

# The 2027 Challenge

## Timeline of the Water Framework Directive

2000	2009-2015	2012	2015	2015-2021	2016-2027	2021-2027	2024	2027	2028 – after ..
WFD enters into force	PoM for RBMP #1	PoM operational	Objective of good status reached	PoM for RBMP #2	Exemptions:  Time extension due to - Economic - Technical - Natural conditions  Less stringent objective	PoM for RBMP #3	PoM operational	Objective of good status reached	Natural conditions necessitates a longer time to respond  The revisions of the 6 yearly RBMPs may reveal the need for more measures

## Use of exemptions

### 1. Natural conditions (Art. 4(4))

- The time it will take for a waterbody to reach good status due to the time it naturally will take the ecosystem to respond to those measures that have been introduced and finalized

### 2. Less stringent objective (Art. 4(5))

- For specific waterbodies less stringent objective than good status may be set **provided** a number of conditions are met, including if the environmental and socio-economic needs covered by the human activities cannot be fulfilled by a environmentally better alternative **and** it will be infeasible or disproportionately expensive to use the alternative.



# The River Weser

July 2024





C-461/13: Judgement 23 October 2014 (Weser)

Permits from local DE authorities for projects that would develop Weser by e.g. deepening it.

- Conclusion: The concept of ‘deterioration of the status’ in Article 4(1)(a)(i) of Directive 2000/60 [...] must be interpreted as covering detrimental changes relating to a substance or to a quality element used in the assessment of ecological status within the meaning of Annex V to that directive, without the detrimental change necessarily having to result in a classification change for the purposes of that annex. Such a classification change may none the less arise where the value of the substance or of a quality element falls below the level for the current classification.
- Article 4(1)(a)(i) of Directive 2000/60/EC [...], is to be interpreted as meaning that the Member States must — unless a derogation is granted in accordance with the applicable provisions of EU law — refuse to authorize a project if it may either cause a deterioration of the status of a body of surface water or jeopardize the attainment of good surface water status or of good ecological potential or good surface water chemical status by the date laid down by that directive.

C-535/18: Judgement 28 May 2020 (Detmold)

- Decision by local government in DE to approve the plan for the construction of an approximately 3.7 km-long section of motorway entailing runoff of rainwater to the surrounding surface or groundwater
- Preliminary question no 3: How to interpret ‘deterioration of the status of a body of groundwater’ in Art. 4(1)(b)(i)?
  - As soon as at least 1 EQS or threshold value for 1 parameter is exceeded?
  - If the relevant threshold has already been exceeded, will any additional (measurable) increase of the concentration constitute a deterioration?
- Conclusion: Art. 4(1)(b)(i) must be interpreted as meaning that, first, the exceedance of at least one of the quality standards or threshold values referred to in Article 3(1) of Directive 2006/118/EC of the European Parliament and of the Council of 12 December 2006 on the protection of groundwater against pollution and deterioration and, secondly, a foreseeable increase in the concentration of a pollutant when the threshold set for that pollutant has already been exceeded must be regarded as a deterioration of the chemical status of a body of groundwater as a result of a project. The values measured at each monitoring point must be taken into account individually.

C-461/13: Deterioration, surface water quality elements			
Status class	Inv.	Flora	Fish
High			
Good	X ↓	X ↓ Not X deterioration	
Moderate	X Deterioration		
Poor			
Bad			X ↓ X Deterioration

C-535/18 Detmold - Groundwater	
EQS/RBSP	
Not exceeded	X ↓ Deterioration X ↓ Deterioration X ↓ Deterioration
Exceeded	X ↓ Deterioration X ↓ Deterioration

