Living Rivers Europe

The EU Water Framework Directive:

A modern and powerful tool to provide clean, healthy, flowing waters.

Authors:
Produced by Codruta Savu (WWF European Policy Office) in close collaboration with Living Rivers Europe and its respective networks.

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 puts forward a strong 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.

Editing: Barney Jeffries.
Graphic design: Doug Dawson

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Executive summary

With less access to clean water, and rivers drying up, floods, droughts, and pollution are taking a toll on ecosystems and people. And while climate change is impacting our waters, another truth lies behind it: Europe's growing water crisis stems from the failure to fully implement existing EU water laws.

The Water Framework Directive (WFD), adopted in 2000, has been the legal backbone of freshwater protection. It requires all Member States to achieve good status for all water bodies by 2027 – a goal that remains unmet. **Today, only 39.5% of surface waters are in good ecological status. This is not a legal limitation, but a political failure**.

At the same time, climate impacts, pollution and economic risks are rising. According to the World Economic Forum, five of the top ten global business risks are now water-related. Healthy rivers and groundwater are fundamental to Europe's water and food security, public health and competitiveness. The WFD provides the legal tools to address these risks: pollution control, abstraction permits, ecological flow standards, cost recovery and basin-scale restoration.

The WFD is also the delivery engine of the Water Resilience Strategy, adopted in June 2025. The strategy depends on full enforcement of WFD provisions to achieve its objectives, from preventing pollution and over-abstraction to enabling nature-based solutions. Without full compliance, its promise of resilience will remain unfulfilled. In this light, 2027 is more than a legal milestone: it is the operational test of whether the EU can turn political ambition into measurable delivery.

Today, only 39.5% of surface waters are in good ecological status.

Highlights:

2027 is not the end of the WFD. The Directive remains fully in force beyond that date and Member States must continue meeting its core legal obligations.

What must happen before 2027:

- ☑ Deliver all measures in the 2022-2027 river-basin management plans.
- ☑ Finalise robust, actionable plans for 2028–2033, addressing PFAS, drought and over-abstraction.
- ☑ Align sectoral policies (Common Agricultural Policy, Renewable Energy Directive III, Nature Restoration Law) with WFD objectives.
- ☑ Phase out unjustified exemptions and reject any attempt to dilute core legal safeguards.
- ☑ Strengthen monitoring, transparency and cross-sector coordination.

What must happen after 2027:

- ☑ Enforce legal obligations and ensure project-level accountability.
- ☑ Restore degraded water bodies and remove hydromorphological pressures.
- ☑ Prevent pollution at source and fully apply the polluter-pays principle.
- ☑ Integrate water protection into climate, biodiversity, energy and agriculture agendas.
- ☑ Invest in water resilience through systemic reform, not just project grants.

Risks to avoid include:

- ☒ Reopening the WFD or introducing new exemptions via indirect legislation.
- ☒ Diluting the *one-out-all-out* principle through "simplification" metrics.
- ☒ Misclassifying water bodies to avoid restoration obligations.
- ☒ Deferring compliance beyond 2027 under vague "natural conditions" claims.
- ☒ Underinvestment and lack of political will, despite record EU funding availability.

The WFD does not need to be rewritten – it needs to be enforced. This is a precondition if we want to achieve water resilience, protect citizens against floods and droughts, safeguard drinking water and ensure food security.

1 Introduction

Adopted in 2000, the Water Framework Directive (WFD) is one of Europe's most ambitious environmental laws. It introduced a transformative model of water governance: legally binding, basin-based and ecologically grounded. By mandating all Member States to achieve "good status" for their waters, and by embedding principles of non-deterioration, transparency and cross-sectoral coherence, the WFD marked a decisive shift from reactive water policy to systemic stewardship.

Yet, 25 years after its adoption, the gap between ambition and reality remains stark. Implementation remains patchy, exemptions widely overused and enforcement rare. Fewer than 40% of Europe's surface waters are in good ecological status. 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 continued underfunding and limited enforcement reflect not a legal deficiency, but a political failure.

The Commission's *Zero pollution monitoring and outlook* report flags freshwater quality as the flagship target furthest off track for 2030 and singles out full enforcement of the WFD as the decisive corrective lever. Delivering the WFD is therefore not just a legal duty, but the practical pathway for the EU to meet its pollution-free ambition within the decade.[1]

The year 2027, often miscast as a sunset clause, is in fact a legal and strategic inflection point. It marks the end of possible time extensions under Article 4(4) for most water bodies. But more importantly, it marks the moment where the Directive's promise must become practice – where compliance is measured not by plans but by outcomes. It is also the first real test of the European Water Resilience Strategy, adopted in 2025, which depends on the WFD for legal delivery.

Written by the Living Rivers Europe NGO coalition and its national partners, this paper outlines a forward-looking strategy to support EU institutions, Member States and river basin authorities in delivering the WFD beyond 2027. It identifies critical priorities before the deadline – including river basin planning, pollution control and monitoring – and lays out the enforcement, investment and governance actions needed for the years that follow. At a time when growing political pressure is threatening to rollback this crucial directive under the guise of "reducing burdens" despite escalating droughts, floods and pollution, this paper makes the case that full implementation is both feasible and essential.[2] The credibility of Europe's environmental policy depends on it.

1. European Commission and European Environment Agency (2025) *Zero Pollution Monitoring and Outlook 2025 – Progress towards the 2030 headline targets.*
2. Voulvoulis, N., Arpon, K.D. and Giakoumis, T. (2017) The EU Water Framework Directive: From great expectations to problems with implementation. *Science of the Total Environment*, 575: 358–366. doi.org/10.1016/j.scitotenv.2016.09.228

2 What 2027 means – and what it does not

The 2027 deadline is frequently misunderstood as marking the end of the WFD. In fact, it only marks the end of the maximum extensions allowed for achieving good status under Article 4(4)(a) and (b), which permit Member States to postpone the environmental objectives of the Directive for specific water bodies under two conditions: disproportionate costs and technical feasibility. These time-limited derogations were intended as exceptions, not the norm.

Crucially, **the WFD itself does not expire in 2027**. All core obligations continue to apply unless and until the Directive is formally repealed or replaced.[3] Key principles, such as non-deterioration, ecological flow requirements and public participation, are not time-bound. In fact, they become even more relevant in the context of intensifying climate pressures and increasing demand for water across sectors. Achieving and maintaining good water status requires constant planning, measures and monitoring, which the WFD orchestrates. **2027 is not a new planning horizon but the final compliance checkpoint**. All measures required to reach good status had to be included in the third river basin management plans (RBMPs) (2022–2027). Once that deadline passes, any water body still failing to meet its objectives is, by default, a breach of EU law unless it is covered by an exemption other than Article 4(4)(a) or 4(4)(b). **2027 must be understood not as a legal sunset, but as a legal stress test: can the WFD move from design to delivery?**

Table 1: Different procedural timelines under the WFD. Source: ClientEarth,[4] 2023

Management cycle/ Update	Period	Deadline for publication	Implementation deadline
1st cycle	2010-2015	22 December 2009	22 December 2012
2nd cycle/ 1st update	2016-2021	22 December 2015	22 December 2018
3rd cycle/ 21st update	2022-2027	22 December 2021	22 December 2024
4th cycle/ 3rd update	2028-2033	22 December 2027	22 December 2030
5th cycle/ 4th update	2034-2039	22 December 2033	22 December 2036

From planning to accountability. After 2027, the WFD moves decisively from planning and justification to delivery and accountability. If monitoring indicates that objectives will not be met, Article 11(5) obliges Member States to investigate the causes, review permits, adapt monitoring and adopt additional corrective measures. These measures must be incorporated into the 2028–2033 RBMP, but do not extend the original legal deadlines. Persistent non-compliance without valid derogations will trigger infringement proceedings.

3. The obligation of Art.11(8) to review and, when necessary, update programmes of measures every six years does not have an expiry date.
4. ClientEarth (2023) *Key deadlines under the Water Framework Directive*. www.clientearth.org/media/br0pedp4/clientearth-legal-paper_key-deadlines-under-the-wfd.pdf

The Commission's 2025 Water Resilience Strategy explicitly frames closing the WFD implementation gap as essential to securing water for people, nature and the economy, and to maintaining Europe's competitiveness in water-dependent value chains.

The legal possibility provided by Article 4(4)(a) and Article 4(4)(b) to delay achieving good status due to disproportionate costs or technical feasibility applied only to the second and third RBMP cycles (2016-2021 and 2022-2027) and is no longer valid after 2027. Implementation after 2027 demands tangible results (not just measures taken) in ecological recovery, pollution reduction and ecosystem restoration, supported by sustained investment, robust monitoring and cross-sector coordination.

Clarifying exemptions beyond 2027. After 2027, these exemptions cease to apply, except for *newly listed* priority substances (such as PFOS or diclofenac under the revised Environmental Quality Standards Directive (EQSD)). These can still benefit from WFD exemptions if within the 15-year compliance window, under the mutatis mutandis clause in the EQSD, which allows WFD exemptions (Articles 4.4 to 4.9) for new pollutants where the 15-year compliance window has not yet elapsed. For substances and quality elements that have been covered since the WFD's adoption, these time-limited derogations (4(4)(a)/(b)) expire in 2027. However, Article 4(4)(c) – which allows postponement of achieving good ecological or chemical status due to natural conditions – remains applicable beyond 2027 for both old and new pollutants, provided the legal criteria are fully met.

From 2028 onwards, Member States will only be able to postpone the achievement of good status due to natural conditions, using Article 4(4)(c). Article 4(4)(c) exemption does not allow Member States to postpone the adoption of measures, only the timeline for their expected effects: it is supposed to account for cases where measures have been taken but ecological improvements may take longer due to natural processes. Authorities must not exploit this exemption to postpone implementation or to dilute what counts as an "adopted measure". Germany's so-called transparency approach shows the danger: by classifying water bodies as delayed only for "natural conditions" while deeming measures "implemented" once technical planning merely begins, it seeks to fend off infringement action without delivering real ecological change.[5, 6]

Beyond Article 4(4)(c), a limited set of additional WFD exemptions remain available post-2027, each being subject to strict legal conditions. These include Article 4(5), which permits less stringent objectives in exceptional cases where achieving good status is infeasible or disproportionately costly even in the long term; Article 4(6), which applies to temporary deteriorations caused by natural events such as floods or droughts; and Article 4(7), which allows deterioration from new modifications or development projects that meet overriding public interest tests and require robust mitigation.

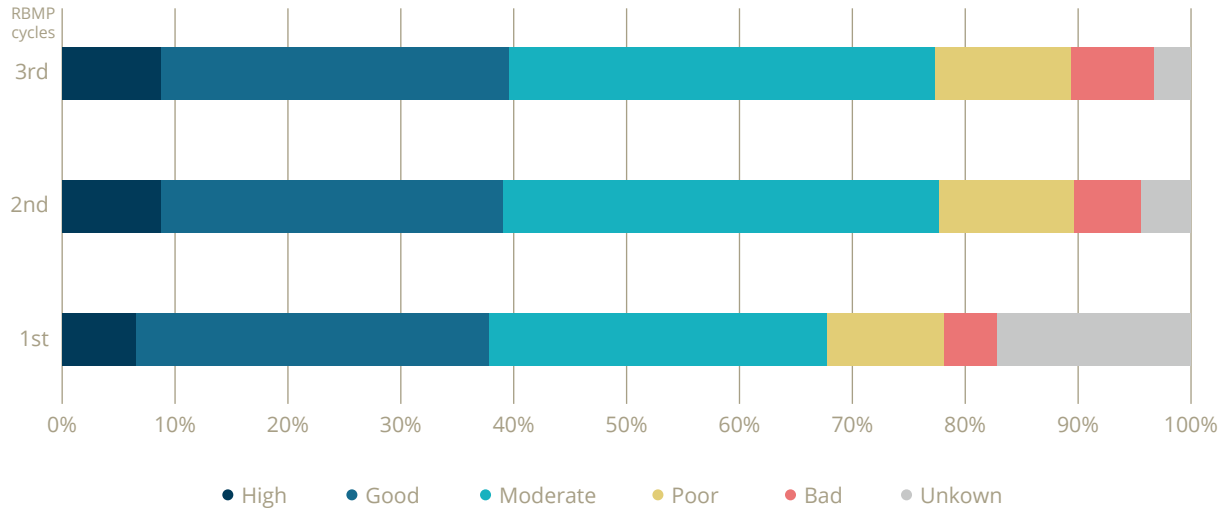
If good status is still not achieved after 2027, Member States must rely exclusively on exemptions under Articles 4(4)c, 4(5), 4(6), or 4(7) (see example with the case of Rastolita in section 4.3), each requiring proper justification and full compliance with all legal conditions. Importantly, none of these provisions allows further delay in adopting measures.

Key WFD principles, such as non-deterioration, ecological flow, and public participation, are not time-bound. In fact, they become even more relevant as climate shocks intensify.

5. Bund/Länder-Arbeitsgemeinschaft Wasser (LAWA) (2023) *Themenblatt 02: Transparenzansatz zur Darstellung zukünftiger Maßnahmenwirkungen*. The approach classifies measures as "implemented" when technical planning is under way, thereby relabelling many water bodies as delayed for natural reasons even though physical works have not started.
6. https://www.wasserblick.net/servlet/is/197366/Themenblatt_02.pdf?command=downloadContent&filename=Themenblatt_02.pdf

Understanding 2027 as a pivot rather than an endpoint is essential to maintain political and legal momentum. It marks the end of delay and the start of delivery. This shift is underscored by the European Commission's latest implementation report (February 2025), which shows that only 39.5% of surface waters in the EU are in good ecological status or potential, and just 26.8% in good chemical status.[7] These figures have remained virtually unchanged over the last two planning cycles, despite improved monitoring and a growing understanding of pressures. These results demonstrate conclusively that Europe's water crisis reflects implementation failures, not legal gaps.

Figure1: Surface water body ecological status or potential for EU average. Despite over two decades of implementation, the percentage of EU surface water bodies in good ecological status has remained virtually unchanged, stagnating below 40% across three RBMP cycles. This illustrates the persistent implementation gap and reinforces the need to shift from planning to enforcement and restoration. Source: EC(2025), COM(2025) *Implementation of the WFD and FD*, p.6)



7. European Commission (2025) Report on the implementation of the Water Framework Directive and the Floods Directive, COM(2025) 2 final.

3 The WFD: a key instrument to achieve climate resilience, public health and prosperity

As 2027 approaches, fully implementing the WFD is critical to addressing Europe's urgent climate, pollution and economic vulnerabilities. Healthy rivers and groundwater underpin climate resilience, safeguard public health and support long-term prosperity. Delays or partial solutions are no longer affordable – only decisive enforcement can deliver meaningful outcomes.

3.1 The WFD as a climate adaptation law

While some stakeholders have argued that the WFD needs updating to reflect a changing climate[8, 9, 10], it already includes robust adaptation mechanisms. Requirements for ecological flows, authorisation and control of abstractions, and obligations to assess water quantity and quality through river basin management plans provide precisely the legally binding tools needed to address escalating hydrological pressures. Guidance on climate change and exemptions[11] (e.g. CIS Guidance No. 24) has also been revised to support Member States in applying the WFD under increasing hydrological stress.

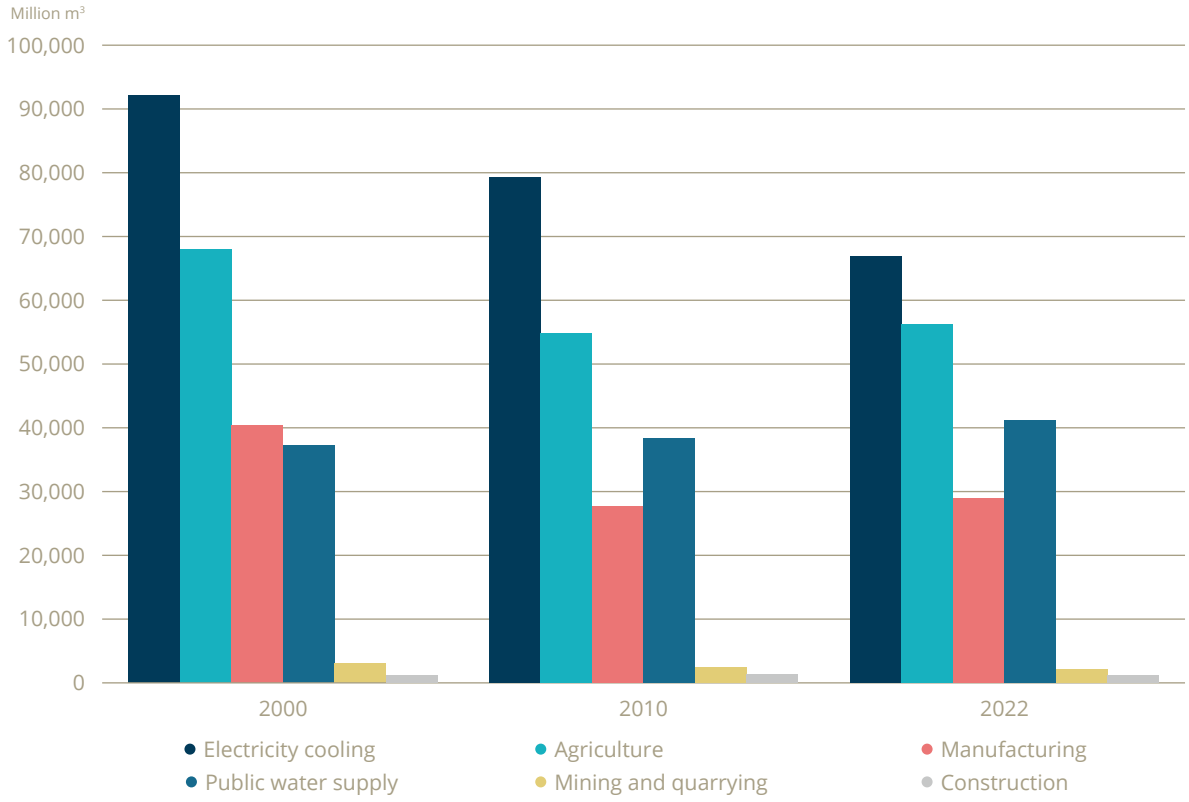
The European Environment Agency's 2024 assessment highlights the urgency of this link: water stress now affects 20% of Europe's territory and 30% of its population annually, with impacts expected to increase due to rising demand and intensifying droughts.[12] The WFD's provisions on ecological flows, abstraction control and basin-scale planning must be fully leveraged as climate adaptation tools, not sidelined by sectoral responses focused solely on supply augmentation.

The European Commission's 2025 WFD assessment highlights serious gaps in implementation. In many Member States, ecological flows are still undefined, inconsistently applied or only partially linked to permitting decisions.[13] Abstraction permits, particularly for agriculture and hydropower, are rarely reviewed, sometimes not for decades. Even small-scale abstractions, which cumulatively impact flow regimes, are often unregistered or excluded from monitoring systems. These weaknesses directly undermine resilience to drought and ecosystem recovery, and must be urgently addressed in the post-2027 cycle.

8. Non-paper "Deterioration WFD" – Netherlands, Germany, Denmark, Finland, Luxembourg (22 Feb 2024). Council Working Paper, https://www.glastuinbouwnederland.nl/content/user_upload/bijlage-2-non-paper-deterioration-22-februari-2024.pdf
9. BusinessEurope Position Paper (May 2025), "EU Business Priorities on a Future-Proofed EU Water Policy.", www.businesseurope.eu/wp-content/uploads/2025/05/2025-05-05-EU-business-priorities-on-a-future-proofed-EU-water-policy.pdf
10. Council of the EU Press Release (19 June 2024), "Surface water and groundwater: Council agrees negotiating mandate to update list of pollutants.", https://www.consilium.europa.eu/en/press/press-releases/2024/06/19/surface-water-and-groundwater-council-agrees-negotiating-mandate-to-update-list-of-pollutants/
11. European Commission (2023). Common Implementation Strategy for the Water Framework Directive and the Floods Directive: Guidance Document No. 24 – River Basin Management in a Changing Climate. https://circabc.europa.eu/ui/group/9ab5926d-bed4-4322-9aa7-9964bbe8312d/library/b5f4eff8-2482-4494-9df0-e72cb8792e19/details
12. EEA (2024) *Europe's state of water 2024: the need for improved water resilience*. www.eea.europa.eu/en/analysis/publications/europes-state-of-water-2024
13. European Commission (2025) Report on the implementation of the Water Framework Directive and the Floods Directive, COM(2025) 2 final. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52025DC0002

While electricity generation accounts for the largest amounts of water abstraction in the EU, most of that water is returned to the source shortly after use. By contrast, agriculture, which consumes nearly 60% of net water use, exerts the greatest pressure on availability (figure 2). The Commission's 2025 WRS notes that five of the top ten global business risks are water-related and identifies full implementation of EU water law, including the WFD, as essential to building a competitive and resilient water-smart economy. This reinforces the need to shift from supply-side responses to managing demand through stronger permitting and ecological flow allocation.

Figure 2: Water abstraction by economic sector in the EU27, 2000-2022 (EEA, 2024): Water abstraction by economic sector in the EU27, 2000-2022 (EEA, 2024). Agriculture remains the largest water consumer in the EU, accounting for nearly 60% of water actually used (i.e. not returned) though only 28% of total abstractions. Electricity cooling abstracts larger volumes of water but returns most of it so has a lower net consumption. This highlights the importance of managing demand, especially under increasing climate stress. Without stronger abstraction controls and ecological flow requirements, water resilience goals will remain out of reach. (Source: European Commission (2025), COM(2025) 2 final – Implementation of the WFD and FD, p.26)



The 2025 Water Resilience Strategy[14] outlines an ambitious pathway to sustainable water security, with actions on water reuse, leakage control, nutrient reduction and PFAS remediation. But as a strategic communication, it lacks binding force. The WFD is what operationalises this agenda. **Every core element of the Water Resilience Strategy, from nature-based solutions to leakage reduction, nutrient control, the Green and Blue Corridors initiative and the Sponge Facility, depends on legal tools already embedded in the WFD**. This includes enforceable measures under Article 11, ecological flow standards, cost-recovery obligations under Article 9, and the non-deterioration principle. The Water Resilience Strategy explicitly reaffirms the WFD's 2027 deadline as "the compass for action". Turning this into results requires using the WFD not merely as a reference framework, but as the core legal foundation for delivering Europe's adaptation goals.

14. See Living Rivers Europe's recommendations for the Water Resilience Strategy: wwfeu.awsassets.panda.org/downloads/lre-position---making-europe-climate-and-water-resilient.pdf

3.2 Pollution prevention and public health

Water pollution remains a key driver of biodiversity loss, restricts recreational use of waters and jeopardises public health through contaminated drinking water and compromised food chains. The WFD provides an integrated pollution control framework, combining emission limit values with environmental quality standards to systematically tackle both point-source and diffuse pollution through RBMPs.

Despite this robust legal framework, fewer than 30% of Europe's surface water bodies currently achieve good chemical status according to recent EEA assessments and the Commission's own review of the third RBMPs. Even this discouraging figure likely overestimates real conditions, as many Member States continue to assess status against outdated pollutant lists established before 2013.

At the time of writing, the Commission's 2022 proposal to update priority substance lists, including the integration of critical pollutants such as PFAS, remains under negotiation. Yet Member States already have the necessary WFD legal tools to act immediately and robustly, without waiting for these negotiations to conclude. Reviewing industrial discharge permits, enforcing stricter agricultural pesticide regulations, and introducing national bans or restrictions on priority substances are actions that are legally grounded, necessary and achievable today.

With the Commission publicly tracking progress towards the zero pollution targets, water quality improvements have become politically more urgent. **Delivering on pollution prevention through full WFD compliance stands out as the most direct route to achieving the EU's ambitious 2030 zero pollution goals and safeguarding public health**.

3.3 Water security as a prerequisite of economic competitiveness

Investing fully in WFD compliance is not an optional environmental expenditure – it is prudent fiscal management. Already, Europe faces substantial annual costs from inadequate water governance: floods and droughts alone generate average losses of €9 billion per year[15], and the projected cost of removing persistent contaminants like PFAS from the environment could reach as high as €238 billion if unchecked[16]. By comparison, implementing the WFD fully for the 2022–2027 cycle carries an estimated cost of €89 billion, less than half the accumulated liabilities deriving from ongoing inaction[17].

The Commission's 2025 Water Resilience Strategy recognises this explicitly, positioning full WFD compliance at the heart of Europe's economic resilience. Contrary to arguments that present ambitious water protection as an obstacle to growth, the reality is that **resilient ecosystems and stable freshwater resources underpin productivity, lower disaster-related expenditures, reduce investment risks, and increase Europe's attractiveness for sustainable business investments**.

Rather than weakening water law under misguided assumptions of promoting growth, the EU's genuine long-term competitiveness relies precisely upon its successful implementation. Healthy rivers and groundwater resources translate directly into stable production environments, lower insurance costs and sustained investor confidence. Investing in good ecological status is simply essential for Europe's economic stability.

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15. European Commission (2023). Accompanying the Report from the Commission to the European Parliament and the Council – 8th Environment Action Programme Monitoring Report: Working Document. https://climate.ec.europa.eu/system/files/2023-12/SWD_2023_932_1_EN.pdf
16. European Parliament Research Service (2025). Water Resilience and the EU Water Framework Directive: Cost-Effectiveness and Policy Coherence. https://www.europarl.europa.eu/RegData/etudes/STUD/2025/765769/EPRS_STU(2025)765769_EN.pdf
17. European Commission (2025) Report on the implementation of the Water Framework Directive and the Floods Directive, COM(2025) 2 final. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52025DC0002

4 Key priorities before 2027

To achieve the climate, public health and economic outcomes described above, urgent action is essential before 2027. Member States must swiftly implement existing measures, close longstanding gaps, and set a credible trajectory to deliver broader EU environmental and economic goals

4.1. Implement the current programmes of measures (2022-2027)

The Directive is clear: only **"natural conditions" (Article 4 (4)(c)) can justify achieving good status later than 2027**. All other water bodies must reach their objectives on time, which in practice means that **every measure needed to close the gap has to be on the ground and operational by 2027**. Meeting this timeline is essential not only legally but strategically, as delays directly undermine Europe's water resilience, public health objectives and economic stability. Article 11(8) turns that timeline into a hard legal duty: *"Measures shall be made operational within three years of the publication of each river basin management plan."* With the third-cycle plans adopted in December 2021-22, all measures should therefore have been operational by December 2024 at the latest. Implementation is a standing legal obligation and it is not optional.

Operational readiness by 2027 includes:

- Reviewed and updated permits (abstraction, discharge, river works)
- Funding secured and contracts signed for restoration projects (barrier removal, floodplain reconnection)
- Enforcement of diffuse-source pollution controls (fertiliser limits, buffer strips, pesticide restrictions)
- Upgraded monitoring to ensure progress tracking towards good status.

The Commission's 2025 implementation report shows how far this still is from reality: more than half of Member States have neither costed nor scheduled a large share of their third-cycle measures, and several simply rolled forward incomplete packages from the previous cycle. Targeted infringement action has begun (letters in February 2023; court referrals in March 2024), but closing the execution gap by 2027 now requires an accelerated catch-up phase, both politically and financially.

4.2. Finalise robust and actionable 2028–2033 RBMPs

Member States must ensure their fourth RBMPs (2028–2033) include robust, fully funded and actionable measures to meet WFD objectives. These must explicitly tackle structural pressures: hydromorphological alteration, diffuse agricultural pollution, emerging contaminants (e.g., PFAS), drought and over-abstraction. To secure climate resilience, RBMPs must incorporate rigorous drought modelling, ecological flow standards and adaptation measures as outlined previously. Pollution prevention, especially for emerging contaminants like PFAS, must also become explicit, enforceable priorities.

The Commission's 2025 report highlights ongoing gaps: many Member States still rely on incomplete or unfunded measures carried forward from previous RBMP cycles. This gap echoes real-world outcomes. In the Elbe River (CZ/DE), despite a 60% reduction in phosphorus loads (1990–2020), nitrate pollution still frequently exceeds WFD thresholds due to persistent diffuse agricultural inputs.[18, 19] Similarly, a recent study in northern Italy shows that simple nature-based solutions, like delayed mowing in agricultural canals, can significantly reduce nitrate pollution at low cost, yet remain largely unused.[20] Previous studies have found that programmes of measures frequently emphasised monitoring rather than managing underlying pressures, failing to meet systemic basin-scale needs.[21] Such examples underscore the urgency of connecting WFD implementation with practical ecological measures and local knowledge.

The Commission has already responded to these gaps through formal infringement letters (February 2023) and subsequent court referrals (March 2024) for continued non-compliance (Spain, Greece, Ireland, among others). This underlines that complete, realistic, adequately funded and enforceable programmes of measures are mandatory, not optional, and critical for meeting WFD objectives by 2027 and beyond.

Financial clarity is equally critical. The European Commission estimates that the funding gap for implementing the WFD's current programmes of measures is about €25 billion per year. RBMPs frequently lack clear prioritisation or secured financing, pushing good ecological status further out of reach. Closing this gap requires explicit alignment of budgets for RBMP measures with EU financial instruments (Common Agricultural Policy (CAP), Cohesion Policy, Recovery and Resilience Facility (RRF)) and robust application of Article 9 economic instruments, ensuring polluters fairly share implementation costs.

4.3. Phase out unjustified exemptions

Widespread and unjustified reliance on exemptions continues to undermine the WFD's ecological ambition and legal coherence. Article 4 derogations – particularly Article 4(4) and 4(5) – were intended as narrowly defined exceptions, subject to strict legal conditions. However, the 2025 Commission implementation report found that over half of EU water bodies now have exemptions, many without adequate justification.[22]

Recent trends illustrate this growing misuse. One of them is the misapplication of Article 4(7) – allowing exemptions for projects causing deterioration under specific conditions. Romania's Răstolița hydropower project exemplifies such misuse: despite clear ecological deterioration risks and impacts on Natura 2000 habitats, the project received authorisation without a proper Article 4(7) assessment and was omitted from RBMP documentation entirely, prompting court-ordered suspension in 2025 (see Box 1).

The European Commission estimates that the funding gap for implementing the WFD's current programmes of measures is about €25 billion per year.

18. OSPAR Commission (2023) Riverine Inputs and Direct Discharges (RID) – Elbe catchment trends 1990-2022. https://qsr2010.ospar.org/media/assessments/p00448_RID_Assessment.pdf
19. Wachholz, A, Jawitz, J. and Borchardt, D. (2024) Shift from heterotrophic to autotrophic nitrogen retention in the Elbe River over 35 years of passive restoration. *Biogeosciences* 21, 3537-3550, doi.org/10.5194/bg-21-3537-2024
20. Soana, E., Fano, E. A. and Castaldelli, G. (2021) The achievement of Water Framework Directive goals through the restoration of vegetation in agricultural canals. *Journal of Environmental Management* 294, 113016. doi.org/10.1016/j.jenvman.2021.113016
21. Voulvoulis, N., Arpon, K.D. and Giakoumis, T. (2017) The EU Water Framework Directive: From great expectations to problems with implementation. *Science of the Total Environment*, 575, 358–366. doi.org/10.1016/j.scitotenv.2016.09.228
22. European Commission (2025) Report on the implementation of the Water Framework Directive and the Floods Directive, COM(2025) 2 final. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52025DC0002

Box 1. Misuse of Article 4(7) – the case of Răstolița, Romania

The Răstolița hydropower project in Romania's Mureș river basin exemplifies systemic misuse of Article 4(7) and omission from river basin management plans. Despite clear deterioration risks and major impacts on multiple Natura 2000 sites, the project was never transparently assessed under WFD exemption procedures and was excluded from Romania's second and third RBMPs.

Originally planned under Romania's former regime three decades ago, the project is a legacy of outdated infrastructure schemes that has been revived in recent years, despite growing ecological and legal concerns. The 35.2 MW project, nearly 90% complete, would flood 39 hectares of forest and divert tributaries through pipelines, drying out key habitats – including breeding areas for the endangered Danube salmon – if final construction proceeds. The environmental permit issued in October 2024 lacked a proper alternatives assessment, failed to consider cumulative impacts, and focused narrowly on deforestation. The hydromorphological impacts of altered flow regimes and hydropeaking on the Mureș River were not assessed.

On 4 June 2025, the Cluj-Napoca Court of Appeal temporarily suspended the project's environmental permit, halting further construction pending full legal review.[23] The case, brought by NGOs Declic and Bankwatch (Case No. 6709/117/2024[24]), highlights persistent implementation gaps and the failure to apply WFD Article 4(7) conditions in practice.

Additionally, overly restrictive definitions, such as recent changes to France's wetland criteria under the national environmental code, risk excluding degraded wetlands from natural water body classifications.[25] This indirectly reduces the ecological protection required by the WFD and significantly undermines restoration potential.

The persistent misuse of exemptions, combined with inadequate enforcement and oversight, significantly threatens the Directive's objectives. Unjustified exemptions do more than weaken ecological protections – they also escalate Europe's future economic liabilities. Deferred restoration measures eventually result in higher future costs, increased vulnerability to climate impacts and decreased resilience in water-dependent economic sectors.

To address these risks, Member States must rigorously justify all derogations using clear ecological evidence, strictly apply legal conditions, and demonstrate transparently why exemptions are necessary and unavoidable. Robust oversight and enforcement by the European Commission are essential to safeguard the Directive's ecological, legal and economic integrity.

4.4. Strengthen data, monitoring and transparency

Effective WFD implementation depends on timely, reliable and transparent monitoring. Yet many Member States still report incomplete or outdated data, particularly on ecological status, chemical pollution, groundwater conditions and emerging contaminants like PFAS. The European Environment Agency's 2024 assessment confirms fewer than 30% of EU surface waters achieve good chemical status, with real conditions likely worse due to outdated pollutant monitoring.[26] Scientific studies confirm this problem is systemic: WFD monitoring often prioritises administrative reporting over guiding real-world management and enforcement. Member States have frequently designed monitoring frameworks that prioritise formal compliance over ecological realism, disconnecting status assessments from real-world pressures or pollution sources.[27, 28] This compromises both restoration prioritisation and legal integrity.

23. https://facem.declic.ro/campaigns/opriti-hidrocentrala-de-la-rastolita
24. https://climatecasechart.com/non-us-case/declic-and-bankwatch-romania-v-rastolita-hydropower-project
25. See French Senate Dossier Législatif PPL 24-108 (2024), amending Article L211-1 of the Code de l'Environnement: www.senat.fr/dossier-legislatif/ppl24-108.html
26. European Environment Agency (2024). State of Water in the EU – 2024: Ecological and Chemical Status of Surface Waters and Groundwaters under the Water Framework Directive., https://www.eea.europa.eu/en/analysis/publications/europes-state-of-water-2024
27. Voulvoulis, N., Arpon, K. D. and Giakoumis, T. (2017) The EU Water Framework Directive: From great expectations to problems with implementation. *Science of the Total Environment*, 575, 358–366. doi.org/10.1016/j.scitotenv.2016.09.228
28. Carvalho, L., et al. (2019) Protecting and restoring Europe's waters: An analysis of the future of the Water Framework Directive. *Science of the Total Environment*, 658, 1228–1238. doi.org/10.1016/j.scitotenv.2018.12.255

Transparency is uneven: Watch List results often remain unpublished or inaccessible, and aggregated data sometimes obscures deterioration at the water body level. Frequently, monitoring results are disconnected from permitting systems, failing to trigger permit reviews or enforcement actions. The Commission's 2025 report confirms many Member States still do not provide disaggregated data on individual quality elements, undermining transparency and compliance checks. This hinders the application of the "one-out-all-out principle". and undermines public scrutiny of compliance claims.[29] Under this principle, a water body is only classified as being in good status if all individual quality elements meet the required standards, meaning that even one failing element causes the entire water body to be classified as failing. This concept is discussed further in Section 6.4.2.

To maintain the WFD's credibility post-2027, Member States must overhaul their monitoring and data governance systems. This means not only closing technical gaps, but embedding monitoring into permitting, enforcement, investment planning and public accountability, and harmonising monitoring methods and indicators across regions and Member States – especially in transboundary river basins.

Technical monitoring improvements needed:

- Ensure comprehensive ecological and chemical assessments, including groundwater and emerging contaminants.
- Harmonise monitoring methods, particularly in transboundary basins.
- Systematically include diffuse pollution sources and smaller abstractions in monitoring frameworks.

Transparency and accessibility enhancements:

- Publish detailed, disaggregated, real-time monitoring data openly and regularly.
- Clearly link monitoring outcomes to exemption justifications, permits and RBMP measures.

Integration with enforcement:

- Directly tie monitoring results to permit reviews, enforcement actions, and compliance.
- Explicitly link performance indicators to funding streams, ensuring accountability for measurable ecological outcomes.

Enhanced monitoring goes beyond administrative compliance, as it underpins public trust, informs effective climate adaptation, guides pollution reduction and supports credible investment decisions. Transparent monitoring ensures accountability and translates WFD objectives into tangible improvements.

Member States often design monitoring frameworks that focus more on ticking compliance boxes than on real ecological conditions, disconnecting assessments from the actual pressures or sources of pollution.

29. European Commission. (2025). COM(2025): Implementation report of the Water Framework Directive and Floods Directive.

5 A vision for the WFD after 2027

Post-2027, the WFD must enter a new phase: one of full enforcement, sustained investment and ecological recovery. This enforcement phase is also the practical linchpin for implementing the European Water Resilience Strategy. Without legally mandated WFD measures, the Water Resilience Strategy will remain politically aspirational but structurally hollow. The vision for the WFD beyond 2027 is not one of reinvention, but of deepened implementation. The Directive remains fit for purpose, provided its provisions are applied with political will, legal rigour and adequate resourcing. Achieving water resilience must now be recognised as fundamental for climate adaptation, protecting public health and maintaining economic stability across Europe.

5.1. Prioritise enforcement

After 2027, enforcement must be prioritised in the WFD's implementation phase. Full use of existing enforcement tools – which include systematic infringement actions by the European Commission, stricter national enforcement mechanisms and clearly defined penalties for non-compliance – is essential for delivering the Directive's ecological, climate and economic goals. Robust enforcement secures legal certainty, environmental credibility and investor confidence.

Central to enforcement is the **non-deterioration principle**, (Article 4(1)), clearly established through landmark Court of Justice rulings. In Weser (Case C-461/13), the Court defined deterioration as a decline in any quality element, regardless of overall status.[30] In FNE vs. France (Case C-525/20), it confirmed the principle applies not only in RBMPs but also at project-permitting levels, explicitly stating that even temporary or partial impacts constitute deterioration requiring rigorous Article 4(7) justification.[31] Despite CIS Guidance Document No. 36[32] and clear Commission instructions, the 2025 implementation report indicates persistent inconsistencies among Member States. Several national authorities apply Article 4(7) only in RBMPs, ignoring project-level environmental impact assessments or permitting processes, while others focus exclusively on overall status class rather than quality element deterioration. This disconnect reflects a broader pattern within Member States who often treat WFDimplementation as a procedural exercise, focusing on reporting and planning rather than delivering on the ground.[33] These discrepancies threaten legal clarity, erode the Directive's enforceability and expose national systems to legal challenges, requiring urgent correction post-2027.

The WFD explicitly accommodates restoration projects causing temporary deterioration through Article 4(7)(c), which allows project authorisations if transparently assessed, justified by overriding public interest, if no better alternatives exist and if mitigation measures are implemented. The Court of Justice confirmed this legal flexibility in FNE vs. France. Proposals by certain Member States for additional exemptions during recent

30. CJEU Case C-461/13, Bund für Umwelt und Naturschutz Deutschland eV (Weser) – [ECLI:EU:C:2015:433] Landmark case confirming that deterioration occurs when any quality element drops by one class, even if overall status remains unchanged.
31. CJEU Case C-525/20, Fédération nationale de la pêche v Préfet de la région Auvergne-Rhône-Alpes – [ECLI:EU:C:2022:682] Reaffirms Weser; applies the non-deterioration principle to project-level decisions, including for restoration works.
32. Common Implementation Strategy (CIS) Guidance Document No. 36 (2021).
33. Voulvoulis, N., Arpon, K.D. and Giakoumis, T. (2017). The EU Water Framework Directive: From great expectations to problems with implementation. *Science of the Total Environment*, 575, 358–366. doi.org/10.1016/j.scitotenv.2016.09.228

negotiations on priority substances updates are thus unnecessary. Effective use of existing legal provisions, rather than weakening the Directive, ensures ecological restoration without undermining legal safeguards. Several misconceptions – that the WFD blocks green infrastructure, is excessively costly or is incompatible with climate action – are increasingly invoked to justify exemptions or calls for legislative revision. These claims are unfounded. The Directive does not prohibit infrastructure or restoration projects; it ensures their design and assessment protect water bodies and public trust. Weakening the WFD would not unlock progress; instead, it would erode resilience, public confidence and legal coherence, ultimately undermining Member States' ability to achieve climate, biodiversity and economic objectives.

5.2. Shift from planning to results

5.2.1. Strengthen planning and performance tools

Future efforts must centre on outcomes: restoring degraded water bodies, halting and reversing biodiversity loss, and reducing pollution loads. This shift requires enhanced reporting systems that move beyond administrative compliance and enable more transparent tracking of progress on measures, status and funding flows. In this context, integrating the ecosystem approach into WFD planning can help clarify how ecological improvements support broader public goods – from drinking water and biodiversity to recreation and flood protection. Aligning implementation with ecosystem services makes the benefits of good status more visible and meaningful to the public, strengthening both the economic case for investment and the social legitimacy of restoration measures.[34] Performance monitoring should explicitly track and report on the WFD's contributions to climate adaptation, pollution reduction, and the stability and resilience of Europe's water-dependent economic sectors. Additionally, real-time data collection should improve responsiveness in drought, pollution and flood-risk management, particularly under accelerating climate variability. Impact-based performance indicators should be directly tied to funding mechanisms, ensuring that public money supports measurable ecological and water status improvements.

5.2.2. Scale up restoration and remove physical pressures.

Hydromorphological pressures remain a leading cause of poor ecological status across Europe. Restoring river continuity, reconnecting floodplains and rebuilding wetlands must move from project-scale to basin-scale implementation. EU instruments such as the Nature Restoration Law, CAP eco-schemes and others must prioritise these efforts, supported by clear targets and ecological monitoring to ensure they contribute to WFD objectives. River restoration is central not just for biodiversity, but for flood and drought risk reduction, improved drinking water safety and supporting sustainable economic activities. Post-2027 restoration measures should be integrated systematically into Europe's broader climate and resilience strategies.

5.2.3. Reaffirm the WFD's role as a climate adaptation law

The WFD is not a barrier to climate adaptation: it is foundational to it. Its core provisions regulate abstraction, require ecological flows, control pollution and restore hydromorphology; these are all essential to climate resilience. Article 4(1)(b) mandates the protection of aquatic ecosystems for their functions in flood protection, drought buffering and climate regulation. The WFD should serve as a central pillar in national adaptation strategies and disaster risk planning, ensuring that resilience measures work with, not against, aquatic ecosystems. Yet many RBMPs still lack robust adaptation components, including long-term abstraction strategies and climate-informed flow objectives. Rather than weakening core obligations, Member States should align RBMPs with the EU's Water Resilience Strategy, Nature Restoration Law, Biodiversity Strategy for 2030, Climate Adaptation Strategy, CAP conditionality, Zero Pollution Action Plan, Soil Strategy and other related objectives to deliver nature-based, climate-proof solutions that work across sectors and time horizons. Full implementation of the WFD's climate adaptation provisions, including robust ecological flows and rigorous abstraction controls, is essential to sustain economic competitiveness and resilience across Europe, protecting critical sectors from escalating climate-related water risks.

34. Vlachopoulou, M., Coughlin, D., Forrow, D., Kirk, S., Logan, P. and Voulvoulis, N. (2014) The potential of using the Ecosystem Approach in the implementation of the EU Water Framework Directive. *Science of the Total Environment* 470–471, 684–694. doi.org/10.1016/j.scitotenv.2013.09.072

5.2.4. Expand pollution prevention at source

The pressure from both traditional and emerging pollutants remains high, particularly PFAS, nitrates, and microplastics. Strengthening source control obligations and improving their integration with industrial, agricultural and urban water regulation are essential actions to close the implementation gap. Member States must also prioritise stricter permit conditions and step up enforcement to close the gap between ambition and practice. Post-2027, the EU's zero pollution ambition requires rigorous enforcement of source-control measures under the WFD. Addressing pollution at source secures ecological status, protects public health, and reduces long-term costs for drinking water treatment and healthcare.

5.3. Mobilise investment and align financial flows

Achieving the WFD's objectives will require substantial investment in infrastructure, governance, monitoring and nature-based solutions. EU and national budgets, recovery plans and sectoral funds must align with WFD targets and prioritise multi-benefit water solutions. Yet the 2025 Commission report highlights that most RBMPs lack clear investment plans, costed measures or identified financing sources.[35] Many national plans do not adequately link spending to ecological outcomes, nor do they consider long-term water demand forecasts under climate stress. Investments in water resilience through full WFD compliance are economically prudent, significantly cheaper than continued exposure to escalating disaster losses, public health burdens and costly remediation measures. Aligning EU financial mechanisms explicitly with WFD implementation is critical for delivering cost-effective, resilient growth. Bridging this gap will require stronger alignment between WFD targets and financial instruments like the CAP, Cohesion Policy and Recovery and Resilience Facility.

While the investment need of €89.4 billion may appear significant, it represents only a fraction of the social and economic costs already incurred due to poor water management. A growing body of research shows that water pollution, PFAS contamination, nitrate runoff and other contaminants of emerging concern impose significant economic burdens across the EU. One widely cited study estimates that the cost of removing PFAS from EU environments alone could reach €238 billion, due to their persistence, toxicity and clean-up complexity; these costs include health impacts, clean-up spending and lost ecosystem services, all of which could be avoided through earlier action and stricter pollution prevention.[36] Floods and droughts alone cause over €9 billion in average annual damages across the EU, a figure projected to rise under climate change.[37] Framing the WFD as "too expensive" ignores these mounting costs and overlooks the fact that full implementation would actually reduce long-term liabilities. As the OECD notes, investing in water resilience creates durable economic benefits and protects national budgets from future risk.[38]

In addition to public and EU investment streams, many Member States continue to underuse the economic instruments foreseen under Article 9 of the WFD. Recent Commission reviews show that cost recovery remains inadequate, particularly for agriculture and industry. Charges for water abstraction and pollution often fail to reflect environmental and resource costs, despite the Directive's clear requirement to do so. This undermines the polluter-pays principle and reduces incentives for more sustainable water use.[39]

The agriculture sector, which accounts for a significant share of water use in many basins, frequently benefits from underpricing or exemptions. For example, Spain and Greece continue in some cases to rely on flat-rate or area-based irrigation tariffs that do not reflect actual use, and often recover less than half of water supply costs.[40] In France, certain abstractions for irrigation remain untariffed below specific thresholds. In several Eastern Member States (e.g. Romania, Bulgaria), as well as in some federal German states, charges for agricultural water use are nominal or non-existent. Similarly, in Germany, Poland and Czechia, large-scale

35. European Commission (2025). Report on the implementation of the Water Framework Directive and the Floods Directive, COM(2025) 2 final. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52025DC0002
36. Goldenman, G. et al. (2019). *The cost of inaction: Estimating the economic burden of selected contaminants of emerging concern in Europe*. Nordic Council of Ministers. https://www.norden.org/en/publication/cost-inaction-0
37. European Environment Agency (2024) *Economic losses from weather- and climate-related extremes in Europe*. https://www.eea.europa.eu/en/analysis/indicators/economic-losses-from-climate-related
38. OECD (2020) *Financing Water Supply, Sanitation and Flood Protection: Challenges in EU MS and Policy Options*. OECD Studies on Water. OECD Publishing, Paris, ISBN: 978-92-64-67888-0. www.oecd.org/en/publications/financing-water-supply-sanitation-and-flood-protection_6893cdac-en.html
39. European Commission (2021) *Assessment of MS' application of Article 9 of the Water Framework Directive*, COM(2021) 970 final. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52021DC0970
40. European Court of Auditors (2021) Special Report 20/2021: *Sustainable water use in agriculture*. www.eca.europa.eu/Lists/ECADocuments/SR21_20/SR_CAP-and-water_EN.pdf

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lignite mining operations abstract billions of cubic metres of groundwater annually, with either token fees or no charges at all, costing an estimated €54 million per year in lost public revenue.[41] These sector-specific gaps amount to hidden subsidies for water use and pollution, and they weaken both environmental protection and the financial viability of RBMP implementation.

Reinforcing the application of Article 9 under the Nature Restoration Law, which sets the landmark legal target of restoring at least 25,000km of rivers into free-flowing condition by 2030, is essential to ensure fairness and compliance and unlock domestic funding for implementation and water management. Where well-designed abstraction charges, discharge levies or differentiated tariffs have been implemented, such as in Denmark, Berlin-Brandenburg (Germany) or Cyprus, they have incentivised more sustainable behaviour while generating revenues that can be reinvested into water restoration, monitoring and enforcement.[42] Member States should treat water pricing as a strategic implementation support tool. Article 9 is not a theoretical obligation: it is a practical lever to ensure that the costs of achieving good status are not borne disproportionately by taxpayers or ecosystems. As 2027 approaches, national authorities must urgently review and adjust their pricing policies to close cost-recovery gaps, secure funding and uphold the WFD's legal requirements.

Together, these priorities – from enforcement and restoration, to investment alignment, control of pollution at source and monitoring reform – form the backbone of a long-term implementation strategy that secures the Directive's legacy and enables the EU to deliver truly sustainable water management beyond 2027.

41. EEB (2020) Mind the Gap: *Mapping hidden water subsidies for the coal industry*. eeb.org/library/mind-the-gap-report-on-hidden-water-subsidies-for-coal/
42. Dige, G. et al. (2013) *Assessment of cost recovery through water pricing*. www.ecologic.eu/10048

6 Risks to avoid

While the path forward for the WFD is clear, it is not without obstacles. Several risks threaten to undermine the Directive's ecological effectiveness, legal integrity and economic benefits. The previous chapters demonstrated why full WFD implementation is essential for climate resilience, public health and sustained competitiveness. Member States and EU institutions need to actively address and resist the following risks to ensure the Directive remains robust beyond 2027.

6.1. Deregulatory pressures and legal weakening

There is a persistent risk that the WFD could be weakened through revisions presented as simplification or better regulation. This includes proposals from Member States to introduce new exemptions to the non-deterioration principle or redefine key obligations under Article 4, notably in updates to priority pollutants for surface and groundwater, informed by Council non-papers on non-deterioration[43] and progress indicators.[44] These documents, submitted by a coalition of Member States, effectively propose new flexibility in applying WFD rules.[45] The Draghi Report and broader competitiveness agenda reinforce this deregulatory framing. Weakening the Directive under the guise of 'regulatory simplification' would significantly heighten Europe's economic exposure to drought, floods, pollution and other costly water-related risks.

Proposals to amend the WFD for reasons unrelated to its core environmental objectives – such as alignment with other frameworks or accommodating economic interests like hydropower and mining – also risk weakening its provisions. Some stakeholders – particularly from the business, agriculture, energy, raw materials and infrastructure sectors[46, 47], along with some Member States[48], increasingly argue that the Directive imposes disproportionate costs or blocks economic development. This is disregarding the immense economic value of water and freshwater ecosystems, which is estimated to be over €11 trillion in Europe – about 2.5 times the GDP of Germany[49] – and the tight reliance of key economic activities (agriculture, and also industries such as semiconductors, data centres, renewable hydrogen, and electric vehicle battery production), on clean and abundant water supply. The stability and legal certainty provided by the WFD are essential for the preservation of freshwater ecosystems on which Europe's water supply depends, and for securing long-term investment. Weakening it under the ground of economic development is short-term thinking.

43. Council of the EU (2024) Non-paper on deterioration (submitted by NL, DE, AT, FI, LU, DK). https://open.overheid.nl/documenten/dpc-50ff6433af3572a602010af9fa691743e23feba9/pdf
44. Council of the EU (2024) Non-paper on reporting progress under the WFD. https://open.overheid.nl/documenten/dpc-fd890c10e87936e10087eee74adb0d77fac33a05/pdf
45. Draghi, M. (2024). Towards a more competitive and resilient Europe: Report of the High-Level Group on the Future of EU Competitiveness. Brussels: European Commission. https://commission.europa.eu/topics/eu-competitiveness/draghi-report_en
46. BusinessEurope Position Paper (May 2025), "EU Business Priorities on a Future-Proofed EU Water Policy.", www.businesseurope.eu/wp-content/uploads/2025/05/2025-05-05-EU-business-priorities-on-a-future-proofed-EU-water-policy.pdf
47. EU CAP Network (2025). Study on Simplification of Administrative Requirements for Farmers in the CAP. European Commission, Directorate-General for Agriculture and Rural Development, https://eu-cap-network.ec.europa.eu/sites/default/files/publications/2025-05/eu-cap-network-report-study-on-simplification.pdf
48. Council of the EU (2024) Non-paper on deterioration (submitted by NL, DE, AT, FI, LU, DK). https://open.overheid.nl/documenten/dpc-50ff6433af3572a602010af9fa691743e23feba9/pdf
49. WWF (2023), The High Cost of Cheap Water, available at https://wwfint.awsassets.panda.org/downloads/wwf-high-cost-of-cheap-water--final-lr-for-web-.pdf

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6.3. Misuse and overuse of exemptions

Exemptions under Articles 4(4), (5) or (7) must remain strictly justified and narrowly applied. The Răstolița hydropower project in Romania exemplifies exemption misuse: permitted without proper Article 4(7) justification despite severe ecological impacts, prompting legal action and a 2025 court suspension (Box 1). The Commission's 2025 report confirms persistent misuse of exemptions linked to diffuse pollution, agricultural pressures and unsubstantiated climate-related justifications. Overuse of exemptions substantially increases Europe's future economic and ecological risks, underscoring the urgent need for strict oversight post-2027.

6.4. Indirect circumvention of obligations

A growing number of Member States are attempting to weaken WFD obligations, not by formal revision, but through indirect means described below. This reflects a reductionist approach to a systems directive, where procedural formalism masks strategic avoidance.[50] Unless the Commission and national authorities reassert enforcement, these strategies risk quietly eroding the Directive's integrity.

6.4.1. Increased designation as heavily modified to avoid restoration.

Several countries have increased the designation of water bodies as Heavily Modified Water Bodies (HMWBs) in their third RBMPs (2022–2027). By classifying a river or lake as HMWB, a Member State can set a lower ecological target (*good ecological potential* instead of *good ecological status*), effectively relaxing restoration obligations. For example, Austria, Croatia, Ireland[51], and Slovakia, reported substantial increases, allowing lower ecological ambitions (good ecological potential instead of good status)[52]. Sweden is expected to follow suit.[53] The European Commission's 2025 implementation report noted these jumps in HMWB share and implicitly flagged that some reclassifications appear aimed at easing obligations. It also reminded that many HMWBs still lack defined "good potential" targets, undermining clear obligations for improvement.

50. Ivoulis, N., Arpon, K.D. and Giakoumis, T. (2017) The EU Water Framework Directive: From great expectations to problems with implementation. *Science of the Total Environment*, 575, 358–366. doi.org/10.1016/j.scitotenv.2016.09.228
51. Ireland plans to designate 10% of rivers and lakes as heavily modified water bodies without adequate explanation or supporting evidence.
52. European Commission (2025) Report on the implementation of the Water Framework Directive and the Floods Directive, COM(2025) 2 final., pp. 65-66.
53. European Commission (2025) Report on the implementation of the Water Framework Directive and the Floods Directive, COM(2025) 2 final., pp. 66.

6.4.2. Attempts to weaken the one-out-all-out principle.

Under the WFD's *one-out-all-out* (OOAO) rule, a water body is only as healthy as its worst-rated parameter – if even one quality element fails to reach good status, the entire water body is classified as not in good status. Many Member States argue that this all-or-nothing assessment masks incremental progress and discourages public support, since improvements in most parameters don't change the overall classification.[54] In recent years, there have been explicit moves to develop alternative indicators or metrics to complement or weaken the OOAO principle. For instance, in 2024, a group of Member States (Austria, Denmark, Finland, Germany, Luxembourg, and the Netherlands) issued a non-paper calling for additional progress metrics in WFD reporting. They stated that "the sole indicator… based on the one-out-all-out principle is not suitable" for showing improvements, and that uniform progress indicators should be included in the WFD to track gradual water quality gains.[55] These Member States insisted they did not seek to lower the WFD's ambition, but rather to present a more nuanced picture of water status. By June 2024, the Council of the EU agreed on amendments to incorporate such indicators. Member States acknowledged that OOAO makes it "difficult to show overall progress" and they approved having the European Commission develop new indicators to measure improvement even when not all quality elements are good. In practice, this means that alongside the binary OOAO status, countries could report complementary metrics (e.g., the number of parameters improved or water bodies partially restored), softening the impact of OOAO on the reported outcomes. France is also reported to be exploring the use of alternative indicators to demonstrate progress, despite water bodies not reaching good status.[56]

Complementary indicators may help authorities communicate progress more clearly, for instance, by showing improvements in individual parameters or partial recovery trends. However, such tools must not be used to replace or dilute legal obligations under Article 4(1). The core compliance benchmark of the WFD remains the achievement of good status across all elements, not partial improvement. Substituting or softening the OOAO principle would obscure ecological realities, reduce comparability and undermine accountability. Progress reporting is important, but it must not replace the legal standard.

6.4.3. Deferring compliance beyond 2027

The WFD's final deadline for achieving good status in all waters is 2027. While limited extensions beyond 2027 are allowed only in exceptional cases, justified by natural recovery conditions, several Member States are openly planning for compliance beyond this deadline.

Germany's third RBMP explicitly anticipates measures extending into the fourth planning cycle (2028–2033), and potentially beyond. While domestically justified by technical and financial constraints, such postponement of required measures past 2027 lacks a valid legal basis in the WFD. The Directive's 'natural conditions' clause can excuse delayed ecological recovery results, but explicitly not delayed actions.

Similarly, the Flemish region has acknowledged plans to continue measures well beyond 2027, setting minimal compliance targets (from just 1 water body currently to only 15 of 195 by 2027) and openly deferring substantive action into future cycles. Across Europe, many Member States have extensively applied WFD Article 4 exemptions, effectively pushing the bulk of obligations up to the 2027 limit. As the deadline approaches, some countries hint at using the natural conditions exemption to extend obligations beyond 2027, claiming more time is needed for ecosystems to recover despite measures already taken. However, any such extensions must strictly comply with narrowly defined WFD criteria and cannot be used as convenient loopholes.[57]

The European Commission's latest implementation report explicitly warns that, under current national plans, full compliance by 2027 will not be achieved. In response, the Commission has reiterated that 2027 remains the final compliance deadline, except in narrowly justified cases (Article 4(4)(c)), and has launched infringement actions to reinforce compliance. In 2023, formal infringement letters were sent to 16 Member States for delayed RBMPs and flood risk management plans. By mid-2024, seven Member States (Bulgaria, Greece,

54. Council of the EU (2024) Non-paper on reporting progress under the WFD. open.overheid.nl/documenten/dpc-fd890c10e87936e10087eee74adb0d77fac33a05/pdf
55. Council of the EU (2024) Non-paper on reporting progress under the WFD.
56. European Commission infringement package, February 2023.
57. Guidance no. 20 on exemptions to the environmental objectives, p. 22. https://op.europa.eu/en/publication-detail/-/publication/a6f63214-46fb-4ab3-bdd5-3117011d51d4/language-en

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Ireland, Malta, Portugal, Slovakia and Spain) were referred to the Court of Justice[58], with a key hearing (Case C-359/24, Greece) occurring on 5 June 2025 – highlighting the seriousness with which procedural delays are treated. Additional infringement cases were initiated in 2024 against the Netherlands, Austria and Slovenia for failing to review longstanding water abstraction and discharge permits, which are crucial for reducing pressures on water bodies.[59]

Member States seeking to circumvent their obligations are compromising climate adaptation, increasing public health risks and undermining long-term economic stability and predictability across the EU.

6.5. Policy incoherence and siloed decision-making

Water protection cannot succeed if treated as a standalone policy. Sectoral agendas – agriculture, energy, transport, and urban development – often undermine WFD objectives through isolated decisions. This results in inefficient spending, legal risks and persistent ecological deterioration. Examples include CAP subsidies funding irrigation and pesticide use in nitrate-sensitive catchments, energy strategies supporting small hydropower without adequate WFD Article 4(7) compliance or ecological flow safeguards, and transport or urban plans approving dredging projects without proper assessment of deterioration risks. Poorly integrated policy frameworks compromise climate resilience and resource efficiency, increase compliance costs for industries and municipalities, and hinder Europe's broader environmental and economic strategic goals.

The Water Resilience Strategy explicitly calls for policy coherence, but this requires structural changes:

- RBMPs must serve as binding reference frameworks within national spatial, agricultural and energy planning.
- Strategic environmental assessments (SEAs) and environmental impact assessments (EIAs) must systematically embed WFD obligations, including non-deterioration and exemption tests.
- Cost recovery principles (Article 9) must apply fully to sectors benefiting from underpriced water, notably agriculture and mining.

58. https://ec.europa.eu/commission/presscorner/detail/en/ip_24_265
59. https://ec.europa.eu/commission/presscorner/detail/en/inf_24_3228

- Regional agricultural agreements and CAP strategic plans must explicitly integrate WFD compliance, particularly within good agricultural and environmental condition (GAEC) standards and eco-schemes.
- EU-funded infrastructure (TEN-E, TEN-T) and financial instruments (EU Taxonomy, Recovery and Resilience Facility) must embed explicit WFD alignment criteria.

Competent authorities at national level must actively ensure RBMP integration in sectoral planning, participate robustly in SEA/EIA processes, monitor coherence between subsidies and water objectives, and flag misalignments early. Without active enforcement of policy coherence, the WFD risks becoming sidelined by politically stronger agendas.

6.6. Chronic underinvestment and political avoidance – beyond the funding narrative

Despite significant available EU funding, chronic underinvestment and political avoidance persist, reflecting prioritisation of sectors like agriculture, infrastructure and energy over water policy. The Commission's 2025 report highlights persistent annual funding gaps (~€25 billion) and inadequate alignment between RBMP measures and EU financial instruments (CAP, Cohesion Policy, RRF).

The estimated €89 billion needed for WFD implementation contrasts starkly with the much higher economic costs of inaction – €238 billion for PFAS remediation alone, €9 billion annually in flood and drought damages, and €51.1 billion per year of foregone benefits of not achieving good status for surface waters.[60]

Reframing water policy as investment in resilience, rather than simply as cost, is essential. National authorities should prioritise cross-sectoral alignment of investments, systematically monitor funding gaps, leverage cost-of-inaction arguments in budgeting, enforce Article 9 for fair cost-sharing, and implement pricing policies incentivising sustainable water use. Ultimately, political will determines WFD success; its absence represents a deliberate governance choice requiring transparent accountability.

Beyond sector-specific challenges, the WFD now faces macro-political pressures: EU competitiveness drives reviving calls to 'modernise' environmental law; green-industry plans fast-tracking hydropower, mining and energy projects; and budget realignments risking starvation of RBMP funding. Collectively, these pressures threaten quietly to hollow out the Directive through new exemptions, alternative status metrics, or simple omission without reopening its text. Safeguarding the WFD therefore requires embedding Article 4 obligations firmly within industrial, energy and finance policies, framing water protection clearly as critical economic infrastructure, and actively challenging narratives portraying the Directive as a barrier to growth.

The estimated €89 billion needed for WFD implementation in 2022-2027 contrasts starkly with the much higher economic costs of inaction – €51.1 billion per year.

60. European Commission (2025) Environmental Implementation Review. https://environment.ec.europa.eu/publications/2025-environmental-implementation-review_en

5 Conclusion and recommendations

The Water Framework Directive remains the EU's strongest legal tool for protecting and restoring freshwater ecosystems. But nearly 25 years after its adoption, its promise has yet to be fulfilled. The European Commission's 2025 implementation report confirms what we already know: the gap between ambition and action remains wide. Good ecological status has stagnated. Key measures are underfunded. Exemptions are overused. And enforcement is still too often the exception, not the rule.

Yet the tools for success already exist. What is needed now is political will, legal rigour and sustained investment to turn 2027 into a launchpad for a new implementation phase, one focused on delivery, accountability and ecological recovery. This implementation phase is also the credibility test for the Water Resilience Strategy, Europe's roadmap to address the growing urgency of water scarcity, floods, pollution, and ecosystem degradation across the continent. The WFD is what turns the Water Resilience Strategy's targets into enforceable actions.

However, legal compliance alone will not be sufficient. The years ahead are likely to bring new geopolitical and economic pressures – from the EU's industrial competitiveness agenda to energy transition imperatives – that could challenge the integrity of environmental law. As Member States accelerate investments in hydropower, critical raw materials and infrastructure, there is a growing risk that WFD safeguards may be weakened in the name of flexibility or expediency. Protecting the Directive from such pressures is essential: long-term water resilience must remain central to the EU's broader policy direction. Stability, predictability and environmental integrity are non-negotiable.

The Water Framework Directive remains the EU's strongest legal tool for protecting and restoring freshwater ecosystems. But nearly 25 years after its adoption, its promise has yet to be fulfilled.

To that end, the Living Rivers Europe coalition calls on EU institutions and Member States to take the following actions:

1. Reaffirm the legal strength of the WFD

- Publicly reject calls to revise or weaken the Directive.
- Clarify that the 2027 deadline is a hard deadline for achieving good water status, and that extensions beyond 2027 are only possible under narrowly defined natural condition scenarios.
- Uphold the non-deterioration principle, as clarified by Court of Justice case law.
- Reject systemic misuse of alternative progress indicators that mask the one-out-all-out principle.
- Ensure that the Directive remains the legal backbone of EU water policy, including the Water Resilience Strategy.

2. Speed up implementation

- Full implement the river basin management plans for 2022-2027
- Finalise robust, science-based river basin management plans for 2028–2033 with costed, enforceable programmes of measures.
- Phase out unjustified exemptions and apply strict legal tests to any derogation.
- Review and update permits for abstraction, impoundment and discharges to reflect ecological thresholds and climate forecasts.

3. Make enforcement and transparency non-negotiable

- Launch timely infringement procedures where legal obligations are not met (e.g., where water abstraction or discharge permits have not been reviewed in line with Article 11(3)(e)).
- Expand public access to water data, including Watch List monitoring and permit registers.
- Ensure that exemptions are justified at water-body level and subject to scrutiny.

4. Align financial flows with water protection goals

- Close the €25 billion annual investment gap through EU and national funding streams.
- Mainstream WFD delivery across CAP strategic plans, Cohesion Policy, the RRF and Horizon Europe.
- Eliminate harmful subsidies and implement full cost recovery for water services, in line with Article 9.

5. Strengthen cross-border and multi-level governance

- Improve coordination in shared river basins, with harmonised monitoring and joint restoration measures.
- Develop joint nutrient reduction and ecological flow plans across borders.
- Support basin authorities and municipalities with data, funding and legal clarity.

6. Empower civil society and local actors

- Guarantee public access to information, consultation and justice in water governance.
- Invest in capacity-building for local institutions and community-led initiatives.

Our call to action

As we approach 2027, the Living Rivers Europe coalition reaffirms the Directive's enduring relevance. It calls on Member States and EU institutions to shift decisively from cherry-picking compliance towards full-scale implementation. Europe cannot afford to gamble with its water laws. In an age of escalating drought, pollution and biodiversity loss, the WFD must not be reopened, repackaged or quietly sidelined. It must be delivered in full, with urgency, and with the political courage to put ecosystems and people before short-term interests.

Europe's climate resilience, public health protection and economic security hinge directly on healthy freshwater ecosystems. Let 2027 be the moment when delivery is judged not by new plans but by results.

Annex 1: 13 myths about the Water Framework Directive – and what the law really says

Countering frequent misunderstandings that risk undermining the WFD's implementation and enforcement. Despite being one of the EU's strongest environmental laws, the WFD is often misrepresented. Below are 13 common myths – and the facts that set the record straight.

1

"The WFD expires in 2027."
False. There is no sunset clause. The Directive remains fully in force beyond 2027. What ends are time-limited exemptions under Article 4(4), not the WFD itself. Obligations continue.

2

"Member States can postpone measures after 2027."
False. After 2027, Member States will only be able to postpone the achievement of good status (not the measures) because of natural conditions, using Article 4(4)(c) exemption. Postponement of measures for technical feasibility or disproportionate cost (4(4)(a)/(b)) is no longer allowed. This is why the fourth cycle of RBMPS for 2028-2033 will be the cycle of implementation.

3

"The 2027 deadline is the final deadline for achieving good status."
False. It is the end of time extensions, not of obligations. If good status isn't reached by 2027, Member States remain legally bound to implement measures, update programmes of measures, and justify any failure through Articles 4(4)(c), 4(5), 4(6), or 4(7).

4

"Programmes of measures are not binding."
False. Article 11(8) requires that programmes of measures be reviewed every six years and that new or revised measures be made operational within three years. Implementation is not optional.

5

"Using Article 4(5) exemption means we don't need to take measures."
False. Less stringent objectives must still reflect the best status achievable with all feasible and not disproportionately expensive measures. Measures must still be implemented.

6 **"Climate change justifies exemptions under Articles 4(4)–(7)."**

Only in very limited cases. Climate change cannot be used as a general justification for exemptions under Articles 4(4) and 4(5). Climate change can only justify exemptions under Article 4(6) for natural events (extreme floods and prolonged droughts) that could not be reasonably expected,[61] and only where supported by strong evidence and where all other exemption conditions are met. It cannot be used as a blanket excuse.

7 **"Non-deterioration isn't binding at project level."**

False. CJEU rulings (e.g. CJEU Weser case C-461/13) confirm non-deterioration is legally binding at project level. Projects must be denied if they risk deterioration unless they pass the strict Article 4(7) test.

8 **"Deterioration is not defined in the WFD."**

True, but it is defined by case law. Deterioration occurs when even one quality element drops by one class – even if overall status remains unchanged (CJEU Weser Case C-461/13).

9 **"Temporary deterioration doesn't count."**

False. Temporary deterioration is only allowed under strict conditions set by Article 4(6) or 4(7). Even short-term impacts can breach the Directive if not properly justified (CJEU Case C-525/20).

10 **"The WFD blocks nature restoration, green transition and sustainable development projects."**

False. Such projects, in cases where they would cause the water status to deteriorate, can be authorised if they meet public interest or environmental benefit tests under Article 4(7)(c). Member States have a broad margin of discretion for determining what constitutes an overriding public interest (Case C-346/14 (EC vs. Austria). As for renaturation specifically, the Court of Justice of the EU (Case C-525/20 (FNE vs. France) confirmed that renaturation is not blocked by the WFD (para 43), and that the rules on deterioration do not affect programmes or projects which, by their nature, have little effect on the water body status (para 45).

11 **"The WFD doesn't allow us to show progress."**

False. Member States can and do report progress on individual quality elements. The EEA publishes data visualisations that reflect these improvements.

12 **"The WFD is too expensive."**

Inaction on water pollution, floods, and droughts is costly. The foregone benefits of not achieving good status for surface waters are estimated at €51.1 billion per year, while the funding gap for implementing the WFD is about €25 billion annually. Restoring freshwater ecosystems is a long-term investment, not a burden.

13 **"The WFD is not adapted to climate change."**

False. The WFD addresses water scarcity, flow regulation, pollution control and climate impacts. It is one of the EU's most climate-relevant laws – but needs to be fully implemented.

61. Guidance no. 24 on River basin management in a changing climate, pp. 59-61. https://circabc.europa.eu/ui/group/9ab5926d-bed4-4322-9aa7-9964bbe8312d/library/b5f4eff8-2482-4494-9df0-e72cb8792e19/details

Annex 2: Abbreviation list

CAP – Common Agricultural Policy
CIS – Common Implementation Strategy
CJEU – Court of Justice of the European Union
EIA – Environmental impact assessment
EEA – European Environment Agency
EQSD – Environmental Quality Standards Directive
FD – Floods Directive
GAEC – Good agricultural and environmental conditions
HMWB – Heavily modified water body
OOAO – One-out-all-out principle
PFAS – Per- and polyfluoroalkyl substances
PFOS – Perfluorooctanesulfonic acid
RBMPs – River basin management plans
RED III – Renewable Energy Directive (third version)
RRF – Recovery and Resilience Facility
SEA – Strategic environmental assessment
WFD – Water Framework Directive

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 puts forward a strong 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.