombrovskis, Commissioner for Economy and Productivity; Implementation and Simplification

Brussels, 29 April 2026

**Subject: Ensuring proper implementation of Better Regulation Guidelines during the review of the Water Framework Directive & reassessing the need for revision**

Dear President of the European Commission,

We write to you on behalf of the undersigned associations, representing tens of millions of citizens across Europe, to urge you to **remedy the procedural issues that have arisen during the review of the Water Framework Directive (WFD) and to reconsider the commitment to revise it.** While we acknowledge that in the RESEU Action Plan Communication (RESEU) the European Commission made the decision to “... review and revise the Water Framework Directive”, we have noticed several deviations from the Better Regulation Framework (BRF) and decision-making based on best available evidence, as well as a lack of effective, informed, equal and balanced participation during the review process. In addition, the call for evidence revealed an overwhelming and informed opposition to the revision of the directive, while the mining sector provided no evidence on their claims of the WFD being an obstacle to permitting projects. We therefore ask you to properly apply the BRF during the rest of the review process, and to refrain from the unfounded decision to revise the WFD.

#### **Lack of equal and balanced participation**

Although the RESEU states that *stakeholders' input will be taken into account* during the review and revision, neither stakeholders nor the public were informed of the decision to revise the WFD until it had already been taken, and neither were the [200,000 people](#) who expressed concern at the Commission's plans to weaken EU environmental laws. Since the ungrounded decision to revise the WFD was made, over [430,000 people have objected to it](#).

After the RESEU, we have been made aware that the European Commission has been organising Stakeholder Roundtables and Implementation Dialogues (such as one with farmers, on 18 February 2026, with Swedish industry representatives on 8 April and Swedish civil society on 16 April). Once again, [we often only hear of them after they have already occurred and have not been invited to participate or provide input](#). Our organisations have contributed faithfully to the innovative Common Implementation Strategy of the Water Framework Directive (WFD CIS) since its establishment in 2001 and do not understand the change in collaborative spirit among European Commission services, Member State authorities, EU stakeholders and NGOs that took decades to build – all working towards effective and efficient achievement of the WFD objectives for the benefit of people and nature.

#### **Deviation from Better Regulation Framework (BRF) and best available evidence decision-making**

By announcing both the review and revision simultaneously, the Commission has pre-empted the results of the review. The Commission should have conducted a comparison of policy options including options which do not include a revision (not only arbitrarily choosing the revision as the only framing) and setting up a call for evidence at the stage of the review (before deciding on the revision). We believe lack of proper assessment of various policy options does not allow for informed decision making regarding the revision of the WFD.

Moreover, the Commission in the RESourceEU Action plan announced publication of the guidance document to support 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.

We urge the Commission to include in its review comprehensive impact and risk assessments offering different policy options including the non-revision and assessing the true costs of the proposed policy options, considering the wide and long-lasting impacts of raw material projects on water, climate, health and economies.

### **Lack of a justification for revision**

The announcement to revise the WFD completely deviates from the conclusions of the [recent WFD 2020 fitness check](#). The objectives of the WFD are more relevant than ever, as evidenced by the [2025 Implementation Report](#), and the measures in the Directive are still adequate to pursue these objectives, as evidenced by the fitness check, which concludes, in no uncertain terms, “...*that there is limited room for simplification and reduction of the Directives’ administrative burden without jeopardising [its] objectives*”.

The last WFD implementation reports (2024) have shown that the main obstacle to achieving WFD objectives is the lack of proper implementation including lack of funding and enforcement. This analysis is consistent with the European Court of Auditors Report assessing EU CRM policy. [Structured Water Dialogues](#) with Member States intended to find what these implementation issues are. Those are ongoing and are a welcome initiative. The European Commission should have waited until the conclusion of these Structured Dialogues to ensure that all Member States had an equal chance to participate. Any proposal before they have all occurred is likely to only be relevant for certain Member States' experiences and will hamper the implementation.

[Our organisations have urged against a revision](#) due to the negative consequences it would have on Europe's competitiveness and water resilience agenda, and due to the fact that there is no evidence it is needed. We have attached our briefing as a second annex to this letter.

We have submitted an access to information request (2026/0703) to clarify how the decision not only to review but already to revise the WFD by Q2 2026 was made in the run up to the publication of the RESourceEU Action Plan communication and reconfirmed in the Communication introducing the Environmental Omnibus, but have not yet received a reply. The call for evidence that closed on 14 April has invited the Critical Raw Materials sector to provide evidence of the bottlenecks in permitting that it claims stem from the WFD. Calling for proof **after** committing to the WFD revision in order “*to address the bottlenecks in permitting*” for the CRM sector is in stark contrast to the Commission’s own ambition to base EU policies on the best available evidence. In addition, we understand that no such publicly available evidence has been provided for the Commission's call for evidence. The decision to review the WFD should not have been pre-empted by the decision to already revise the WFD in six months as the responsible legislator should gather the necessary information before committing to an outcome.

The call for evidence shows an "overwhelming" opposition to any weakening of the WFD from citizens, civil society, most public authorities and local communities, academia/scientific organisations, water industry and sectors dependent on water quality (agri-food, part of the agriculture sector, tourism and recreation, fisheries, aquaculture). The call does not only reveal an exceptionally high mobilisation, with 3,113 submissions (87% from citizens), but also abundant and informed evidence on possible environmental and health risks and economic costs of the revision.

On the other hand, submissions supporting the revision provided very scarce evidence for legislative bottlenecks directly stemming from the WFD, and no evidence that the WFD leads to disproportionate costs for companies.

### **The policy option chosen is not proportionate to the aim pursued**

The RESEU mentions "simplification" as one of the motivations for revision. However, the call for evidence indicates that the problem the initiative aims to tackle is the difficulty the CRM industry has with complying with the non-deterioration principle. Amending one of the Directive's core principles (article 4.1), recognised as such in case law (Weser Case), goes much further than *simplification*.

Such an amendment would add additional derogations from the objectives and have far-reaching consequences for human, ecological and economic resilience, consequences which have not been sufficiently evaluated. If the consequences are not evaluated, the measure cannot be deemed proportionate (see annex for additional reasoning).

The RESEU assures that this proposal will not affect environmental or human health. Nonetheless, the call for evidence states that the object of the revision is to address problems that "... stem from the application of the WFD's provisions preventing the deterioration of water bodies (non-deterioration principle), which restrict the discharge of pollutants from CRM projects into water bodies."

The Commission explicitly acknowledges that a targeted revision would introduce derogations from at least one of the WFD's environmental objectives, with a significant likelihood that environmental harm will occur.

The stated objective of the WFD revision "*to address the bottlenecks in permitting*" is better achieved through other, more proportionate, policy options. The Commission is currently developing a guidance document to enable a simpler and more harmonised implementation of the WFD including on the environmental permitting, including aspects relating to the mining sector. Moreover, the recent CRM Act (2024) [is specifically designed to significantly fast-track permitting processes for strategic raw materials projects](#). And the EC has already [proposed mainstreaming and simplification](#) of permitting and environmental assessments including to the WFD currently in co-decision process. We recommend waiting until the conclusion of the Structured Dialogues with Member States. 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.

This analysis is consistent with the [Court of Auditors Report](#) assessing EU CRM policy. The report does not recommend revising the WFD. The report recommends increasing funding and administrative capacity to deal with the permitting bottlenecks referenced in the RESEU.

### **We urge the Commission to:**

- **Reconsider the commitment to revise the Water Framework Directive, since there is no evidence it is needed. On the contrary, the findings of the Commission's 2020 fitness**

check of the WFD concluded that the Directive was fit for purpose and the implementation issues were linked to lack of political will and funding, and not the deficiencies of the legal text.

- **Avoid using non-traditional consultation methods during the review process, instead use the existing consultation platforms, such as WFD CIS, which ensure balanced representation of different interests and have dedicated years building trust and collaborative spirit among the Commission, Member States, stakeholders and NGOs;**
- **Listen to informed evidence provided by economic actors, local authorities, scholars and civil society through the call for evidence, as well as to hundreds of thousands of Europeans to date urging against the weakening of the WFD specifically and environmental laws in general and reconsider the commitment to revise the Water Framework Directive**

According to the European Code of Good Administrative Behaviour, we expect an answer from the EU Commission addressing the claims made in this letter up to two months from the date of receipt of this letter. Thank you for your cooperation. Please see our developed reasoning for each argument in the attached annex.

Yours sincerely,

**Patrick Ten Brink**

**Secretary General, European Environmental Bureau**

**Mark Owen**

**President, European Anglers Alliance**

**Roberto Epple**

**President, European Rivers Network**

**Chris Baker,**

**Director, Wetlands International Europe**

**Ester Asin**

**Director, WWF European Policy Office**

**Eric Morbo**

**General Director, Surfrider Foundation Europe**

## ANNEX

### The policy option chosen is not proportionate to the aim pursued

The [Better Regulations Guidelines](#) establish a Coherent approach whereby the EU policymaking cycle commences with a clear forward planning and political validation.

Revising a Directive where the core rules, objectives, or level of protection are amended requires a legislative amendment under the Treaty on the Functioning of the European Union (ordinary legislative procedure, Article 294 TFEU). This process (1) begins with the European Commission gathering scientific evidence and expert input, then (2) conducting an impact assessment (fed by a climate risk assessment as per EU Climate Law, and an overall risk assessment especially when the initiative is of public interest and create public health risks, as per Better Regulation Toolbox, Chapter 2, Tool 14) and finally (3) consulting stakeholders and the public. This process is a well-established practice and consolidated in numerous rulings, as decision-making based on the best available evidence.

For example, in [Case T-13/99](#) the Court of First Instance upheld that if the European Commission “*is not to adopt arbitrary measures, which cannot in any circumstances be rendered legitimate by the precautionary principle, [it] must ensure that any measures that it takes, even preventive measures, are based on as thorough a scientific risk assessment as possible*”.

The principle of proportionality (Art. 5 TEU) and Better Regulation Frameworks state that before adopting a measure, the Commission must identify and compare alternative options to ensure the chosen measure is necessary, suitable, and least restrictive. The objective pursued by the RESEU to facilitate permitting is already being pursued through the two different policies mentioned in the text before (The CRM Act and the guidance document expected any moment now), that have not had enough time to yield their desired results and thus, the proposal to amend the WFD is not necessary nor proportionate. Furthermore, Case C-58/08 has held that Courts can annul measures if policy alternatives are not properly assessed.

This Case also confirms that measures should be proportionate to the aim pursued. Reports show that [Europeans have overall negative views on mining](#). If the stated objective is to foment mining in Europe by fast tracking permitting, this proposed revision is not adequate nor proportionate since it would have a counteractive effect on one of the main hurdles to mining permitting in the EU: [local opposition](#).

### Lacking justification from the deviation from the Better Regulation Framework

No assessment or evaluation, no explanatory memorandum nor public notification has been provided before the decision to revise the WFD was made in December 2025.

Considering the fact the proposal will necessarily deteriorate the environment and the water cycle, and the public interest due to health and broad socio-economic impacts importance of the water cycle, the EU Commission should have conducted a comprehensive assessment of potential policy options (Better Regulation Toolbox, Chapter 2) before announcing a revision.

It also should have conducted a risk assessment according to the EU Climate Law and Better Regulation Toolbox, Chapter 2, Tool 14: “*Public health related risks are among the more well-known risk assessments as these relate to exposure to chemical substances (pharmaceuticals, chemicals, some foodstuffs, air pollutants, food contact materials, toys, cosmetics, food contaminants, etc.) and biological hazards (e.g. salmonella, campylobacter etc.)*.”

We have been citing the Better Regulation Guidelines but recognize that they too admit that there might be “occasions when certain procedural steps or processes need to be shortened or simplified” (Better Regulation Guidelines, Chapter 1, Tool1). Nonetheless, it continues that, “All approved exceptions mentioned above **should be documented in the relevant Impact Assessment (Annex I), evaluation or fitness check (Annex on procedural information) staff working document as well as in the explanatory memorandum accompanying a Commission proposal.**” Additionally, the public must be notified of the deviation to comply with Better Regulation Guidelines on the “Have your say” page of the consultation.

Urgency has been claimed in the past to justify skipping the long-established procedural formalities, [an argument that has been found wanting and constitutive of maladministration by the ombudsman.](#)

The commission should have justified and declared any deviation from the Better Regulation Guidelines; or, rectify the situation and base its decision-making on the procedure in the Better Regulation Toolbox 2023, chapter 1.3., which requires conducting a comprehensive impact and risk assessments and adequate stakeholders' consultation. See below for more.

### **Lack of effective and informed participation**

Article 6 of the Aarhus Convention, also enshrined in chapter 7 of the Better Regulation Toolbox, requires early and effective participation, access to all relevant information and that information must be provided before decisions are taken, in that case the revision of the WFD. The rationale being that the public must be able to understand the proposal and its impacts in order to meaningfully participate (as required by Case C-137/14 Commission v Germany).

Participation must be informed in sufficient detail to assess environmental effects, otherwise the consultation risks being purely procedural and invalid. In Case C-72/12 Altrip, the European Court of Justice held that procedural defects are serious when they deprive the public of the opportunity to participate effectively. The Aarhus Convention Compliance Committee, in ACCC/C/2008/24 Spain, found that failure to provide key documentation undermines public participation and in ACCC/C/2010/54 EU it stressed that the public must have timely access to complete information.

A lack of a comprehensive impact assessment does not only affect this procedural defect in itself, but also affects the public's ability to be duly informed. According to the Better Regulation Guidelines, Chapter 7, the EU Commission must consult stakeholders in the form of a call for evidence, with accompanying documents and variable consultation lengths depending on the initiative.

### **Lack of equal and balanced participation**

Despite Article 1(2)e) of Directive 2011/92/including environmental NGOs as interested stakeholders and “public concerned”, environmental NGOs, and especially EU umbrella eNGOs representing their national member organisations and millions of EU citizens, have not been invited to the Implementation Dialogues nor the Stakeholder Roundtables called by the Commission. This contravenes the “balance” principle reflected in the [Ombudsman's decision on the composition and transparency of expert groups.](#)