

The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 Water Framework Directive 2000/60/EC

Recital 11:

As set out in Article 174 of the Treaty, the Community policy on the environment is to contribute to pursuit of the objectives of preserving, protecting and improving the quality of the environment, in prudent and rational utilisation of natural resources, and to be based on the precautionary principle and on the principles that preventive action should be taken, environmental damage should, as a priority, be rectified at source and that the polluter should pay

Article 1

Purpose

The purpose of this Directive is to establish a framework for the protection of inland surface waters, transitional waters, coastal waters and groundwater which:

- (a) prevents further deterioration and protects and enhances the status of aquatic ecosystems and, with regard to their water needs, terrestrial ecosystems and wetlands directly depending on the aquatic ecosystems;
- (b) promotes sustainable water use based on a long-term protection of available water resources;
- (c) aims at enhanced protection and improvement of the aquatic environment, inter alia, through specific measures for the progressive reduction of discharges, emissions and losses of priority substances and the cessation or phasing-out of discharges, emissions and losses of the priority hazardous substances;
- (d) ensures the progressive reduction of pollution of groundwater and prevents its further pollution, and
- (e) contributes to mitigating the effects of floods and droughts

and thereby contributes to:

- the provision of the sufficient supply of good quality surface water and groundwater as needed for sustainable, balanced and equitable water use,
- a significant reduction in pollution of groundwater,
- the protection of territorial and marine waters, and

Article 2

Definitions

For the purposes of this Directive the following definitions shall apply:

1. Surface water: means inland waters, except groundwater; transitional waters and coastal waters, except in respect of chemical status for which it shall also include territorial waters.
2. Groundwater: means all water which is below the surface of the ground in the saturation zone and in direct contact with the ground or subsoil.
3. Inland water: means all standing or flowing water on the surface of the land, and all groundwater on the landward side of the baseline from which the breadth of territorial waters is measured.
4. River: means a body of inland water flowing for the most part on the surface of the land but which may flow underground for part of its course.
5. Lake: means a body of standing inland surface water.

8. Artificial water body: means a body of surface water created by human activity.
10. 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.
11. Aquifer: means a subsurface layer or layers of rock or other geological strata of sufficient porosity and permeability to allow either a significant flow of groundwater or the abstraction of significant quantities of groundwater.
12. Body of groundwater: means a distinct volume of groundwater within an aquifer or aquifers.
13. River basin: means the 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.
14. Sub-basin: means the area of land from which all surface run-off flows through a series of streams, rivers and, possibly, lakes to a particular point in a water course (normally a lake or a river confluence).
15. River basin district: means the area of land and sea, made up of one or more neighbouring river basins together with their associated groundwaters and coastal waters, which is identified under Article 3(1) as the main unit for management of river basins.
16. Competent Authority: means an authority or authorities identified under Article 3(2) or 3(3).
17. Surface water status: is the general expression of the status of a body of surface water, determined by the poorer of its ecological status and its chemical status.
18. Good surface water status: means the status achieved by a surface water body when both its ecological status and its chemical status are at least good.
19. Groundwater status: is the general expression of the status of a body of groundwater, determined by the poorer of its quantitative status and its chemical status.
20. Good groundwater status: means the status achieved by a groundwater body when both its quantitative status and its chemical status are at least good.
21. Ecological status: is an expression of the quality of the structure and functioning of aquatic ecosystems associated with surface waters, classified in accordance with Annex V.
22. Good ecological status: is the status of a body of surface water, so classified in accordance with Annex V.
23. Good ecological potential: is the status of a heavily modified or an artificial body of water, so classified in accordance with the relevant provisions of Annex V.
24. Good surface water chemical status: means the chemical status required to meet the environmental objectives for surface waters established in Article 4(1)(a), that is the chemical status achieved by a body of surface water in which concentrations of pollutants do not exceed the environmental quality standards established in Annex IX and under Article 16(7), and under other relevant Community legislation setting environmental quality standards at Community level.
25. Good groundwater chemical status: is the chemical status of a body of groundwater, which meets all the conditions set out in table 2.3.2 of Annex V.
26. Quantitative status: is an expression of the degree to which a body of groundwater is affected by direct and indirect abstractions.
27. Available groundwater resource: means the long-term annual average rate of overall recharge of the body of groundwater less the long-term annual rate of flow required to achieve the ecological quality objectives for associated surface waters specified under Article 4, to avoid any significant diminution in the ecological status of such waters and to avoid any significant damage to associated terrestrial ecosystems.
28. Good quantitative status: is the status defined in table 2.1.2 of Annex V.
29. Hazardous substances: means substances or groups of substances that are toxic, persistent and liable to bio-accumulate, and other substances or groups of substances which give rise to an equivalent level of concern.
30. Priority substances: means substances identified in accordance with Article 16(2) and listed in Annex X. Among these substances there are 'priority hazardous substances' which means substances identified in accordance with Article 16(3) and (6) for which measures have to be taken in accordance with Article 16(1) and (8).
31. Pollutant: means any substance liable to cause pollution, in particular those listed in Annex VIII.
32. Direct discharge to groundwater: means discharge of pollutants into groundwater without percolation throughout the soil or subsoil.

33. Pollution: means 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.
34. Environmental objectives: means the objectives set out in Article 4.
35. Environmental quality standard: means the concentration of a particular pollutant or group of pollutants in water, sediment or biota which should not be exceeded in order to protect human health and the environment.
36. Combined approach: means the control of discharges and emissions into surface waters according to the approach set out in Article 10.
37. Water intended for human consumption: has the same meaning as under Directive 80/778/EEC, as amended by Directive 98/83/EC.
38. Water services: means all services which provide, for households, public institutions or any economic activity:
 - (a) abstraction, impoundment, storage, treatment and distribution of surface water or groundwater,

Article 3

Coordination of administrative arrangements within river basin districts

1. Member States shall identify the individual river basins lying within their national territory and, for the purposes of this Directive, shall assign them to individual river basin districts. Small river basins may be combined with larger river basins or joined with neighbouring small basins to form individual river basin districts where appropriate. Where groundwaters do not fully follow a particular river basin, they shall be identified and assigned to the nearest or most appropriate river basin district. Coastal waters shall be identified and assigned to the nearest or most appropriate river basin district or districts.
2. Member States shall ensure the appropriate administrative arrangements, including the identification of the appropriate competent authority, for the application of the rules of this Directive within each river basin district lying within their territory.

Article 4

Environmental objectives

1. In making operational the programmes of measures specified in the river basin management plans:
 - (a) for surface waters
 - (i) Member States shall implement the necessary measures to prevent deterioration of the status of all bodies of surface water, subject to the application of paragraphs 6 and 7 and without prejudice to paragraph 8;
 - (ii) Member States shall protect, enhance and restore all bodies of surface water, subject to the application of subparagraph (iii) for artificial and heavily modified bodies of water, with the aim of achieving good surface water status at the latest 15 years after the date of entry into force of this Directive, in accordance with the provisions laid down in Annex V, subject to the application of extensions determined in accordance with paragraph 4 and to the application of paragraphs 5, 6 and 7 without prejudice to paragraph 8;
 - (iii) Member States shall protect and enhance all artificial and heavily modified bodies of water, with the aim of achieving good ecological potential and good surface water chemical status at the latest 15 years from the date of entry into force of this Directive, in accordance with the provisions laid down in Annex V, subject to the application of extensions determined in accordance with paragraph 4 and to the application of paragraphs 5, 6 and 7 without prejudice to paragraph 8;
 - (iv) Member States shall implement the necessary measures in accordance with Article 16(1) and (8), with the aim of progressively reducing pollution from priority substances and ceasing or phasing out emissions, discharges and losses of priority hazardous substances

without prejudice to the relevant international agreements referred to in Article 1 for the parties concerned;

(b) for groundwater

(i) Member States shall implement the measures necessary to prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all bodies of groundwater, subject to the application of paragraphs 6 and 7 and without prejudice to paragraph 8 of this Article and subject to the application of Article 11(3)(j);

(ii) Member States shall protect, enhance and restore all bodies of groundwater, ensure a balance between abstraction and recharge of groundwater, with the aim of achieving good groundwater status at the latest 15 years after the date of entry into force of this Directive, in accordance with the provisions laid down in Annex V, subject to the application of extensions determined in accordance with paragraph 4 and to the application of paragraphs 5, 6 and 7 without prejudice to paragraph 8 of this Article and subject to the application of Article 11(3)(j);

(iii) Member States shall implement the measures necessary to reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity in order progressively to reduce pollution of groundwater.

Measures to achieve trend reversal shall be implemented in accordance with paragraphs 2, 4 and 5 of Article 17, taking into account the applicable standards set out in relevant Community legislation, subject to the application of paragraphs 6 and 7 and without prejudice to paragraph 8;

Groundwater

Current legislative framework

Groundwater in the Water Framework Directive

The components of the [Water Framework Directive](#) dealing with groundwater cover a number of different steps for achieving good quantitative and chemical status of groundwater by 2015. They require Member States to:

- Define groundwater bodies within river basin districts to be designated and reported to the European Commission by Member States. They must classify them by analysing the pressures and impacts of human activity on the quality of groundwater with a view to identifying groundwater bodies presenting a risk of not achieving WFD environmental objectives. Member States were obliged to carry out this classification between 2004 and 2005 and report the results back to the European Commission.
- Establish registers of protected areas within each river basin districts for those groundwater areas or habitats and species directly dependent on water. The registers must include all bodies of water used for the extraction of drinking water and all protected areas covered under the following directives: the Bathing Water Directive 76/160/EEC, the vulnerable zones

under the Nitrates Directive 91/676/EEC and the sensitive areas under the Urban Wastewater Directive 91/271/EEC, as well as areas designated for the protection of habitats and species including relevant Natura 2000 sites designated under Directives 92/43/EEC and 79/409/EEC. Registers shall be reviewed under the River Basin Management Plan updates.

- Establish groundwater monitoring networks based on the results of the classification analysis so as to provide a comprehensive overview of groundwater chemical and quantitative status. Member States are also obliged to design a monitoring programme that had to be operational by the end of 2006.
- Set up a river basin management plan (RBMP) for each river basin district which must include a summary of pressures and impacts of human activity on groundwater status, a presentation in map form of monitoring results, a summary of the economic analysis of water use, a summary of protection programmes, control or remediation measures etc. The first RBMPs were published at the end of 2009, links to them can be found in the Commission website. The updated RBMPs were due by the end of 2015 and their review is expected every six years thereafter.
- Take into account by 2010 the principle of recovery of costs for water services, including environmental and resource costs in accordance with the polluter pays principle.
- Establish by the end of 2009 a programme of measures for achieving WFD environmental objectives (e.g. abstraction control, prevent or control pollution measures) that would be operational by the end of 2012. Basic measures include, in particular, controls of groundwater extraction, controls (with prior authorization) of artificial recharge or augmentation of groundwater bodies (providing that it does not compromise the achievement of environmental objectives). Point source discharges and diffuse sources liable to cause pollution are also regulated under the basic measures. Direct discharges of pollutants into groundwater are prohibited subject to a range of provisions listed in the Article 11. The programme of measures has to be reviewed and if necessary updated by 2015 and every six years thereafter.

The Groundwater Directive (2006/118/EC)

This Directive establishes a regime which sets groundwater quality standards and introduces measures to prevent or limit inputs of pollutants into groundwater. The directive establishes quality criteria that takes account local characteristics and allows for further improvements to be made based on monitoring data and new scientific knowledge. The directive thus represents a proportionate and scientifically sound response to the requirements of the Water Framework Directive (WFD) as it relates to assessments on chemical status of groundwater and the identification and reversal of significant and sustained upward trends in pollutant concentrations. Member States should establish standards at the most appropriate level and take into account local or regional conditions.

The Groundwater Directive complements the Water Framework Directive (WFD). It requires:

- groundwater quality standards to be established by the end of 2008;
- pollution trend studies to be carried out by using existing data and data which is mandatory by the WFD (referred to as "baseline level" data obtained in 2007-2008);
- pollution trends to be reversed so that environmental objectives are achieved by 2015 by using the measures set out in the WFD;
- measures to prevent or limit inputs of pollutants into groundwater to be operational so that WFD environmental objectives can be achieved by 2015;
- reviews of technical provisions of the directive to be carried out in 2013 and every six years thereafter;
- compliance with good chemical status criteria (based on EU standards of nitrates and pesticides and on threshold values established by Member States).

The [Directive 80/68/EEC](#) on the protection of groundwater against pollution caused by certain dangerous substances has provided a groundwater protection framework before the Directive 2006/118/EC. It required to prevent the (direct or indirect) introduction of high priority pollutants into groundwater and to limit the introduction into groundwater of other pollutants so as to avoid pollution of groundwater by these substances. This directive was repealed in 2013.

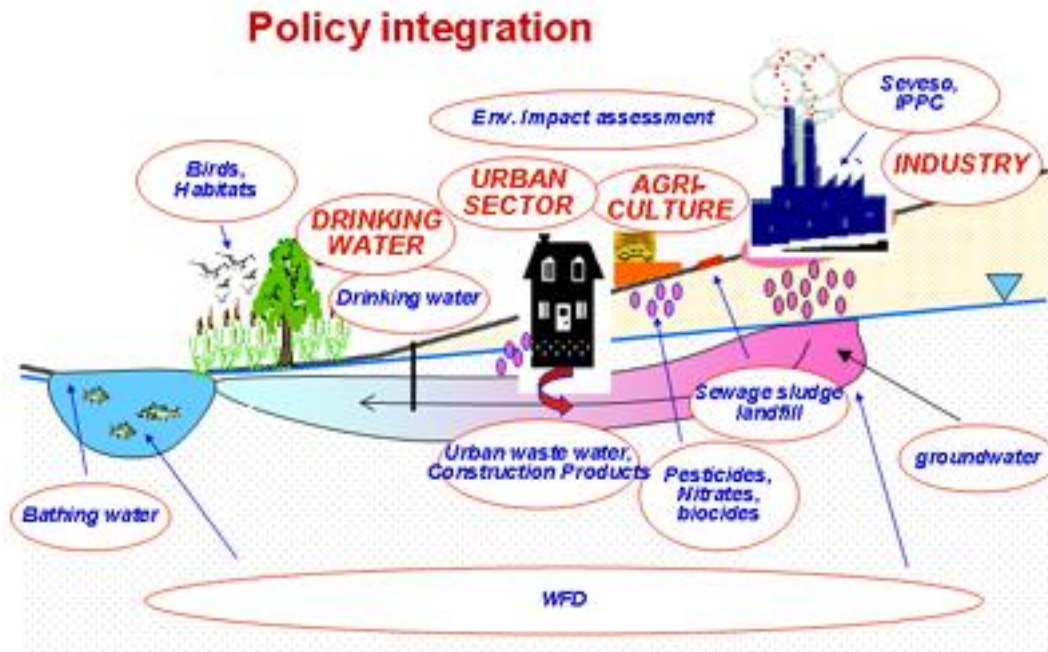
Annexes I and II of the Groundwater Directive 2006/118/EC were reviewed in 2013 and are reflected under the [Commission Directive 2014/80/EU](#) of 20 June 2014.

The review process included a call for evidence (to obtain information, studies and scientific reports among others) and a public consultation process. In addition a [background document](#) for the preparation of the review was produced.

Other related directives

Pieces of legislation designed to protect groundwater against pollution and deterioration are part of a larger regulatory framework that can be traced back to the 1990s. The concept of groundwater protection is now fully integrated into the basic measures of the Water Framework Directive.

The need to ensure the proper integration of the various legal instruments is illustrated in the figure below:



The different pieces of legislation illustrated in the figure are directly linked to the Water Framework Directive and the Groundwater Directive. They are part of the set of measures that need to be operational to achieve the "good environmental status" objective by the end of 2015. They all seek to prevent or limit pollutants reaching groundwater.