Saksnummer:
25-164215SIV-HRET

Oslo, 22.05.2026
2022-0922

Prosesskriv til Norges Høyesterett

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1 NY VEILEDER

Som varslet har EU-kommisjonen arbeidet med en ny veileder til Vanndirektivet, og denne er i dag endelig vedtatt og publisert. Veilederen har tittelen "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."

Bilag 1: Pressemelding 22.05.2026: Commission publishes guidance tostrengthen Europe's resilience byclarifying the application of EU waterlaws

Bilag 2: 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."

Veilederen legger til grunn at Vanndirektivet ikke oppstiller noen særlige prosessuelle krav når nye tillatelser skal gis. Under spørsmålet «What does the water framework directive require in terms of permitting?» heter det:

> *«The ECJ has interpreted Article 4(1)(a)(i) to (iii) of the WFD as meaning that the 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 / potential by the date laid down by the directive. The WFD does neither set out detailed procedural requirements for the authorisation of new projects (such as procedures for permitting, authorisation, etc.), nor provides details of the assessment, such as information requirements. In the interest of simplification, the WFD-relevant assessments could be combined and take place as part of an environmental impact assessment where projects are subject to an environmental assessment under several pieces of EU law, including under the EIA Directive and the Habitats Directive.»*

Veilederen utgjør en rettskilde som kan vektlegges på vanlig måte selv om saken nå er tatt opp til doms.

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Oslo, 22.05.2026

REGJERINGSADVOKATEN

Karen Mellingen
advokat

PRESS RELEASE | May 22, 2026 | Brussels | 3 min read

Commission publishes guidance to strengthen Europe's resilience by clarifying the application of EU water laws

The European Commission published today guidance to ensure **simpler and more harmonised implementation of EU water laws** by reducing uncertainties about compliance. It aims to support Europe's overall resilience agenda, which includes water resilience. This guidance is part of the Commission's efforts to support Europe's overall resilience by maintaining high standards for our waters to protect human health and the environment, while ensuring access to the critical raw materials needed for the clean transition.

The guidance provides clarity on the Water Framework Directive, supported by its so-called daughter directives – the Groundwater Directive and the Environmental Quality Standards Directive. It is part of the RESourceEU Action Plan and takes into account the objectives of the Water Resilience Strategy.

The guidance document explains how to assess the environmental impact of new projects on water quality. It focuses on projects affecting the chemical status of water bodies and rules set out in EU water laws, which already allow for lower environmental objectives.

It also explains new exemptions that are introduced through recent amendments of water legislation. They allow simplified procedures for projects that lead only to short-term deterioration or to the relocation of pollution without a net increase. The document also provides examples of how flexibilities can be applied to facilitate mining, metal processing, and other critical raw materials projects.

The European Commission will work with Member States to ensure that faster and more consistent assessments are carried out for permits relating to critical raw materials projects.

While today's guidance focuses on the mining sector, the conclusions can also be applied to other projects or activities, including those related to strategic sectors promoted under the Renewable Energy Directive III, the Chips Act, or the Net Zero Industry Act. It also complements the Commission efforts to accelerate permitting, including its proposal for a Regulation on speeding-up environmental assessments.

Background

The Water Framework Directive is the cornerstone of EU water policy, and its effective implementation is a key focus of the Water Resilience Strategy. It requires Member States to ensure that all surface water (lakes, rivers, transitional and coastal waters) and groundwater achieve good quality status by 2015 or at the latest by 2027. This deadline

can also be postponed beyond 2027 under certain conditions. The WFD fitness check in 2019 confirmed the clear added value of EU action on water policy.

The EU directive revising the lists of pollutants in surface and groundwaters entered into force on 11 May 2026, ensuring that the lists are aligned with the latest scientific advice and that new substances will be monitored more closely and subject to stricter controls.

The RESourceEU Action Plan aims to secure raw materials for key industrial sectors, from automotives to industrial motors, defence to aerospace, or AI chips to data centres, all while protecting EU value chains from supply disruptions.

While providing more clarity on provisions of the Water Framework Directive, the Groundwater Directive and the Environmental Quality Standards Directive, the guidance document does not replace, add to, or amend these provisions. It is also not legally binding.

For more information

Guidance document

Commission webpage on Water Framework Directive

Water Resilience Strategy

Quote(s)

‘ Today’s guidance on EU water legislation is part of our efforts to speed up permitting, simplify and accelerate procedures, increase competitiveness and achieve strategic goals while maintaining high environmental standards and improving water resilience. ’

Jessika Roswall, Commissioner for Environment, Water Resilience and a Competitive Circular Economy

Related topics

Environment

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IP/26/1129

EUROPEAN
COMMISSION

Brussels, 22.5.2026
C(2026) 3216 final

Commission Notice

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

(Text with EEA relevance)

Commission Notice

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

(Text with EEA relevance)

INTRODUCTION

In the RESource EU Action Plan ([1]), the Commission committed to present a "*guidance document to enable a simpler and more harmonised implementation in Member States of the EU law on environmental permitting, including aspects relating to the mining sector"*. This guidance aims to help reduce the uncertainties around procedures and assessment criteria needed to perform environmental assessments arising from the Water Framework Directive (WFD) ([2]).

This initiative aims to support Europe's overall resilience, based on a strong and clear regulatory framework for water policy, the European Water Resilience Strategy and our objective to reduce dependencies on fossil fuels and on imports of the critical raw materials necessary to accelerate the energy transition. Today inconsistent implementation of the WFD within and between Member States affects water resilience and the costs and the likelihood of obtaining a permit, which are key considerations underlying investment decisions especially in the Critical Raw Materials (CRM) sector ([3]), as defined by the Critical Raw Materials Act (CRMA) ([4]).

To address the above challenges, this guidance examines the provisions in the Water Framework Directive (WFD) and its two 'daughter' directives, the Groundwater Directive ([5]) (GWD) and the Environmental Quality Standards Directive ([6]) (EQSD) as most recently amended by Directive (EU) 2026/805 ([7]), that regulate permitting of new projects or activities.

([1]) COM(2025) 945 final RESourceEU Action Plan: Accelerating our critical raw materials strategy to adapt to a new reality.

([2]) Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).

([3]) SWD(2023) 161 final Impact Assessment Report accompanying the document Proposal for a Regulation of the European Parliament and of the Council establishing a framework for ensuring a secure and sustainable supply of critical raw materials and amending Regulations (EU) 168/2013, (EU) 2018/858, 2018/1724 and (EU) 2019/1020.

([4]) Regulation (EU) 2024/1252 of the European Parliament and of the Council of 11 April 2024 establishing a framework for ensuring a secure and sustainable supply of critical raw materials and amending Regulation (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1724 and (EU) 2019/1020 (OJ L 1252, 3.5.2024).

([5]) 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 (OJ L 372, 27.12.2006, p. 19).

([6]) Directive 2008/105/EC of the European Parliament and of the Council of 6 December 2008 on environmental quality standards in the field of water policy (OJ L 348, 24.12.2008, p. 84).

([7]) Directive (EU) 2026/805 of the European Parliament and of the Council of 30 March 2026 amending Directive 2000/60/EC establishing a framework for Community action in the field of water policy, Directive 2006/118/EC on the protection of groundwater against pollution and deterioration and

This guidance document is based on the settled case-law of the Court of Justice of the European Union concerning the interpretation of EU law, according to which interpretation requires consideration not only of the wording of a provision, but also its context and the objectives pursued by the legal act of which it forms part ([8]).

This guidance document does not replace, add to, or amend the provisions of the legislation in question, which alone establish the applicable legal obligations. It should not be considered in isolation but must be read in conjunction with the relevant legislation and does not constitute a stand-alone reference. Only the Court of Justice of the European Union is competent to interpret EU law with final authority.

The aim of this guidance is to reduce uncertainties regarding substantial elements and procedures required to carry out the environmental assessment arising from under the WFD. It also looks at existing provisions allowing Member States to set lower environmental objectives where there are no feasible measures to achieve good water status (i.e. no measures exist to improve the situation) or where good status can only be achieved by incurring disproportionate costs. This is particularly important as regards the renewal of permits for existing installations or activities. In addition, the most recent changes to the WFD, EQSD and GWD introduce additional exemption possibilities for which it is opportune to provide additional guidance with a view to ensure their harmonized implementation across Member States.

The Commission will cooperate with Member States, in particular in the context of the Common Implementation Strategy (CIS) for the implementation of the WFD, for example for the revision of previously agreed CIS Guidance documents ([9]), as well as within the Structured Water Dialogues, to foster a more effective and comparable implementation of the WFD-related assessments in the context of the permitting of CRM projects.

The same Commission interpretations can, *mutatis mutandis,* also be applied to other projects or activities, including those related to strategic sectors promoted in the context of the Renewable Energy Directive III ([10]), the Chips Act ([11]) or the Net Zero Industry Act ([12]).

The guidance complements ongoing Commission efforts to accelerate permitting, including the recent proposal for a Regulation on speeding-up environmental assessments ([13]), which proposes simplified and accelerated procedures, including single

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Directive 2008/105/EC on environmental quality standards in the field of water policy, OJ L, 2026/805, 20.4.2026, pp. 1-84. Where recent amendments have changed the existing provisions, only the new provisions are discussed although Member States still have until December 2027 to transpose them.

([8]) KRONE-Verlag, C-65/20, EU:C:2021:471, paragraph 25.

([9]) wfd - Library

([10]) Directive (EU) 2023/2413 of the European Parliament and of the Council of 18 October 2023 amending Directive (EU) 2018/2001, Regulation (EU) 2018/1999 and Directive 98/70/EC as regards the promotion of energy from renewable sources and repealing Council Directive (EU) 2015/652 (OJ L, 2023/2413, 31.10.2023).

([11]) Regulation (EU) 2023/1781 of the European Parliament of the Council of 13 September 2023 establishing a framework of measures for strengthening Europe's semiconductor ecosystem and amending Regulation (EU) 2021/694 (OJ L 229, 18.9.2023, pp. 1–53).

([12]) Regulation (EU) 2024/1735 of the European Parliament and of the Council of 13 June 2024 on establishing a framework of measures for strengthening Europe's net-zero technology manufacturing ecosystem and amending Regulation (EU) 2018/1724 (OJ L, 2024/1735, 28.6.2024).

([13]) Proposal for a Regulation of the European Parliament and of the Council on speeding-up environmental assessments (COM/2025/984 final).

points of contact, digitalisation and faster procedures, as well as, for strategic sectors, provisions on overriding public interest, tacit agreement and dispute settlement.

Although the WFD sets out four different 'status' definitions, i.e. *ecological* status and *chemical* status for surface water and *quantitative* and *chemical* status for groundwater, the focus of the guidance is on the chemical status of both surface and groundwater, since it is in relation to projects possibly affecting chemical status that most difficulties have been raised.

The guidance is structured around eight questions which build on the difficulties reported by stakeholders in the context of the applications for new or renewals of existing permits. They aim at offering solutions based on the interpretation of various provisions set out in the WFD, the GWD and the EQSD. In particular, the guidance explains the existing flexibilities for Member States when assessing chemical status and its potential deterioration, emphasising that WFD objectives must be achieved at the level of a water body as a whole. In this respect, it highlights that the EQSD recognises that it may not be possible for certain mining or industrial activities to reduce the concentration of one or more pollutants in their effluent below the environmental quality standard (EQS) set by the legislation, resulting in exceedances of the current pollution concentrations in the vicinity of the point of discharge. The EQSD therefore provides for the designation of "mixing zones" within which exceedance of EQS for a pollutant from that discharge point is accepted, provided that the EQS is complied with in the water body as a whole. The guidance also stresses the importance of considering natural background concentrations and bioavailability when setting quality standards or assessing compliance, to avoid setting quality standards at an unnecessarily strict level and ensure that compliance is properly assessed.

In addition, the guidance explains the permitting-related requirements under the WFD, the existing flexibilities under Article 4(7), and the newly introduced Articles 4(7a) and 4(7b) that can be used by Member States to authorize projects that may lead to deterioration of the status of a water body. The document explains how these flexibilities can be applied to facilitate mining and metal processing projects, including as regards indirect chemical deterioration, while reiterating that the WFD cannot be interpreted as allowing deterioration of the chemical status of a water body because of direct discharges of pollutants.

Finally, the guidance explains that for existing activities, including mining activities, other exemptions may be applicable when reviewing the permits or authorisations. This means that time extensions beyond 2027 (if justified by natural conditions) and lower environmental objectives can be set under certain conditions beyond 2027 in line with under Articles 4(4) and 4(5).

These are the eights 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?

1. HOW IS THE ASSESSMENT OF CHEMICAL STATUS WITH RESPECT TO NON-DETERIORATION CARRIED OUT?

Legal provisions and relevant ECJ jurisprudence:

Article 2(10) and Article 2(12); Article 2(24) and Article 2(25); Article 4 (1) (a) (i), Article 4 (1) (b) (i); Article 8(1), 8 (2) and Annexes II and V of the Water Framework Directive 2000/60/EC (WFD); Article 3(1) of the Groundwater Directive 2006/118/EC (GWD) as recently amended in Article 3(1)(c) and in Article 3, new paragraphs (1a) and (1b) and related Annexes; Article 3(1a) of the Environmental Quality Standards Directive 2008/105/EC (EQSD), as recently amended in Article 3 (1a) (iii) and (iv) and final paragraph of Article 3 (1a) and related annexes as well as the new definition in Article 2(43) WFD of '*deterioration of the status of a body of water'*.

Relevant ECJ jurisprudence: Judgments of 1 July 2015, *Weser*, C-461/13 and of 28 May 2020, *Land Nordrhein-Westfalen*, C-535/18.

Commission's interpretation:

The **assessment of surface water chemical status** for the purposes of the environmental objectives of Article 4 of the WFD is based on compliance with EU wide environmental quality standards (EQS) set for substances identified at EU level and, as from 21 December 2027 ([14]), with national standards set for substances identified by the Member States as pollutants of national concern, the so-called river basin specific pollutants (RBSPs). The **assessment of groundwater chemical status** is based on compliance with quality standards set at EU level as well as with threshold values set by the Member States for pollutants of national concern. It is important to note that under the WFD these quality standards apply at the level of the water body and that an EQS may not be automatically applicable as an emission limit value at the level of individual installations or activities.

When referring to **EU harmonised quality standards and compliance deadlines for EU-wide pollutants in both surface and groundwater ([15])** account should be taken of the fact that, for EU-wide pollutants introduced after the EQSD and GWD were first adopted,

([14]) Directive (EU) 2026/805. Where recent amendments have changed the existing provisions, the new provisions are discussed although Member States still have until December 2027 to transpose them.

([15]) It should be noted that the EQSD and GWD use different terms for the respective quality standards, respectively "environmental quality standards" for surface waters and "quality standards" for groundwaters.

longer compliance deadlines and time-related exemptions may apply. A summary of these deadlines can be found in Annex I to this guidance.

To assess the status of a water body Member States rely on monitoring results. To assess potential deterioration of status as result of a project, Member States rely on modelling or expert judgment of the expected status following the project. The Water Framework Directive grants relatively wide discretion to Member States in terms of **monitoring in surface and groundwaters**, e.g. as regards the possible grouping of water bodies, the number and location of monitoring points, quality elements to be monitored and recommended monitoring frequencies. This allows for adaptation to local circumstances.

The **compliance assessment for good chemical status** takes place at the level of the whole water body, by considering the results of the representative monitoring points located within it and chosen so as to reflect the magnitude and impact of the pressure as a whole ([16]).

Under the WFD, Members States are responsible to establish the designation of water bodies based on the characteristics of each River Basin District. This is done in line with WFD definitions included in Article 2 WFD ([17])and the general rules set out in Annex II WFD. The main purpose of identifying "water bodies" is to enable the status to be accurately described and compared to environmental objectives. The WFD allows two systems to designate surface water bodies (systems A and B), one based largely on size and another one on more flexible criteria with equivalent effect ([18]). For groundwater, given their characteristics, the WFD allows for a greater flexibility to designate them. Additional guidance on identification of water bodies is available ([19]). It should be noted that the size of the water body, which is determined by the Member States in accordance with the aforementioned rules, can have an impact on this assessment.

The WFD objectives, including the principle of non-deterioration as set out under Article 4(1), apply to water bodies, not to individual installations as such. Nevertheless, case law has made it clear that the obligation on Member States to ensure the non-deterioration of the status of water bodies covers individual projects that may be authorised where so required pursuant to the system of derogations provided for in Article 4 ([20]). At the same time, the WFD takes an integrated approach to pollution controls. When assessing the impact of new projects or new activities on the chemical status of a given water body, Member States should consider **all existing pollution sources** affecting the same water bodies and the potential for pollution reduction of those sources.

([16]) This follows from the definition of "good chemical status" in Article 2(24) and (25) WFD as well as the monitoring provisions set out in Annex V, sections 1.3 and 2.4 of the WFD. CIS Guidance Documents No 7 – Monitoring under the Water Framework Directive, No 15 - Groundwater Monitoring, No 19 – "Surface Water chemical monitoring" and No 40 – "Frequency of chemical monitoring in surface waters" – available on circabc proposes an overall methodological approach to monitoring for the implementation of the Water Framework Directive.

([17]) Bodies of surface and groundwater are defined respectively in Article 2(10) WFD (a "body of surface water" means "a discrete and significant element of surface water such as a lake, a reservoir, a stream, river or canal, part of a stream, river or canal, a transitional water or a stretch of coastal water"), and Article 2(12) (a "body of groundwater means a distinct volume of groundwater within an aquifer or aquifers").

([18]) Annex II, section 1.2 WFD.

([19]) CIS Guidance Document No 2 – Identification of Water Bodies – available on circabc provides specific practical suggestions for the identification of water bodies under the Water Framework Directive.

([20]) C-461/13 point 48.

This entails that Member States can facilitate the authorisation of a new project that would entail new discharges by reducing the allowed discharges of existing installations by, for instance, requiring the use of best available abatement technologies. This can only be done if relevant authorities have a clear overview of all activities impacting the water body, and of the potential to review and update related permits so as to bring down their load of pollutants and allow for a new activity to come in and discharge the same pollutants in the same water body, without thereby resulting in a deterioration of chemical status. This will require a good cooperation and coordination between different authorities overseeing the water quality and those in charge of permitting. Such coordination is required under Article 5 of the Industrial Emissions Directive (IED) ([21]) and is reflected in Article 10 of the WFD. It is important to note that, in most cases, thanks to continuous technological progress supported also by the newly established Innovation Centre for Industrial Transformation and Emissions (INCITE) ([22]) and the innovative products brought to the market also by EU-based players, new pollution abatement technologies are increasingly made available in the market and can be applied to upgrade of existing installations. In turn, reduction of emissions from such installations can contribute to achieving the WFD objectives, whilst creating a margin for the possible addition of discharges from new activities without an overall deterioration of the status.

Examples:

- A new mining or metal processing activity has to obtain an environmental permit to allow it to discharge wastewater containing PFAS into a nearby river. However, the river is already affected by other industrial activities discharging certain amounts of PFAS which are already responsible for bad status. In order to avoid deterioration of the status as a result of the new activity, the competent authority could decide to review the permits for the existing activities. These may have been granted a long time ago, when no appropriate pollution abatement techniques were available to reduce their PFAS discharges and in the meantime, new abatement techniques may have become available and could therefore be integrated into the relevant permits. The reduction in emissions of PFAS from existing activities could allow the new activity to go ahead without this resulting in deterioration of the water body or jeopardising future compliance with the PFAS EQS.

- To authorise a new installation to discharge cobalt into a given water body, a competent authority could amend the permits of other installations discharging cobalt into the same water body, by requiring them to improve their wastewater treatment so that the total discharges, including those stemming from the new installation, do not lead to a deterioration of the chemical status.

- For the original EQS for nickel (set in 2008), there is a possibility to postpone compliance via time extensions until the end of 2027. The updated (and stricter) EQS for nickel in the EQSD introduced by the latest 2026 revision will have to be complied with by 22 December 2033, with a possible time extension until 22 December 2039 (or beyond, if justified by "natural conditions").

([21]) Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial and livestock rearing emissions (integrated pollution prevention and control), OJ L 334 17.12.2010, p. 17.

([22]) See here: European Innovation Centre for Industrial Transformation and Emissions | INCITE

2. HOW ARE RIVER BASIN SPECIFIC POLLUTANTS (RBSP) FOR SURFACE WATER AND POLLUTANTS OF NATIONAL CONCERN FOR GROUNDWATER IDENTIFIED BY MEMBER STATES?

Legal provisions:

Article 2(30b) of the recently amended WFD and Article 3(1b) and Annex II of the recently amended GWD, and new Annex II of the recently amended EQSD.

Commission's interpretation:

For *surface waters*, it follows from the new definition of RBSPs ([23]) that there are three elements to be taken into account when deciding whether a certain pollutant should be designated as a RBSP and a (national) EQS be set. First, the spatial element, i.e. the pollutant is identified as being discharged in significant quantity at the level of a river basin or sub-basin, – and not necessarily at the level of a single water body. Second, the 'quantity' element, i.e. the pollutant should be discharged in 'significant quantities'. Third, the actual 'risk element', i.e. such discharges must result in a 'significant risk' to or via the aquatic environment within the territory of the Member State. This implies that, based on their assessment of pressures and impacts carried out in line with Annex II WFD, Member States do not need to designate a certain pollutant as a RBSP if that pollutant is discharged throughout the river basin only in insignificant quantities that do not pose a risk, even if discharged by a new activity.

Also for *groundwaters*, it is at river basin level that Member States are required to select which water bodies need to be monitored for those additional, national pollution parameters which are indicative of the impact of the local pressures causing them to be at risk of failing good chemical status, and to accordingly set the maximum allowable threshold values for such *pollutants of national concern*.

For both RBSPs (surface waters) and pollutants of national concern (groundwaters) different compliance deadlines apply depending on the point in time at which the relevant pollutants have been identified. Therefore, Member States enjoy a margin of manoeuvre in steering the compliance over the appropriate timelines (see example).

Examples:

- Member States do not need to designate cobalt as a RBSP if that pollutant is discharged throughout the river basin only in insignificant quantities that do not pose a risk even if discharged by a new activity.

If a Member State has identified in 2022 arsenic as a pollutant of national concern in its groundwater, and has set a threshold value accordingly, that threshold value shall only have to be complied with by 2033, i.e. by the end of the RBMP period ([24]) which follows the one during which the national threshold value has been set. In addition, Member States

([23]) See the new definition of RBSP in Article 2(30b) WFD. To support the implementation through examples and best practices, non-binding, technical guidance on the derivation of EQS exists wfd - Library

([24]) RBMP refers to the River Basin Management Plan(s), which Member States have to establish every six years, setting out programmes of measures to comply with the objectives of the WFD.

have a possibility to apply a time related exemption in case the threshold value cannot be met on the compliance date of 2033, and may postpone compliance by one additional RBMP period, i.e. until 2039 (see Article 3 new paragraph 1b GWD). These compliance dates and possible time related exemptions, give Member State competent authorities and operators ample margin to identify and implement appropriate measures to ensure, eventually, compliance with threshold values set during the current (and future) cycle(s).

3. HOW CAN NATURAL BACKGROUND CONCENTRATIONS AND BIOAVAILABILITY BE CONSIDERED WHEN SETTING ENVIRONMENTAL QUALITY STANDARDS (EQS) OR ASSESSING COMPLIANCE?

Legal provisions:

Annex 1, Part A, footnote 12 and Annex I, Part B, point 3 of the EQSD; Article 2(5) and Annex II, Parts A and C of the GWD.

Commission's interpretation:

For **naturally occurring substances** ([25]) such as metals, natural background concentrations and bioavailability ([26]) should be considered to avoid setting quality standards at an unnecessarily strict level or to properly assess compliance. The legislation allows Member States to do this, both for surface and groundwaters.

For **surface waters**, **bioavailability is taken into account** when setting EQS at EU level. Member States are encouraged to do the same when setting national EQS, where relevant ([27]). **Natural background levels** should be taken into account when assessing compliance with EQS on the basis of monitored concentrations. Natural background concentrations can be subtracted from measured concentrations before comparison with the EQS for surface waters.

For **groundwater**, **natural background levels shall be taken into account when establishing threshold values**.

For **new projects**, Member States should therefore **determine natural background concentrations** for the water bodies affected before the project starts as they inevitably vary from place to place. This should be duly taken into account in the context of any authorisation or permitting process.

Examples:

- For surface waters, if nickel is present in subsoil, local water bodies could be characterised by relatively high natural background levels of that metal. Mining of nickel in that area could involve the discharge of mining wastewater containing

([25]) Naturally occurring substances such as metals, can be detected in the absence of any pollution source. As a result of this natural presence, many aquatic organisms may have adapted to elevated concentrations of these substances and therefore the impact of these substances on the aquatic organism may be lower.

([26]) Bioavailability, and thus toxicity, can be significantly influenced by water chemistry (e.g. hardness, pH, dissolved organic carbon and other water quality parameters that affect bioavailability).

([27]) To support the implementation through examples and best practices, non-binding, technical guidance on taking into account metal bioavailability and natural background concentrations when assessing compliance has been established (CIS guidance No 38 - Technical guidance for EQS for metals – available on circabc).

nickel into surface water bodies. The pre-existing natural background levels in those water bodies can be taken into account by Member States when assessing compliance with the (EU) EQS for nickel. This means Member States can "discount" the natural background level before making a conclusion on whether the concentrations comply with the applicable quality standard.

- For groundwaters, where natural background levels of nickel in a groundwater body affected by a nickel mining activity are high, these should be considered when setting the threshold value for determining good groundwater chemical status.

4. HOW CAN THE USE OF MIXING ZONES HELP FACILITATING PERMITTING WITHOUT COMPROMISING THE ACHIEVEMENT OF THE OVERALL OBJECTIVE OF THE DIRECTIVE?

Legal provisions:

Article 2 (10) and Article 10 of the WFD and Article 4 of the EQSD.

Commission's interpretation:

The most straightforward and cost-effective manner to eliminate water pollution is at source, wherever possible. Effluent discharge control regimes are normally designed to ensure that concentrations of polluting substances in the receiving water body do not exceed the applicable quality standards. However, allowance is made for dilution to occur close to the discharge point. This is because it may not be possible for certain industrial activities to reduce the concentration of one or more pollutants in their effluent below the EQS, resulting in exceedances of the current pollution concentrations in the vicinity of the point of discharge.

The legislation, in particular under Article 4 of the EQDS, allows Member States to designate proportionate "mixing zones" adjacent to points of discharge, within which exceedance of EQS for a pollutant from that discharge point is accepted, provided that the overall results from other monitoring points in the water body (outside the mixing zone) confirm that they do not affect the compliance of the rest of the body of surface water, and that a number of related criteria are met. Hence, mixing zones are a powerful tool to address new pollution sources. As explained in the related Commission guidance ([28]), a pre-condition for applying mixing zones would be to ensure that all possible and not disproportionately costly mitigation measures to avoid deterioration of chemical status are taken. This would, as a minimum, imply that operators comply with best available techniques applicable under the IED and where possible, apply even more stringent emission controls in order to meet the EQS. Long standing application of the close relationship between discharges of IED installations and (non-) compliance with the EQS and on how this is solved in the permitting process exist in Member States for many sectors. Due regard must be given to possible effects on protected or sensitive areas (e.g. drinking water areas).

([28]) To support the implementation, The Commission has published Technical Guidelines "The identification of mixing zones pursuant to Art. 4(4) of the Directive 2008/105/EC" (C(2010) 9369).

Whilst the legislation provides this explicitly only for priority substances with a quality standard set at EU level, Member States should apply the same principle and related criteria, by analogy, to point-source discharges of RBSPs. Not all Member States are making use of this flexibility, i.e. of the possibility to create mixing zones as it is merely an option ('may') in the Directive. This may hamper the permitting of new activities, namely in case there is a monitoring point nearby the planned installation which would inevitably capture exceedances as a result of new discharges.

Example:

- Where, as a result of a new mining activity, discharges of mining wastewater into a nearby surface water body could lead to exceedance of the EQS for one or more pollutants in the vicinity of the point of discharge, the competent authority is encouraged to designate the establishment of a mixing zone, where exceedances of the EQS for these substances are not taken into account in the status assessment or where no monitoring takes place, subject to ensuring that the status of the water body as a whole does not deteriorate.

5. WHAT DOES THE WATER FRAMEWORK DIRECTIVE REQUIRE IN TERMS OF PERMITTING?

Legal provisions and relevant ECJ jurisprudence:

Article 4(1) and 4(7) of the WFD.

Relevant ECJ jurisprudence: Judgments of 1 July 2015, *Weser*, C-461/13 and of 28 May 2020, *Land Nordrhein-Westfalen*, C-535/18.

Commission's interpretation:

The ECJ has interpreted Article 4(1)(a)(i) to (iii) of the WFD as meaning that the 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 / potential by the date laid down by the directive. The WFD does neither set out detailed procedural requirements for the authorisation of new projects (such as procedures for permitting, authorisation, etc.), nor provides details of the assessment, such as information requirements. In the interest of simplification, the WFD-relevant assessments could be combined and take place as part of an environmental impact assessment where projects are subject to an environmental assessment under several pieces of EU law, including under the EIA Directive ([29]) and the Habitats Directive ([30]) ([31]).

([29]) Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment, OJ L 26, 28.1.2012, pp. 1–21.

([30]) Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, OJ L 206, 22.7.1992, pp. 7–50.

([31]) To support the implementation through examples and best practices, a non-binding technical guidance document on the implementation of Article 4(7) WFD can be found here.

Case-law ([32]) establishes that a screening or an Article 4(7) WFD 'applicability test' may be sufficient for many projects, for which deterioration can be excluded. The 'screening' ensures that the expected effect of the planned project (including its mitigation measures) on the possibly affected water bodies is determined with sufficient certainty (taking into account the precautionary principle).

Therefore, prior to granting authorisation, 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 / potential. This decision should be taken based on soundly documented evidence in advance of the start of the project. In many cases, a first screening could allow to broadly filter and "screen out" projects that will clearly not affect water body status/potential.

Since the project would only be screened at the planning stage, screening is likely to be done through expert judgment based on the impacts of similar projects in the past, and/or modelling of the possible impacts. Only projects for which a deterioration of status is expected, would have to be assessed in depth to verify compliance with the criteria set out in Article 4(7) WFD before it is decided whether the project can be authorised, or not.

Example:

- If the competent authority can conclude, including on the basis of information collected from the operator, that a planned project (e.g. due to the application of mitigation measures, which should be one of its inherent elements) is expected to neither cause deterioration, nor compromise the achievement of good status/potential, then there is no need for the competent authority to invoke Article 4(7) WFD and demonstrate that the conditions provided for in Article 4(7) WFD are met and the project can be authorised.

6. HOW DOES THE DIRECTIVE ACCOMMODATE NEW SUSTAINABLE ECONOMIC DEVELOPMENT ACTIVITIES?

Legal provisions and relevant ECJ jurisprudence:

Article 4(7) of the WFD; Annex V, section 1.4.3 WFD.

Relevant ECJ jurisprudence: Judgments of 1 July 2015, *Weser*, C-461/13 and of 28 May 2020, *Land Nordrhein-Westfalen*, C-535/18.

Commission's interpretation:

The WFD allows derogating from the principle of non-deterioration for projects , 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.

The text of Article 4(7) WFD makes it clear that Member States can invoke this exemption and will not be in breach of the law if their failure to achieve good groundwater status or

([32]) The Court refers to (preliminary) assessment as a preliminary step (C-535/18) 62018CJ0535.

good ecological status/potential or their failure to prevent deterioration of the status of *ground or surface water bodies* is linked to having authorized 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'.

The notion of new '*modifications to physical characteristics of a surface water body*' excludes modifications of its chemical status as a result of point or diffuse sources of pollution, including direct discharges of pollutants. However, if these new, physical modifications were to alter indirectly the concentrations of already present pollutants in the modified water body (for instance stirring contaminated sediments that would liberate encapsuled pollutants into the water), this would amount to an indirect chemical status deterioration to which the exemption could apply. As regards the notion of '*new alterations to groundwater levels*', this would for instance be the case if such an alteration indirectly entailed the release of chemicals from rock strata, thereby causing deterioration or contributing to increased concentration of existing pollution.

For '*new sustainable human development activities'* the Directive only allows for deterioration of *surface waters* from high to good status. This means that the exemption is not applicable to projects that would deteriorate the ecological status of a surface water body below good. It also means that the exemption is not applicable to projects that would deteriorate the chemical status ([33]). This is implied by the fact that chemical status is only classified as 'good' or 'bad', and there is no such thing as 'high' chemical status.

Examples:

- In the case of new dredging activities within the same water body stirring up chemicals, previously not detected in water sampling because buried in sediment, such a chemical status deterioration in a given surface water might be justified in light of the physical works necessary to perform the primary activity.

- If water abstractions lead to alterations of the groundwater levels which indirectly mobilize pollutants, the resulting chemical status deterioration could be justifiable.

7. 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?

Legal provisions and relevant ECJ jurisprudence:

Article 4 (7a) and 4 (7b) of the recently amended WFD.

([33]) Non-binding guidance has been developed in the context of the Common Implementation Strategy under the WFD 'Guidance Document No. 36 Exemptions to the Environmental Objectives according to Article 4(7)'.

Commission's interpretation:

Directive (EU)2026/805 has introduced two new exemptions to cover short-term impacts affecting water bodies and the deterioration of chemical status as a result of re-location of pollutants without overall increase in pollution. These exemptions have been introduced based on Member States' practical implementation experience with the aim of reducing the administrative burden and facilitating the authorisation of projects even if they cause some chemical status deterioration. These new exemptions will facilitate in particular the authorisation of new mining or metal processing projects.

The ***simplified procedure for projects having only short-term impacts on water bodies*** does not require that the project or activity is of "*overriding public interest*" and that their objectives cannot be reached by "*other means, which are a significantly better environmental option".* Subject to a preliminary reliable assessment ('screening') it can be decided to go ahead with a new project if the conclusion is that its negative impacts on a water body will not last longer than one year (i.e. where chemical or physico-chemical elements are affected) or not longer than three years (i.e. where biological quality elements are affected). Initiation of the execution of the project should be understood as the physical start of the works. An ex-post verification is required to confirm the short-term nature of the impacts. Existing monitoring arrangements set up pursuant to Annex V of the WFD may be used. Only where existing monitoring arrangements may be insufficient, these should be supplemented by additional ad-hoc monitoring.

The ***other simplified procedure***, which again does not require that the project or activity is of '*overriding public interest*', ***addresses*** specific projects or activities that may result in ***chemical status deterioration*** in a water body ***as a result of a re-location of existing polluted water or sediments*** (i.e. not from new discharges) from a surface water body to the same or another one, or from a groundwater body to a surface water body, without causing a net increase in pollutant load and provided that certain conditions are met. The relocation should be subject to prior regulation or authorisation and there should not be significantly better environmental options for reasons of technical feasibility or disproportionate cost. All practicable steps should be taken, in particular where feasible the treatment of water and sediments, to minimize impacts on the receiving water body and avoid an increase in the overall risk to human health and the environment. Relocation can only affect receiving water bodies which are already not in good status with respect to most of the pollutants relocated, in particular with respect to the most persistent and bioaccumulative pollutants relocated, and the ecological status or potential of the receiving body of water is not expected to fall into a lower class as a result of the relocation of those pollutants. Finally, the relocation should be prohibited around any drinking water abstraction points and not result in an increase in the purification treatment required for the production of drinking water.

This exemption is expected to facilitate projects that necessitate moving polluted sediments or water within or between water bodies. This exemption therefore enables Member States to authorise projects which were previously not covered by the scope of Article 4(7).

Examples:

- The new provision on short-term impacts could be used to facilitate construction and/or maintenance works, including in the context of mining projects (e.g. a bridge over a waterway, a flood protection infrastructure, sustainable housing projects, etc.) only impacting the chemical and physico-chemical quality elements and the ecological

quality elements of a surface water body for a short period of time, provided that the above described legal conditions are met. This might also be relevant in relation to the assessment of exploration activities or the testing of new technologies with short term impacts only. The competent authority may apply this exemption if it concludes, based on a reliable ex-ante assessment (based for instance on past experience with similar projects, expert assessment or modelling), that any negative short-term impact will no longer be detectable after one year or, for biological quality elements, after a maximum of three years beyond initiation of the execution of the project.

- The new provision on relocation of pollution could allow the construction of new housing, mining projects or industrial facilities in heavily polluted areas, where for instance already polluted groundwater has to be abstracted and discharged in a nearby surface water body, provided – amongst others - that no net increase in pollutant load is caused in the receiving water body. As mentioned above, the simplified procedure foreseen under this exemption does not require that the project or activity is recognised to be of overriding public interest. The competent authority will however have to ensure that the composition of the water or sediments to be relocated is known and ensure that the receiving water body is already in bad chemical status with respect to most of the relocated pollutants, in particular with respect to the most persistent and bio-accumulative ones.

- In the case of dredged sediments being discharged from one water body into another water body, the movement of polluted sediments from one (part of a) surface water body to another despite the input of pollutants could also go ahead. This is important for instance in port areas where such activities are carried out on a recurring basis. This is possible provided that the receiving water body is already in bad chemical status with respect to most of the relocated pollutants.

- Another example of projects/activities that could benefit from the application of this exemption is the cleaning up of a groundwater body after the closure of a mine, where polluted water is extracted, treated where feasible and then discharged into a nearby surface water body. This is possible provided that the receiving water body is already in bad chemical status with respect to most of the relocated pollutants.

8. WHICH OTHER POSSIBILITIES EXIST IN THE WATER FRAMEWORK DIRECTIVE TO RENEW/EXTEND PERMITS FOR EXISTING ACTIVITIES AND INSTALLATIONS?

Legal provisions:

Article 4, paragraphs (4) and (5), Article 10 and Article 11, paragraphs (3) and (5) of the WFD.

Commission's interpretation:

Under Article 11 WFD, 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.

This includes, for instance, that Member States are required to have a system of prior regulation, prior authorisation, or registration based on general binding rules in place for

controlling point source discharges (e.g. individual industrial installations) liable to cause surface water pollution.

Article 11 WFD also requires these controls to be regularly reviewed and updated. Furthermore, permits are often limited in time and need to be reviewed when extended.

In principle, when carrying out such review or update of an existing permit, there is no need to have recourse to a new prior authorisation in accordance with Article 4(7) WFD since the activity already exists and has been justified and permitted when first established.

Only if the activity is changed or extended so as to entail a possible deterioration of the water body status, such prior authorisation in line with Article 4(7) WFD may be needed. Changes to or extensions of existing activities, just like new projects or activities, may affect the status of surface water bodies (e.g. through discharges) or groundwater bodies (e.g. through level alterations deteriorating the quantitative and/or chemical status of groundwater). Like for all activities subject to Article 4(7) WFD, it will have to be determined by the competent authority whether the changes are such as to potentially deteriorate status therefore requiring justification in accordance with Article 4(7) WFD. This may be assessed through a preliminary assessment or screening.

This is in line with the Commission's recent permitting proposal ([34]) which clarifies the procedure to be followed in the case of changes or extensions to an existing activity.

In conclusion, existing activities not involving major new works are subject to the periodic controls required under Article 11(3) WFD, with no need for further authorisation under Article 4(7) WFD.

In addition, 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. Where permits are to be reviewed, and possibly updated, account needs to be taken as to whether the criteria for allowing such exemptions are still fulfilled.

In particular, under Article 4(4), the competent authority may spread the implementation of measures necessary to reach the environmental objectives over several RBMP cycles, up to the end of 2027 ([35]). However, in the case of a time extension based on 'natural conditions' ([36]), i.e. where it can be shown that all measures for achieving good status have been put in place, but that 'nature' is taking more time to recover, the time extension can apply even beyond 2027. Finally, for quality standards only introduced in 2013 or 2026, time extensions can apply for up to two additional RBMP cycles (for the quality standards

([34]) Proposal for a Regulation on speeding up environmental assessments – (COM(2025)984 final).

([35]) In line with Article 11(8) WFD, any new or revised measures established under an updated programme have to be made operational within three years of their establishment (e.g. by mid of each cycle), but effects may only appear later (for instance if a time extension is based on technical feasibility and a study needs to be carried out, the study should be launched halfway the cycle but the results may only be obtained later in the cycle).

([36]) Article 4(4) WFD allows Member States to postpone compliance until the end of 2027 for reason of technical feasibility, disproportionate cost or natural conditions; for natural conditions, compliance can even be further postponed, i.e. where all necessary measures are in place, but nature takes more time to recover.

introduced in 2013) or up to one more RBMP cycle (for the quality standards introduced in 2026), therefore, respectively, the end of 2039 or the end of 2045.

Furthermore, under Article 4(5) WFD, Member States may aim to achieve less stringent environmental objectives than those set under Article 4(1) of the WFD for specific water bodies, when they are so affected by human activity, or their natural condition is such that the achievement of these objectives would be infeasible or disproportionately expensive, provided however that they have put in place all feasible and not disproportionately costly measures to minimize the further deterioration. This implies that, with regard to all activities affecting that water body, the competent authority has ensured that the permits are periodically reviewed and, where necessary, updated in line with best available techniques and that all not disproportionately costly mitigation measures are implemented. Account must also be taken of the 'combined approach' requirement for discharges into surface water under Article 10 WFD, which obliges competent authorities to ensure that best available techniques are applied, and compliance is ensured with all quality objectives and standards established under any other relevant EU legislation and imposing stricter emission controls whenever necessary.

It should be noted in this context that some ubiquitous, Persistent, Bioaccumulative and Toxic substances, such as mercury, may be present in water bodies a result of historical activities (legacy pollution). Where it's not possible or disproportionately costly to address the legacy pollution, Article 4(5) WFD may be applied.

In summary, for existing activities, including mining activities, other exemptions may be applicable when reviewing the permits or authorisations. This means that time extensions beyond 2027 (if justified by natural conditions) and lower environmental objectives can be set under certain conditions beyond 2027. Additional guidance is available ([37]).

Examples:

- A Member State has put in place measures to stop or significantly reduce discharges or losses of nutrients linked to a mining operation (e.g. by ensuring that the relevant permit includes requirements in this respect). However, given the time needed by natural processes, the measures may not be adequate to allow recovery of affected water bodies by 2027. The Member States will invoke in the relevant RBMP a time extension in line with Article 4(4) and provide a summary of the measures undertaken and the timetable for their implementation. Measures are kept under review to ensure their effectiveness and the need for further extension is assessed in subsequent RBMPs.

- An existing mining activity discharges silver for which a quality standard has been set in the 2026 revision with a compliance deadline of 2039. If the competent authority establishes that the quality standard cannot be reached by this deadline for reasons of technical feasibility or disproportionate costs, the competent authority may postpone the compliance deadline until 2045 in line with Article 4(4).

- A surface water body is affected by legacy mercury pollution and there is no technically feasible measure to meet the EQS by 2027. Concentrations will only slowly reduce, to reach lower levels (well beyond 2027) as a result of dispersal and dilution with

([37]) Non-binding guidance has been developed in the context of the Common Implementation Strategy under the WFD (Guidance document on exemptions to the environmental objectives. Guidance document No 20 - Publications Office of the EU).

rainwater expected to be less polluted, inter alia thanks to global and EU decarbonisation efforts, the work under the Minamata Convention and under EU legislation on mercury. No alternative measures may exist to clean up the water body or such measures may be disproportionately expensive. In that case, Member State should consider invoking Article 4(5) and set a lower environmental objective in relation to mercury aiming to achieve only the highest possible status.

- An existing critical raw material mining site or industrial activity has been in operation for decades leading to certain impacts on the good chemical status of surface water body. The permit regulating the activity guarantees already that the operator applies the best possible measures to reduce discharges into the concerned water body (or, where applicable, that the operator has carried out any remediation obligation of the concerned area from past activities) and the competent authority concludes that it is not possible to put in place additional measures that would be feasible and not disproportionately costly to reduce further the emissions to a level that can ensure compliance with existing EQS. Member States should consider invoking Article 4(5) and set a lower environmental objective in relation to the pollutants in question aiming to achieve only the highest possible status. Measures are kept under review to ensure their effectiveness and the need for further extension is assessed in subsequent RBMPs.

- An existing mine affects a nearby surface water body through the discharges of its wastewater. The water body is subject to an exemption under Article 4(5) WFD. The permit is being reviewed for the purpose of an extension of the mining activity. Since the granting of the original permit, new wastewater treatment technologies have been established. To avoid the extension to cause potential deterioration of affected water bodies, the permit will have to be updated to include additional mitigation measures based on new technologies. If as a result, there will be no deterioration, there is no need to apply Article 4(7) to the extension of the mining site. In addition, the inclusion of new technologies will satisfy the requirement under Article 4(5) to ensure that the best possible status is achieved.

Annex, Part A – Groundwater pollutants of EU concern

Deadline for compliance – possible time related exemption under Article 4(4) WFD

Entry number Annex I GWD	Name of substance	Compliance date	Possible time extension
1	Nitrates	2015	2027
2	Active substances in pesticides, including their relevant metabolites, degradation and reaction products	2015	2027
3	PFAS	2039	2045
4	Carbamazepine	2039	2045
5	Sulfamethoxazole	2039	2045
6	Primidone	2039	2045
7	Non-relevant metabolites of pesticides (nrMs)	2039	2045
8	Trichloro-ethylene and Tetrachloro-ethylene (sum of two)	2039	2045

Annex, Part B - Priority Substances in Surface Waters

Deadline for compliance – possible time related exemption under Article 4(4) WFD

Entry number Annex I EQSD	Name of substance	Compliance date	Possible time extension
(1)	Alachlor	Moved to RBSP list 2015 (if present in MS)	2027
(2)	Anthracene	Initial EQS = 2015 Revised EQS = 2021	Initial EQS = 2027 Revised EQS = 2033
(3)	Atrazine	Moved to RBSP list 2015 (if present in MS)	2027
(4)	Benzene	2015	2027
(5)	Brominated diphenylethers	Initial EQS = 2015 Revised EQS(2013) = 2021 Revised EQS (2026) = 2033	Initial EQS = 2027 Revised EQS(2013) = 2033 Revised EQS(2026)= 2039
(6)	Cadmium and its compounds (depending on water hardness classes) (9)	2015	2027
(6a)	Carbon tetrachloride	Moved to RBSP list 2015 (if present in MS)	2027
(7)	C_{10-13} Chloroalkanes	2015	2027
(8)	Chlorfenvinphos	Moved to RBSP list 2015 (if present in MS)	2027
(9)	Chlorpyrifos (Chlorpyrifos-ethyl)	Initial EQS = 2015 Revised EQS(2013) = 2021 Revised EQS(2026)= 2033	Initial EQS = 2027 Revised EQS(2013) = 2033 Revised EQS(2026) = 2039
(9a)	Cyclodiene pesticides: Aldrin Dieldrin Endrin Isodrin	2015	2027
(9b)	DDT total	2015	2027
	para-para-DDT	2015	2027

(10)	1,2-Dichloroethane	2015	2027
(11)	Dichloromethane	2015	2027
(12)	Di(2-ethylhexyl)-phthalate (DEHP)	2015	2027
(13)	Diuron	Initial EQS = 2015 Revised EQS(2026) = 2033	Initial EQS = 2027 Revised EQS(2026) = 2039
(14)	Endosulfan	2015	2027
(15)	Fluoranthene	Initial EQS = 2015 Revised EQS(2013) = 2021 Revised EQS(2026) = 2033	Initial EQS = 2027 Revised EQS(2013) = 2033 Revised EQS(2026) = 2039
(16)	Hexachlorobenzene	2015	2027
(17)	Hexachlorobutadiene	Initial EQS = 2015 Revised EQS(2026) = 2033	Initial EQS = 2027 Revised EQS(2026) = 2039
(18)	Hexachlorocyclohexane	2015	2027
(19)	Isoproturon	2015	2027
(20)	Lead and its compounds	Initial EQS = 2015 Revised EQS(2013) = 2021	Initial EQS = 2027 Revised EQS (2013 = 2033
(21)	Mercury and its compounds	Initial EQS = 2015 Revised EQS(2026) = 2033	Initial EQS = 2027 Revised EQS(2026) = 2039
(22)	Naphthalene	Initial EQS = 2015 Revised EQS(2013) = 2021	Initial EQS = 2027 Revised EQS (2013 = 2033
(23)	Nickel and its compounds	Initial EQS = 2015 Revised EQS(2013) = 2021 Revised EQS(2026)= 2033	Initial EQS = 2027 Revised EQS(2013) = 2033 Revised EQS(2026) = 2039
(24)	Nonylphenols (4-Nonylphenol)	Initial EQS = 2015 Revised EQS(2026) = 2033	Initial EQS = 2027 Revised EQS(2026) = 2039
(25)	Octylphenols ((4-(1,1',3,3'-tetramethylbutyl)-phenol))	2015	2027
(26)	Pentachlorobenzene	2015	2027
(27)	Pentachlorophenol	2015	2027

(28)	Polyaromatic hydrocarbons (PAHs)	Initial EQS = 2015 Revised EQS(2013) = 2021 Revised EQS(2026)= 2033	Initial EQS = 2027 Revised EQS(2013) = 2033 Revised EQS(2026) = 2039
	Benzo(a)pyrene	Idem	Idem
	Benzo(b)fluoranthene	Idem	Idem
	Benzo(k)fluoranthene	Idem	Idem
	Benzo(g,h,i)perylene	Idem	Idem
	Indeno(1,2,3-cd)pyrene	Idem	Idem
	Chrysene	2039	2045
	Benzo(a)anthracene	2039	2045
	Dibenz(a,h)anthracene	2039	2045
	Fluoranthene	2039	2045
(29)	Simazine	Moved to RBSP list 2015 (if present in MS)	2027
(29a)	Tetrachloroethylene	2015	2027
(29b)	Trichloroethylene	2015	2027
(30)	Tributyltin compounds ([18]) (Tributyltin-cation)	Initial EQS = 2015 Revised EQS(2026) = 2033	Initial EQS = 2027 Revised EQS(2026) = 2039
(31)	Trichlorobenzenes	Moved to list of RBSPS 2015 if present in MS	2027
(32)	Trichloromethane	2015	2027
(33)	Trifluralin	2015	2027
(34)	Dicofol	Initial EQS = 2027 Revised EQS(2026) = 2033	Initial EQS = 2039 Revised EQS(2026) = 2039
(35)	Perfluorooctane sulfonic acid (PFOS) and its derivatives	2027	2039
(36)	Quinoxyfen	2027	2039
(37)	Dioxins and dioxin-like compounds	Initial EQS = 2027 Revised EQS(2026) = 2033	Initial EQS = 2039 Revised EQS(2026) = 2039
(38)	Aclonifen	2027	2039
(39)	Bifenox	2027	2039
(40)	Cybutryne	2027	2039
(41)	Cypermethrin	Initial EQS = 2027 Revised EQS(2026) = 2033	Initial EQS = 2039 Revised QS(2026) = 2039
(42)	Dichlorvos	2027	2027

(43)	Hexabromocyclododecane (HBCDD) ([24])	Initial EQS = 2027 Revised EQS(2026) = 2033	Initial EQS = 2039 Revised EQS(2026) = 2039
(44)	Heptachlor and heptachlor epoxide	2027	2039
(45)	Terbutryn	2027	2039
(46)	17 alpha-ethinylestradiol (EE2)	2039	2045
(47)	17 beta-estradiol (E2)	2039	2045
(48)	Acetamiprid	2039	2045
(49)	Azithromycin	2039	2045
(50)	Bifenthrin	2039	2045
(51)	Bisphenol-A (BPA)	2039	2045
(52)	Carbamazepine	2039	2045
(53)	Clarithromycin	2039	2045
(54)	Clothianidin	2039	2045
(55)	Deltamethrin	2039	2045
(56)	Diclofenac	2039	2045
(57)	Erythromycin	2039	2045
(58)	Esfenvalerate	2039	2045
(59)	Estrone (E1)	2039	2045
(60)	Glyphosate	2039	2045
(61)	Ibuprofen	2039	2045
(62)	Imidacloprid	2039	2045
(63)	Nicosulfuron	2039	2045
(64)	Permethrin	2039	2045
(65)	Per- and polyfluoroalkyl substances (PFAS) – sum of 25	2039	2045
(66)	Silver	2039	2045
(67)	Thiacloprid	2039	2045
(68)	Thiamethoxam	2039	2045
(69)	Triclosan	2039	2045
(70)	Sum of active substances in the pesticides listed in this table	2039	2045

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For the Secretary-General

Martine DEPREZ
Director
Decision-making & Collegiality
EUROPEAN COMMISSION