

Key deadlines under the Water Framework Directive

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1 Introduction

The Water Framework Directive (WFD)¹, which was adopted in 2000, establishes a framework for the protection of inland surface waters, transitional waters, coastal waters and groundwater throughout the EU.² The WFD sets a number of deadlines for Member States to comply with the obligations it places on them. Although the most common and well-known is the ‘2027 deadline’, which refers to the obligation to achieve good status of water bodies throughout the EU, other deadlines are also relevant and have different implications.

This legal paper aims to shed light on the WFD’s most important deadlines. First, the procedural timelines that lead to the so-called management cycles are discussed. Then the paper looks at the deadlines for achieving the most important objectives of the WFD. Finally, a case study will illustrate how the WFD’s objectives and their respective deadlines have been implemented so far.

2 Procedural timelines and management cycles

To achieve its objectives – which will be explained further below – the WFD establishes a management mechanism. The starting point for this mechanism are natural river basins, which are composed of an area of land from which all surface run-off flows through a sequence of streams, rivers and, possibly, lakes into the sea at a single river mouth, estuary or delta.³ Grouping together one or more neighbouring river basins, Member States must identify so-called river basin districts (RBD).⁴ Whereas national river basin districts completely lie on the territory of one Member State, river basin districts extending over the territory of more than one Member State are called international river basin districts.⁵

For each river basin district or section of an international river basin district within a Member State’s territory, the Member State must establish a **programme of measures** (PoM).⁶ The PoM contains the measures planned to be taken in order to achieve the WFD-objectives within a RBD. In addition, Member States have to produce a **river basin management plan** (RBMP) for each river basin district.⁷ For international river basin districts, Member States shall coordinate to produce one common RBMP.⁸ The RBMP above all takes stock of the current state of water bodies within the river basin district, but it also contains a summary of the measures adopted in the corresponding PoM(s). Thus, the summary and documentation in the RBMP provides the basis for the PoMs: the PoMs detail the measures foreseen to improve water bodies within the RBD.

¹ [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.

² See Art. 1 WFD.

³ See Art. 2(13.) WFD.

⁴ See Art. 2(15.) WFD, Art. 3 WFD.

⁵ See Art. 3(3) WFD.

⁶ See Art. 11(1) WFD.

⁷ See Art. 13(1) WFD.

⁸ Where such an international river basin management plan is not produced, Member States shall produce river basin management plans covering at least those parts of the international river basin district falling within their territory, see Art. 13(2) sentence 2 WFD.

RBMPs and PoMs had to be published by December **2009**. The WFD prescribes that they are reviewed and updated⁹ **every six years** thereafter ‘at the latest’.¹⁰ This implies that reviews and updates can also be carried out earlier.¹¹ The regular revision and update of RBMPs and PoMs (at least) every six years, leads to so-called management cycles.

The WFD sets also a deadline to make operational the measures foreseen in the PoMs.¹² This is a deadline to implement these measures, as a comparison among various language versions of the WFD demonstrates.¹³ For the first management cycle – which started in 2010 – measures had to be implemented by December 2012 at the latest, and in the following cycles within three years of their establishment in the PoM.

The different procedural timelines under the WFD can, thus, be summarized as follows:

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

As can be seen in the table above, RBMPs and PoMs covering a 6-year-management cycle must be published in December of the year previous to the first year of the new cycle. After half of the management cycle, all measures contained in the PoMs must be ‘made operational’. This is to ensure that there is sufficient time for the measures to achieve their intended effect in the aquatic systems by the end of the management cycle and thus there is a possibility that the required management objectives are achieved by the end of the management cycle.¹⁴

3 Substantive deadlines to deliver on objectives

The centrepiece of the WFD are the environmental objectives listed in Art. 4(1) WFD, which the CJEU has confirmed are all legally binding.¹⁵ According to Art. 4(1) WFD Member States shall:

⁹ For PoMs: updated if necessary, Art. 11(8) sentence 1 WFD.

¹⁰ See Art. 11(8) sentence 1, Art. 13(7) sentence 1 WFD.

¹¹ Landmann/Rohmer, UmweltR/Durner, 99. EL September 2022, WHG § 84 Rn. 10.

¹² Art. 11(7) WFD: The programmes of measures shall be established at the latest nine years after the date of entry into force of this Directive and all the measures shall be made operational at the latest 12 years after that date. Art. 11(8) WFD: The programmes of measures shall be reviewed, and if necessary updated at the latest 15 years after the date of entry into force of this Directive and every six years thereafter. Any new or revised measures established under an updated programme shall be made operational within three years of their establishment.

¹³ See for example German version: ‘in die Praxis umgesetzt’; French version: ‘sont opérationnelles’; Italian version: ‘sono applicate’; Spanish version: ‘serán operativas’.

¹⁴ This view is also expressed in PoM North Rhine-Westphalia 2022-2027, p. 1-4.

¹⁵ CJEU in Judgement of 1 July 2015, *Bund für Umwelt und Naturschutz Deutschland e.V. v Bundesrepublik Deutschland*, C-461/13, EU:C:2015:433, para. 43; Judgement of 28 May 2020, *IL and Others v Land Nordrhein-Westfalen*, C-535/18, EU:C:2020:39, para. 72; Judgement of 24 June 2021, *European Commission v Kingdom of Spain*, C-559/19, EU:C:2021:512, para. 43.

- **prevent the deterioration** of the status of all bodies of surface water and groundwater (Art. 4(1)(a)(i) and (b)(i) WFD)¹⁶
- achieve **good status** for surface waters and groundwater (Art. 4(1)(a)(ii) and (b)(ii) WFD)¹⁷
- **reverse** any significant and sustained **upward trend** in the concentration of any pollutant in order to progressively reduce the pollution of **groundwater** (Art. 4(1)(b)(iii) WFD)
- **progressively reduce** pollution from **priority substances** and **phase-out emissions of priority hazardous substance** (Art. 4(1)(a)(iv) WFD)
- comply with any **standards and objectives** for **protected areas** (Art. 4(1)(c) WFD)

For the objectives of preventing deterioration and achieving good status, the CJEU has held that they are not only decisive for water management and planning (see 2.), but are also a necessary condition for a project to receive a permit.¹⁸

The WFD does not contain one single deadline which determines when its objectives under Art. 4(1) shall be achieved. This rather depends on the environmental objective in question and will be detailed for the most important objectives in the following.

3.1 Objective to achieve good status

To clarify the meaning of the objective to achieve good status, it is important to distinguish between surface waters and groundwater. For groundwater, 'good status' refers to the chemical and the quantitative status, both of which must be good.¹⁹ For surface waters, instead, 'good status' encompasses both good ecological and good chemical status.²⁰ For artificial or heavily modified bodies of surface water, a lower standard applies: they must achieve good ecological potential and good chemical status.²¹ To facilitate understanding, all references to good status below include this particular objective with respect to artificial or heavily modified surface waters.

Annex V WFD²², the Environmental Quality Standards Directive (EQSD)²³ and the Groundwater Directive (GD)²⁴ define criteria to assess whether a water body is in good chemical, good ecological status or potential or in good quantitative status. For example, the chemical status of surface waters depends on the concentration of certain pollutants – so-called priority substances – in the water.²⁵ Environmental

¹⁶ Additionally, Art. 3(6) Environmental Quality Standards Directive (EQSD) contains a specific provision regarding priority substances that tend to accumulate in sediment and/ or biota: 'Member States shall take measures aimed at ensuring, subject to Article 4 of Directive 2000/60/EC, that such concentrations do not significantly increase in sediment and/or relevant biota.'

¹⁷ Except for artificial or heavily modified bodies of surface water, see Art. 4(1)(a)(iii) WFD.

¹⁸ CJEU, C-461/13, para. 51.

¹⁹ See definitions in Art. 2(20.), (25.), (26.) WFD.

²⁰ See definitions in Art. 2(18.), (22.), (24.) WFD.

²¹ Art. 4(1)(a)(iii) WFD.

²² Annex V includes criteria to assess the ecological status of surface waters, as well as the quantitative and chemical status of groundwater.

²³ [Directive 2008/105/EC](#) of the European Parliament and the Council of 16 December 2008 on environmental quality standards in the field of water policy. The EQSD establishes limits on concentrations of certain pollutants in surface waters.

²⁴ [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. The Groundwater Directive provides for, among others, specific criteria for the assessment of good chemical status of groundwater.

²⁵ See Annex IX, X WFD and Art. 3, Annex I EQSD.

quality standards, set by the EQSD and other EU legislation, define the concentration for each priority substance which should not be exceeded in the water, sediment or biota.²⁶

According to Art. 4(1)(a)(ii), (b)(ii) WFD, good status should have been achieved at the latest 15 years after the date of entry into force of the WFD, i.e. by 22 December 2015.²⁷

This deadline may be extended under certain, narrowly defined conditions. Art. 4(4) WFD lists the only three reasons justifying such an extension of the deadline:

- the scale of improvements required can only be achieved in phases exceeding the timescale, for reasons of technical feasibility;²⁸
- completing the improvements within the timescale would be disproportionately expensive;²⁹
- natural conditions do not allow timely improvement in the status of the body of water.³⁰

These extensions are, however, limited to a maximum of two further updates of the RBMP except in cases where natural conditions are such that the objectives cannot be achieved within this period.³¹ This means that from the third update of RBMPs, which must be published by 22.12.2027 at the latest, Member States may only extend the deadline to achieve good status due to natural conditions. Accordingly, in the current RBMPs for the period 2022-2027, Member States were allowed to invoke technical feasibility and disproportionate costs for a deadline extension until 2027 for the last time.

'Natural conditions' are factors that cannot or only with enormous effort be influenced by humans, such as climatic or hydrological conditions.³² They do not – in contrast to 'technical infeasibility' or 'disproportionate costs' – include anthropogenic delays in the achievement of good status, such as those caused by inadequate water protection measures.³³ The exemption of 'natural conditions' therefore assumes that the measures have been taken but the recovery to the required status takes a longer time period.³⁴

The desired endpoint for the deadline is, thus, the **achievement** of good status. This is already clear from the wording in Art. 4(1) WFD, which speaks of 'achieving good [...] status at the latest 15 years after the date of entry into force of this Directive'. The aforementioned timeline thus refers to the result – the actual achievement of good status – and not the performance of the actions necessary for this. This also follows from Art. 4(4) WFD, according to which the time limits laid down in paragraph 1 may be extended for the purposes of phased achievement of the objectives for bodies of water.

²⁶ See Art. 2(35.) WFD.

²⁷ See Art. 4(1)(a)(ii), (b)(ii) WFD: 'at the latest 15 years after the date of entry into force of this Directive'. According to Art. 25 WFD, the WFD entered into force on the day of its publication in the Official Journal of the European Communities and, thus, on 22 December 2000.

²⁸ Art. 4(a)(i) WFD.

²⁹ Art. 4(a)(ii) WFD.

³⁰ Art. 4(a)(ii) WFD. For more specific interpretation of Art. 4(4) WFD, see EEB/ClientEarth (2022), When the exception becomes the rule - Overuse of exemptions from reaching the objectives of the Water Framework Directive due to coal mining and combustion.

³¹ Art. 4(4)(c) WFD.

³² BeckOK Umweltrecht (2020), WHG § 29, para. 4.

³³ Ginzky, Ausnahmen zu den Bewirtschaftungszielen im Wasserrecht, Zeitschrift für Umweltrecht 2015, 515, p. 521.

³⁴ See also Clarification on the application of WFD Article 4(4) time extensions in the 2021 RBMPs and practical considerations regarding the 2027 deadline, Document endorsed by EU Water Directors at their meeting in Malta on 15-16 June 2017, p. 6; Natural Conditions in relation to WFD exemptions, Document endorsed by EU Water Directors at their meeting in Tallinn on 4-5 December 2017, p. 6

Art. 4(4)(d) WFD is even clearer: the RBMP should contain a 'summary of measures which are envisaged as necessary to bring the bodies of water progressively to the required status by the extended deadline'. Thus, all **measures** must be taken **as early as necessary** in order to ensure that good status is achieved by the extended deadline at the latest.

The WFD therefore required all measures necessary to achieve good status to be specified in the first management cycle, to achieve good status by 2015. Under the deadline extension grounds of disproportionate costs and technical feasibility, measures could be stretched over two further cycles, as long as they were taken in time to achieve good status by the extended deadline and 2027 the latest. In contrast, natural conditions cannot justify postponing a measure, but can only justify that it will take longer to take effect. The approach taken in Germany, for example, to postpone the necessary measures beyond 2027 due to a lack of technical, human, legal and financial resources³⁵ has no legal basis in the WFD.

In sum, Member States must organize their planning as follows:

They must first identify all suitable measures, quantify and estimate their effect over time and their costs, in order to be able to determine in a next step by what time and with what financial and technical effort it will be possible to achieve good status. Only on this basis, can the possibility of extending the deadline be legitimately used. A waiver of effective measures due to disproportionate costs and technical feasibility would only be permissible with appropriate justification in the RBMP and for the last time in the current management cycle.³⁶ Other than that, Member States can justify a failure to achieve good status exclusively under the very narrow conditions of Art. 4(5), (6) or (7) WFD, which may also only be applied exceptionally³⁷ and require a thorough justification in the RBMP.³⁸

3.2 Objective to prevent deterioration

The objective to prevent deterioration in the status of water bodies also builds on the definitions in Annex V WFD, the EQSD and the GD. For this objective, however, the WFD does not explicitly set a deadline. Thus, this objective had to be complied with immediately when the WFD entered into force (23 December 2000)³⁹ and at the latest by the deadline for the transposition of the WFD (22 December 2003)⁴⁰. The obligation to prevent deterioration must therefore now be complied with at all times. This means that Member States must always take the necessary measures to prevent any deterioration in the status of a body of water. A deviation may only be justified under the narrow conditions of Art. 4(6) or (7) WFD.⁴¹

³⁵ See Deutscher Bundestag, [Drucksache 19/26097](#).

³⁶ See Geulen/Klinger, Justification of legal claim of 6 December 2022, [DUH v. North Rhine-Westphalia](#), p. 49 f.

³⁷ See EEB/ClientEarth, [When the exception becomes the rule - Overuse of exemptions from reaching the objectives of the Water Framework Directive due to coal mining and combustion](#). The same view is held in European Commission and Directorate-General for the Environment (2009), [Guidance document on exemptions to the environmental objectives. Guidance document No. 20](#), p. 10.

³⁸ Art. 4(5) allows for less stringent objectives to be applied. Art. 4(7) allows for deterioration of the status or failure to achieve good status as the result of new modifications to the physical characteristics of a surface water body or alterations to the level of bodies of groundwater. In contrast, Art. 4(6) can justify a temporary deterioration due to natural causes or force majeure only in retrospect.

³⁹ Van Kempen, Obligations of result or best effort: Dealing with problems of interpretation, in: Peters/Uylenburg (2014), EU Environmental Legislation, p. 160. According to Art. 25 WFD, the WFD entered into force on the day of its publication in the Official Journal of the European Communities and, thus, on 22 December 2000.

⁴⁰ Epiney (2019), *Umweltrecht der Europäischen Union*, 7. Kapitel Medienschützendes Umweltrecht, para. 24.

⁴¹ See explicit reference to only these two exemptions in Art. 4(1)(a)(i), (b)(i) WFD.

3.3 Phase-out objective

Some pollutants present a significant risk to or via aquatic systems. Annex X WFD contains a list of these so-called priority substances, with a subset of so-called priority hazardous substances.⁴² Pollution from **priority substances** shall be **progressively reduced** and emissions of **priority hazardous substances shall be ceased or phased out**.⁴³ Thus, priority substances, such as lead, must 'only' be reduced⁴⁴, whereas emissions of priority substances identified as particularly hazardous, such as mercury, must be completely phased out.⁴⁵

Art. 4(1)(a)(iv) WFD states that the necessary measures to reduce and phase out emissions shall be taken 'in accordance with Art. 16(1) and (8) WFD'. According to Art. 16(1) WFD measures were to be proposed by the Commission and adopted at Community level to concretize the progressive reduction and phasing out obligation.

However, the Commission has not proposed such measures yet. In particular, the EQSD does not contain any concrete measures regarding the progressive reduction of priority substances.⁴⁶ According to Art. 16(8) sentence 2 WFD, in the absence of an agreement on such measures at EU level within six years after the WFD entered into force, Member States must establish at least controls on the principal sources of discharges of priority substances affecting surface waters. In view of their purpose – namely, to concretize the progressive reduction and phase-out objectives – such controls must aim at the progressive reduction of emissions of priority substances and the phase-out of priority hazardous substances.⁴⁷ It can, thus, be summarized that now Member States are obliged to concretize measures to progressively reduce emissions of priority substances and phase out priority hazardous substances⁴⁸, at least regarding the principal sources of these emissions.

While there is no specific timetable for reducing pollution from all priority substances, a deadline for phasing out priority hazardous substances can be inferred from Art. 16(6) WFD. According to this provision, the Commission should have included in its (never published) proposal on the phase-out of priority hazardous substances a timetable of maximum 20 years after the adoption of the proposal. It seems logical to apply the same timetable to the measures that the Member States must now develop to implement the phase-out obligation. It is, however, disputed amongst legal experts when this timeline started. Some argue that it started in 2006, when according to Art. 16(8) sentence 2 WFD the obligation to establish measures was transferred to Member States.⁴⁹ Others argue that it started in 2008 with the adoption of the EQSD, which made finally clear that the obligation to concretize the progressive

⁴² See Art. 2(30.) WFD.

⁴³ Art. 4(1)(a)(iv) WFD.

⁴⁴ Art. 2(33.) WFD defines pollution as 'the direct or indirect introduction, as a result of human activity, of substances or heat into the air, water or land which may be harmful to human health or the quality of aquatic ecosystems or terrestrial ecosystems directly depending on aquatic ecosystems, which result in damage to material property, or which impair or interfere with amenities and other legitimate uses of the environment'.

⁴⁵ See Art. 2 (30.), 16 (4), (11) WFD

⁴⁶ This also made clear in recital 8 EQSD: 'As regards emission controls of priority substances from point and diffuse sources, as referred to in Article 16 of Directive 2000/60/EC, it seems more cost-effective and proportionate for Member States to include, where necessary, in addition to the implementation of other existing Community legislation, appropriate control measures, pursuant to Article 10 of Directive 2000/60/EC, in the programme of measures to be developed for each river basin district in accordance with Article 11 of that Directive.'

⁴⁷ Kremer, The Prohibition of Mercury Discharges from Coal-Fired Power Stations under European Law, 10 Journal for European Environmental & Planning Law 2013, 132-151, p. 139 f.

⁴⁸ The term discharges is not limited to direct discharges to water, see Kremer, The Prohibition of Mercury Discharges from Coal-Fired Power Stations under European Law, p. 140 f.

⁴⁹ Kremer, The Prohibition of Mercury Discharges from Coal-Fired Power Stations under European Law, p. 141.

reduction of priority substances now lies with Member States.⁵⁰ Following the first view, the phase-out would need to be completed by 23.12.2026, whereas following the second view the deadline for this phase-out is 18.12.2028.⁵¹

In any case, the wording ‘to cease or phase out’ indicates that Member States must take the necessary measures in due time before this final deadline.⁵²

3.4 Summary and possible reactions to breaches of deadline

The table below summarises the most important objectives established under the WFD and their respective deadlines:

Objective	Deadline
Prevent deterioration (Art. 4(1)(a)(i) and (b)(i) WFD)	From 22 December 2003 on (at the latest)
Good status	22 December 2015
<ul style="list-style-type: none"> In case of technical infeasibility or disproportionate costs 	22 December 2027
<ul style="list-style-type: none"> Natural conditions prevent timely achievement 	As early as natural conditions allow achievement
Progressive reduction of priority substances	No clear deadline
Phase-out of priority hazardous substances	18 December 2028 at the latest

To respond to potential breaches of the WFD objectives, affected parties or environmental NGOs could challenge this breach of law before national courts – both in case of insufficient measures in a PoM or against a specific project which violated an objective.⁵³ Moreover, the EU Commission can launch a formal infringement procedure, on the basis of its own investigations or following complaints from citizens, businesses or other stakeholders.

⁵⁰ Köck/Möckel, Quecksilberbelastungen von Gewässern durch Kohlekraftwerke – Auswirkungen auf die Genehmigungsfähigkeit, *Neue Zeitschrift für Verwaltungsrecht* 2010, 1390–97, p. 1393, with further references in footnote 42.

⁵¹ See Kremer, The Prohibition of Mercury Discharges from Coal-Fired Power Stations under European Law, p. 141 f; Köck/Möckel, Quecksilberbelastungen von Gewässern durch Kohlekraftwerke – Auswirkungen auf die Genehmigungsfähigkeit, p. 1393; EEB (2021), Tackling Mercury Pollution of EU Waters Why coal combustion must end by 2027 at the latest, p. 8. In favour of a 2028 deadline, it can be argued that Art. 5 (5) EQSD provides for a mid-term review in 2018.

⁵² Kremer, The Prohibition of Mercury Discharges from Coal-Fired Power Stations under European Law, p. 141 f; Köck/Möckel, Quecksilberbelastungen von Gewässern durch Kohlekraftwerke – Auswirkungen auf die Genehmigungsfähigkeit, p. 1393.

⁵³ Faßbender, Aktuelle Entwicklungen der wasserwirtschaftlichen Fachplanung, *Neue Zeitschrift für Verwaltungsrecht* 2014, 476–84, p. 481. For the latter see CJEU, C-461/13, para. 51. Depending on the jurisdiction, the procedures and legal conditions for a court application may vary greatly.

4 Case study: Tackling mercury pollution in North Rhine-Westphalia

Mercury is highly toxic to humans, especially to the developing nervous system, and it is also harmful to the environment, in particular wildlife.⁵⁴ It is, in fact, widely accepted that coal combustion and other industrial activities are the largest source of mercury to the environment in the EU.⁵⁵ Mercury is one of the main reasons for which EU surface waters fail to achieve good chemical status.⁵⁶ In Germany, even public authorities confirm that all surface waters in the country are currently not in good chemical status due to their mercury pollution.⁵⁷

This is illustrated by the example of North Rhine-Westphalia, a federal state in western Germany, where, according to official measurements, the concentration of mercury in aquatic biota, such as fish, was up to 11 times higher than the environmental quality standard allows.⁵⁸ North Rhine-Westphalia's RBMPs recognise that water pollution due to mercury is mainly caused by diffuse inputs from the air and sediment deposits from past discharges.⁵⁹ Indeed, several large coal plants are still operating in North Rhine-Westphalia.

Experts have shown that mercury emissions could be significantly reduced by installing suitable filter systems to curb emissions from coal-fired power plants.⁶⁰ Nonetheless, to improve mercury pollution in surface waters, North Rhine-Westphalia's PoMs only rely on 'current climate and energy policy decisions' and existing legal obligations to regulate emissions, although these have proven ineffective so far.⁶¹ The relevant RBMPs state that good status can only be achieved 'decades later', 'if at all',⁶² without providing a specific justification for the extension of the 2015-deadline.

To remedy this breach of the WFD, a German environmental NGO has filed a lawsuit against North Rhine Westphalia in December 2022⁶³ demanding that the North Rhine-Westphalian government presents PoMs which ensure that the environmental quality standard for mercury is complied with as soon as possible, namely as soon as natural conditions allow, if all available and necessary measures are taken immediately.⁶⁴

5 Conclusions

It is argued that the time frame set by the WFD to achieve good status of all waters is increasingly turning out to be unrealistic.⁶⁵ However, this allegation misdirects the focus. Precisely because achieving

⁵⁴ EEA (2018), Report No 11/2018, [Mercury in Europe's environment. A priority for European and global action](#), p. 17 ff.

⁵⁵ EEA (2018), Report No 11/2018, [Mercury in Europe's environment. A priority for European and global action](#), p. 45.

⁵⁶ EEA (2021), Report No 09/2021, [Drivers of and pressures arising from selected key water management challenges: A European overview](#), p. 18.

⁵⁷ BMUV/UBA (2022), [Water Framework Directive – The status of German waters 2021. Progress and Challenges](#), p. 58.

⁵⁸ See RBMP NRW 2022-2027 (incl. Annexes), p. 4-48 and map 'Zustandsbewertung der Fließgewässer, Chemischer Zustand (Grad der Abweichung)'.

⁵⁹ RBMP NRW 2022-2027 (Anlage K 3), 5-22.

⁶⁰ See Tebert et al (2016), [Gutachten zur Quecksilberminderungsstrategie für Nordrhein-Westfalen – Endbericht](#), p. 164 ff.

⁶¹ [PoM North Rhine-Westphalia 2022-2027](#), Anlage K 4, p. 3-9 f.

⁶² [RBMP North Rhine-Westphalia 2022-2027](#), p. 5-22, 7-26.

⁶³ ClientEarth, [Mercury alert on the Rhine: German coal state faces court action over illegal contamination levels](#), Press Release of 7 December 2022; for the justification of the legal claim see fn. 36.

⁶⁴ See justification of the legal claim (Fn. 36), p. 46.

⁶⁵ Faßbender, [Aktuelle Entwicklungen der wasserwirtschaftlichen Fachplanung](#), p. 480.

the WFD objectives on time is such a challenge, Member States must take all the necessary measures immediately to achieve them as soon as possible.

The achievement of the objective of good status, in particular, requires a thorough analysis of what potential measures are available and how quickly their implementation is likely to lead to the achievement of the objective. Only as a next step, Member States can consider whether the deadline to achieve good status may be extended or whether another exemption can be applied to justify a deviation from the objective. This is only legally possible if all the legal requirements for the application of the exemption are given. Therefore, the widespread inaction to address the poor status of water bodies is in breach of the WFD, if no exemption can be applied in compliance with the law.

This is at the core of the WFD, as this analysis has shown. In each management cycle, Member States are legally obliged to plan and implement all the necessary measures to achieve the objectives of the WFD. They must do this in time to ensure that the objectives can be achieved within the respective deadline. Only in exceptional and narrowly defined cases may not taking a measure be justified.

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