

EurEau comments on the fitness check of the Water Framework Directive

The Water Framework Directive (WFD), adopted in 2000, was a ground-breaking Directive as it set out a journey to achieve 'good status' for water bodies by 2015. However, since then, the implementation of the WFD did not go as planned and the ambitions are unfortunately far from reached. EurEau welcomes the fitness check report on the WFD published by the European Commission on the 11 December 2019 that reflects broadly our assessment of the WFD as water sector. We are also glad to see that the Directive is "largely fit for purpose". Protecting the European water resources plays a central role in the work of all water operators.

Therefore we want to share our vision on certain key aspects mentioned by the assessment report with importance for water services.

The evaluation report states that **cross-border pollution** has been tackled since the introduction of WFD and the progress is slow but steady. However, despite improvements, the experience of water services operators' shows that the quality of water bodies is still a matter of concern across Europe and that the governance should still be improved to avoid pollution transfer from one country to another. In light of the impacts of climate change the **availability of water resources** should also be thoroughly considered.

We are happy to see that the **coordination with other sectoral legislation** has been identified as a key point to ameliorate, since EurEau already highlighted this issue in its 2017 position paper¹. While admitting that improvement can be accomplished by our own sector through the full compliance with the Urban Waste Water Treatment Directive, we also believe that the objectives of the WFD have to be mainstreamed in other sectoral policies. Policy coordination with specific sectors such as agriculture, industry and energy and with related EU legislation such as the Nitrates directive, the pesticides and biocides legislation, the Industrial Emissions Directive and the REACH Regulation is paramount to be able to get closer to the ambition of the WFD.

We are therefore looking forward to ambitious proposals from the European Commission in the context of the European Green Deal (the New Circular Economy Action Plan, the Zero Pollution Ambition, the Chemicals strategy, the Industrial Strategy and the Farm to Fork Strategy).

¹ [The need for greater EU policy coordination - Realising the Water Framework Directive, EurEau, May 2017](#)



We acknowledge that the chemical status of rivers across Europe has improved since the implementation of the WFD. However, the **monitoring of substances** (including pesticides and pollutants of emerging concern) must be better addressed in terms of quantity, quality and availability of monitoring data for the safeguard of drinking water resources and the aquatic environment.

Under the EU Green Deal we are looking forward to seeing concrete initiatives that will address pollution at source and not only at the “end of the pipe”. **Source-control measures**, particularly aiming at the reduction of the emissions from consumer products, can play an important role in the way towards both a non-toxic environment and a circular economy. The recent Single Use Plastics Directive is an excellent example of improving source-control. In order to reach the goals of the WFD and the EQSD, the pollution of new priority substances should be tackled as a priority at source, e.g. through **restrictions for authorisation and use**, and not only through end-of-pipe measures.

We share the assessment of missing opportunities to tackle the implementation of the **polluter pays, control-at-source and precautionary principles** across all sectors. **Water pricing policies** should be better implemented according to the **cost recovery** principle, enshrined in article 9 of the WFD and referring to households, agriculture and industry as users of water. Furthermore, the **polluter pays principle should be fully applied** through sustainable financing instruments such as the **Extended Producer Responsibility**.

We regret that the evaluation lacks the focus on the **functioning and the implementation of article 7** of the WFD concerning the non-deterioration of the quality of the water bodies used for drinking water abstraction and the reduction of the level of purification treatment required in the production of drinking water. Unfortunately, the quality of drinking water resources still remains under threat.

The fitness check of the Drinking Water Directive (DWD) and, subsequently, the DWD recast clearly underline the need to make the WFD work for protecting drinking water resources. Drinking water operators should be able to rely on high quality water resources so that citizens do not have to pay for expensive treatments. We are looking forward to seeing how the European Commission will address this issue in the future.

We are disappointed, however, that the evaluation also lacks a deeper analysis of the impacts of the **Weser-ruling** by the European Court of Justice. The application of the deterioration and the enhancement clauses laid down in Art 4 (1) of the WFD and of the exemptions clauses laid down in Art 4 (paragraphs 4 to 7) of the WFD lead to legal uncertainties both on the operator’s and the authority’s side. Waste water treatment plant operators face a challenge in fast growing cities since in some cases are at obvious risk not to get a new permit for the discharge of waste water although they have installed best available technology and no other recipient is available that can withstand the inevitable increase in emissions. Most likely this will also have legal implications with regard to requirements in the Urban Waste Water Treatment Directive.



We support the assessment that “it is more difficult to make progress visible due to the **‘one-out-all-out’ principle**”. This system monitors the status of all water bodies across Europe in their path to reach the ‘good status’ and it should not be fundamentally changed. However, the approach masks and distorts the reality of the water body quality since it provides only a snapshot of its ‘status’ and focus the attention only the lowest quality elements. The result is that trends and changes over time are not visible to the public, and individual quality elements characterising ‘good status’, are not highlighted. The snapshot does not reflect if any part of the status of a water body is ‘Good’. Since the improvement of the quality of water bodies is difficult to show, it is challenging for relevant authorities to justify the investments made and those needed in the future to continue on their path towards ‘good status’. The same difficulties may also be found for good ecological potential for heavily modified or artificial waters². Realising the objectives of the WFD needs huge investments and political will, which may compete with other economic and societal priorities, such as education or health. It is crucial to guarantee this financial support and good governance.

Finally, we insist on the fact that even **after 2027, the protection of water under the Water Framework Directive bodies must continue.**

For EurEau, **water matters.**

² [Post 2027 scenario - Realising the Water Framework Directive, EurEau, May 2018](#)