

Water Resilience Strategy - Rev Water Framework Directive - Guidance for the implementation of the Water Framework Directive during the permitting of new projects and existing activities with a particular focus on the mining sector

Commission notice (C/2026/2836)

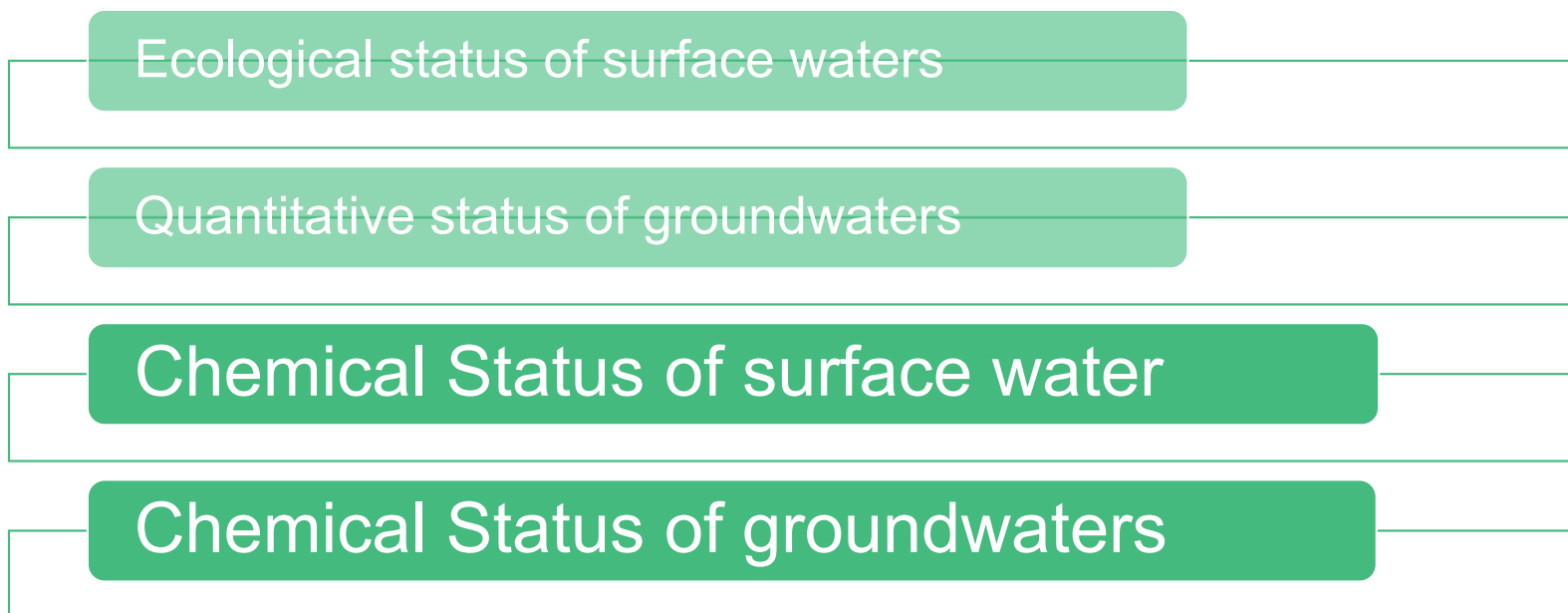
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Guidance on the application of the WFD

Objectives

- ☐ reduce uncertainties regarding substantial elements and procedures
- ☐ Contribute to accelerate permitting procedures as well as renewal of permits

Focus



Guidance on the application of the WFD

These are the 8 questions around which the guidance has been structured:

1. How is the assessment of chemical status with respect to non-deterioration carried out?
2. How are river basin specific pollutants for surface water and pollutants of national concern for groundwater identified by Member States?
3. How can natural background concentrations and bioavailability be considered when setting environmental quality standards (EQS) or assessing compliance?
4. How can the designation of mixing zones help facilitate permitting without compromising the achievement of the overall objective of the Directive?
5. What does the Water Framework Directive require in terms of permitting?
6. What are the flexibilities foreseen in the Directive to accommodate new sustainable economic development activities?
7. What are the new exemptions that were recently introduced and how can they help the mining and metal processing sectors?
8. Which other flexibilities exist in the Water Framework Directive to ensure the possibility to renew/extend permits for existing activities and installations?

What does the Water Framework Directive require in terms of permitting?

- ❑ Case law: Member States are required — unless a derogation is granted — to refuse authorisation for an individual project where it may cause a deterioration of the status of a surface water body or where it jeopardises the attainment of good water status by the date laid down by the directive.
- ❑ the Member State competent authority has to establish with sufficient certainty that a project will not cause deterioration or compromise the achievement of good status.
- ❑ BUT: the WFD does NOT include the procedural requirements for the authorisation of new projects (such as procedures for permitting, authorisation, etc.), nor provides details on what information should be provided or how.
- ❑ the WFD-relevant assessments could be combined and take place as part of other environmental impact assessment :EIA Directive and the Habitats Directive



How does the Directive accommodate new sustainable economic development activities?

- ❑ Member States will not be in breach of the Directive if they allow a project to deteriorate the ecological or quantitative status of water provided that
 - a) the project is of overriding public interest,
 - b) all practicable steps are taken to mitigate the adverse impact;
 - c) there are no better environmental alternatives that are feasible and do not entail disproportionate costs and
 - d) the reasons are specifically set out and explained in the river basin management plan.

This applies to two types of projects

- a) 'new modifications to physical characteristics of surface water or new alterations to levels of groundwater' or
- b) 'new sustainable human development activities'



What are the new exemptions that were recently introduced and how can they be used in case of projects in the mining and metal processing sectors or in the case of other projects deteriorating chemical status?

- ❑ Directive (EU)2026/805 has introduced two new exemptions allowing the deterioration of chemical status as a result of
 - Temporary deterioration
 - Re-location of pollutants without overall increase in pollution (the relocation requires an authorization)

- ❑ They do NOT require that the project is considered to be of overriding public interest



Which other possibilities exist in the Water Framework Directive to renew/extend permits for existing activities and installations?

- ☐ Member States are required to put in place a list of mandatory controls on activities affecting water bodies, to achieve compliance with the Directive's objectives
- prior authorisation, or registration for controlling point source discharges
- ☐ These controls to be regularly reviewed and updated-
- ☐ Where a water body is affected by existing activities hampering the achievement of good status, including chemical status, competent authorities may have recourse to the time related exemptions under Article 4(4)) or the exemption allowing for the setting of lower environmental objectives (Article 4(5)), subject to compliance with the criteria set out therein.



For more information

Press release

https://ec.europa.eu/commission/presscorner/detail/en/ip_26_1129

Guidance Link:

https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:C_202602836&qid=1779892171620



Scope of the call for evidence

A **targeted revision** of the Water Framework Directive (2000/60/EC) aimed at promoting circularity and access to CRMs in the EU, while protecting the environment and human health. The initiative also seeks to ensure effective implementation and enforcement of the WFD in line with the objectives of the water resilience strategy

- **Critical Raw Materials Focus:** A specific aim is to identify and address permitting bottlenecks for strategic mining and processing projects arising from water legislation.
- **Simplification:** The Commission is seeking evidence for areas where the regulatory framework can be simplified without lowering environmental protection standards.

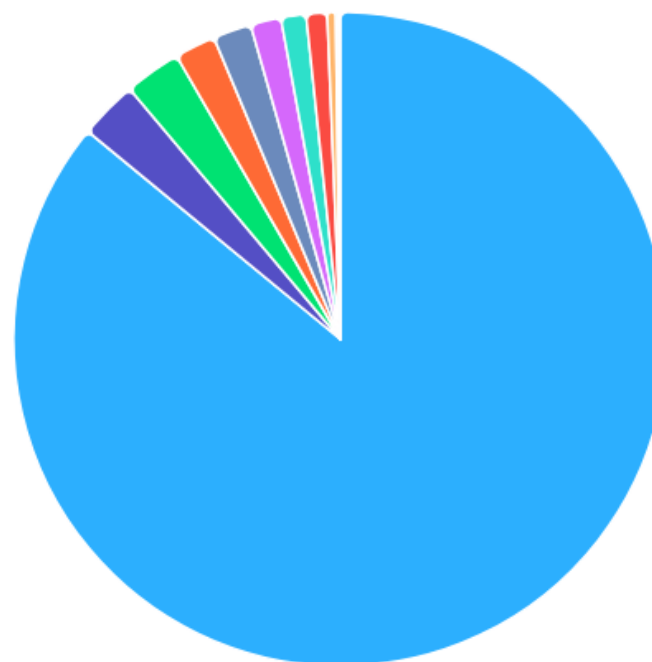


Number of contributions

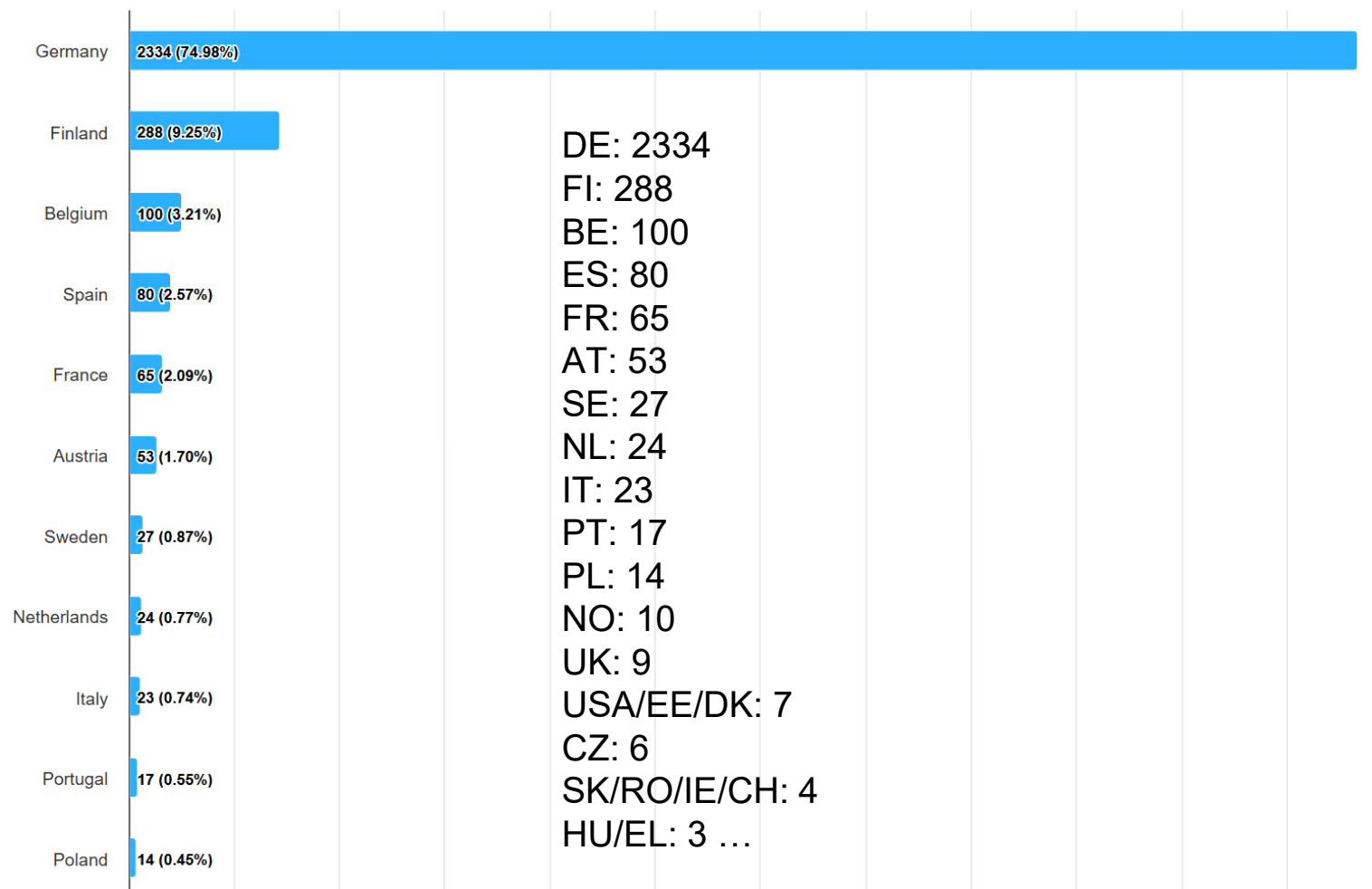
- Consultation from 17 March 2026 to 14 April 2026 on the [Have your say](#) portal.
- Total feedback received: **3113**, out of which 2560 unique feedback.
- Submissions include:
 - ☐ Position papers from **national, regional and local authorities, NGOs and industrial federations,**
 - ☐ policy briefs from **European research consortia,**
 - ☐ Position papers and technical reports from **professional associations,**
 - ☐ detailed analyses provided by stakeholders regarding recent rulings from **national high administrative courts.**



Repartition of contributions by stakeholder type



Repartition of contributions by country



Overall picture

Overwhelming opposition to any weakening of the WFD from **citizens, civil society, most public authorities and local communities/regional groups, academia/scientific organizations**, as well as **water industry** and **sectors that are highly dependent on water quality** (agri-food, parts of the agricultural sector, tourism and recreation, fisheries and aquaculture) focusing rather on better implementation and enforcement of the law

On the other hand, a minority of submissions from mining and metal processing industry stakeholders, as well as other **economic sectors stakeholders** (i.e. **horizontal business association, chemicals, parts of agriculture, construction/housing, energy**) support a regulatory change to increase flexibility to derogate from the non-deterioration principle to address certain reported permitting bottlenecks.



Other Issues mentioned in the feedback

- ❑ Several calls for strengthening the legislation in relation to matters such as: **more harmonized implementation and monitoring, strengthened governance** (including transboundary) and **better enforcement**, better addressing **water quantity (including binding water efficiency targets)** and **climate risks, digitalization**, etc.
- ❑ **Post-2027 Deadline:** Widespread concern – from both industry and some Member State bodies – that the 2027 deadline is unrealistic. Requests for legally available time and resources post-2027 are frequent.
- ❑ **Definition of deterioration and One-Out, All-Out (OOAO) principle:** same stakeholders arguing for more flexibility also identify a too strict interpretation of “non deterioration” and the OOAO principle as a primary barriers.



Thank you



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