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Improve the EU Water Framework Directive (WFD) – three proposals aimed at sustainable water management

Europe's water is regulated by the EU Water Framework Directive, the so-called Water Directive. This requires that member countries must ensure water quality and protect and manage lakes, water bodies, coastal waters, and groundwater in a sustainable way. Article 3 of the EU Treaty clarifies that this should be done by balancing economics, social progress and a high level of environmental protection. Ongoing climate change that has become evident in the 21st century affects both water quantity and water quality directly. Today, the Water Directive does not address these challenges adequately, which in turn jeopardizes the benefits of efforts being made today. Consideration must be given to the natural changes and conditions of ecosystems to achieve the water quality that we as a society want and can achieve. A sustainable ecosystem that meets different societal needs is not necessarily synonymous with a natural ecosystem.

The EU Commission must review the Directive by 2019 and propose necessary amendments (Article 19) having identified areas where simplifications and improvements of legislation and its implementation are possible. Therefore, it is important to draw lessons from the past 20 years of application and submit comments to the Commission. As stakeholders who are heavily affected by the Directive, our view is that the Water Directive contains much that is good. A system perspective on water resources, the fact that the member states work in six-year cycles, and that special attention is paid to the protection of vital drinking water resources are some examples of the Water Directive's strengths. However, the Directive needs to be modernized in other respects. Current environmental quality requirements must be met in over 124,000 bodies of water in the EU by 2027. The latest review by the European Environment Agency indicates that in many water bodies the requirements will not be met by then. Therefore, the Directive needs to be amended to set targets beyond 2027. In addition, global warming of our planet has led to warmer water, changed water flows, drought and impact on water chemistry, flora and fauna, which is not taken into consideration in the Directive.

We want to highlight three areas of the Directive where we think amendments are needed in response to future challenges.

1. Change the definition of Good Ecological Status – it cannot continue to be defined in relation to a static original state without human influence (reference state),

The objective good ecological status must be based on a balanced water environment whose ecosystem is sufficiently resilient to resist the long-standing impact of human activity, the natural changes of the aquatic environment, and the climatic changes that are becoming increasingly clear.

New assessment tools and indicators have been developed in the last years such as effect-based methods (EBM), using ecosystem services, or assessing resilience. These approaches should be assessed for inclusion in the Directive.

Water Framework Directive, Annex V, Table 1.2 General definitions

High status: There are no or only very minor anthropogenic alterations to the values of the physico-chemical and hydromorphological quality elements for the surface water body type from those normally associated with that type under undisturbed conditions.

The values of the biological quality elements for the surface water body reflect those normally associated with that type under undisturbed conditions, and show no, or only minor, evidence of distortion...

Good status: The values of the biological quality elements for the surface water body type show low levels of distortion resulting from human activity, but deviate only slightly from those normally associated with the surface water body type under undisturbed conditions.

2. Change the rules regarding application of the environmental objectives of the Directive. In situations where Article 4.5 is not applicable the conditions for exemptions under Article 4.7 need to be broadened to enable new and existing societally important activities and projects.

Societally important activities, new as well as existing, that apply the best possible technology must be allowed within the Water Directive if development is to be sustainable. Today, the Water Directive only allows for exemptions for deterioration from high to good status, and operations with emissions are rarely available at such sites.

Article 4.5 Water Framework Directive

Member States may aim to achieve less stringent environmental objectives .... for specific bodies of water .... that ... the achievement ... would be infeasible or disproportionately expensive, and all the following conditions are met: ....

Article 4.7 of the Water Framework Directive

Member States will not be in breach of this Directive when:
- failure to achieve good groundwater status, good ecological status ... or to prevent deterioration in the status of body of surface water or groundwater is the result of new modifications to the physical characteristics of a surface water body or alterations to the level of bodies of groundwater, or
- failure to prevent deterioration from high status to good status of a body of surface water body is the result of new sustainable human development activities,....

3. Improve the method of evaluating and reporting on the status of the environment.

When the status of a water body is evaluated and reported, the quality factor with the lowest level determines the overall status. Moderate status remains moderate, even if all other physicochemical or hydromorphological factors meet the requirements for good status, as a result of major investments and local commitment. The evaluation is also affected if the reference condition changes by a single quality factor. The method is counterproductive to any progress in the water environment and hinders political and private willingness to pay and the commitment of individuals. The evaluation method should be modified to make real improvements visible.

A few perspectives and lessons learned

The EU directive on sewage and industrial emissions was only a few years old when the Framework Directive was drafted. At this time there was a great potential for technical measures in relation to emission point sources. This potential is significantly smaller today and can sometimes be almost exhausted. The map from the 1980s and 90s of what affects the aquatic environment and how much can be technically corrected on land is no longer accurate. The Water Directive's rules on how the objectives may be applied should therefore be changed.

The United Nations Framework Convention on Climate Change was adopted in 1992, but the debate on climate change gained momentum only in the 21st century. It is no wonder that the Water Directive does not take this into account. Today there is knowledge that should be used to develop the Water Directive.

The Marine and Maritime Directives can show the way for the development of the Water Directive. They take into account the natural changes and conditions of ecosystems. All countries plan the use of oceans and land and adapt the requirements to a variety of purposes and ecosystem services, also taking into account a changing climate - so why not also the use of freshwater?