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REVIEW

Conference report: protection of groundwater under the Water Framework Directive - Member States obligations and recent judgements

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Abstract

This paper is a report on the online webinar “Protection of groundwater under the Water Framework Directive (WFD): Member States Obligations and recent judgements” that took place on 9th November 2021 as part of an elni webinar. The two speakers were Christoph Sobotta (Legal Secretary at CJEU) and Prof Marleen van Rijswick (Utrecht University). The webinar addressed the protection of groundwater under the WFD and the challenges observed at the Member States level. This report summarises Christoph Sobotta’s presentation on several water-related cases and Prof Rijswick’s presentation on the implementation of EU law in the Member States as illustrated by the protection of groundwater in the Netherlands. Main findings include that negative impact on the environment will still happen and that instead of focusing on a single project a broader approach should be applied.

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Conference report: Protection of groundwater under the Water Framework Directive - Member States obligations and recent judgements

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In the course of 2021, a series of webinars on “Challenges of European environmental law towards 2030” was organized by elni and the Flemish Environmental Law Association VVOR. The concluding online seminar on 9 November 2021 focused on the topic “Protection of groundwater under the Water Framework Directive: Member States obligations and recent judgements”.

1 Introduction

The Water Framework Directive 2000/60/EC (hereinafter referred as the WFD) is a European Directive committing Member States to achieve good qualitative and quantitative status of all water bodies, including marine waters up to one nautical mile from shore, by 2015 or 2027 at the latest.¹ It takes a pioneering approach to protect water bodies by a comprehensive regulatory system based on natural geographical formations, the river basins. Due to economic activities, intensive farming, urbanization and also climate change, the ecological and chemical quality of surface waters and the quantitative and chemical status of groundwater bodies have considerably deteriorated over the last decades, and they are still continuing to deteriorate within most of Europe.

The main goals of the Directive may thus be summed up as follows:

- Improvement of the hydromorphology of rivers and restoration of habitats,
- Assurance of biological permeability,
- Natural development of floodplains,
- Reduction of nutrient inflow, especially from agriculture,
- Reduction of toxin inflow from industry, agriculture and wastewater plants.²

Against this background, the elni-VVOR webinar addressed the protection of groundwater under the Water Framework Directive and the challenges observed at the Member States level. In view of the threats posed by pollution, climate change and illegal abstraction, this topic becomes currently more important in political discussions at EU level as well as in the Member States, and is thus worth also a closer look from the academic point of view. The webinar was moderated by Thomas Ormond, legal officer for a regional water authority in Germany who

also manages an IMPEL project on trend reversal in groundwater pollution.

The two speakers were:

- Christoph Sobotta, Legal Secretary, Chambers of Advocate General Juliane Kokott, Court of Justice of the European Union, and
- Professor Marleen van Rijswijk, Utrecht University, leading a research group: the Utrecht Centre for Water, Oceans and Sustainability Law.

2 Recent Judgements

The first presentation from Christoph Sobotta aimed to explain the different European Court of Justice judgments on cases related to water protection. Since 2003, he has assisted the Advocate General in around 175 cases, in particular in the area of environmental law. In his brief introduction, Mr Sobotta pointed to the functions of an Advocate General who advises the Court by preparing opinions independently and does not actively participate in deliberations.

Subsequently, he explained the background of the WFD which aims at the good status of surface and groundwater bodies by 2015 or at the latest by 2027. It provides for a detailed planning and monitoring regime aiming to achieve these objectives through river basin management plans. Here, many steps need to be taken. The relevant elements in this monitoring context are:

- Good chemical status (surface and groundwater),
- Good ecological status (surface water),
- Good quantitative status (groundwater).

These criteria are subdivided into further quality elements such as:

- 4 biological quality elements (phytoplankton, macrophytes and phytobenthos, benthic invertebrate fauna and fish fauna);
- 3 hydro morphological quality elements (hydrological regime, river continuity and morphological conditions);
- 3 physico-chemical quality elements (such as the general conditions and the concentration of specific synthetic and non-synthetic pollutants).

All these specifications are based on technical criteria, pointing to the fact that the Directive was developed by and for technical experts and not primarily for lawyers. At the same time, Mr Sobotta highlighted Art. 4 of the Directive as especially relevant for the case-law of the European Court of Justice. Assessing

¹ Directive 2000/60/EC.

² Cf. Art. 1 Directive 2000/60/EC.

the application of this Article, the Court did evaluate the Member States' obligation to implement the necessary measures to prevent deterioration of the status of all bodies of surface water and groundwater, subject to certain exceptions. Subsequently, Mr Sobotta gave an overview of the water-related case law.

2.1 *Acheloos river case*

The first case where Art. 4 of the WFD was discussed was the Acheloos river rerouting case.³ It concerned the Greek plan to transfer substantial quantities of water from the river Acheloos in the west towards the river Pineios in the east of the country. In this case, the obligation to prevent deterioration under Art. 4 of the WFD was not yet applicable. After the permit was issued in 2006, Art 4 did only apply from 2009 onwards, when the management plans were adopted. However, the obligation to refrain from seriously compromising the objectives of the WFD was underlined. There was no discussion whether Art. 4 was even capable of direct effect.

2.2 *Weser-Depth Case*

In another case, called the Weser depth increase case, where German authorities were sued for the decision to increase the depth of the river Weser to allow bigger ships access to the ports of Bremen. In this case the questions arose whether the obligation to prevent deterioration under Art. 4 of the WFD required to refuse the authorization for a project that might potentially cause deterioration, or if the Directive follows a more programmatic approach and does not affect individual projects. The Court found that the objectives of preventing deterioration and achieving good status are clearly binding and would be jeopardised if they did not apply to individual projects. Moreover, the possibility of derogations confirmed the binding nature of the obligations also for such projects. Another significant point raised in the case was the actual meaning of the word "deterioration". In this case, the above-mentioned quality elements were considered (good chemical, ecological and quantitative status) with the specifications for rivers (five classes for ecological status). The Court came to the conclusion that the worst classification of any element determines the class of the water body. Already if one of the qualities decreases by one class, the general obligation to prevent deterioration would be triggered. With one of the quality elements in the lowest class, any further deterioration is forbidden.⁴

³ *Nomarchiaki Aftodioikisi Aitolokarmanias and Others (Acheloos river rerouting)* (C-43/10, EU:C:2012:560), Judgment of 11 September 2012.

⁴ *Bund für Umwelt und Naturschutz Deutschland (Weser depth increase)* (C-461/13, EU:C:2015:433), Judgment of 1 July 2015.

2.3 *Nordrhein-Westfalen Case*

Additionally, Mr Sobotta mentioned the Land Nordrhein-Westfalen (Ummeln) case where a road project was authorized without assessing the impact on groundwater. This assessment, however, is necessary before authorization is granted, the Court reasoned.⁵ In this context, deterioration of the chemical status of a groundwater body was interpreted by the Court similarly to the quality of surface water.⁶

2.4 *Doñana Case*

In the deterioration of Doñana case, the Court evaluated whether there was an excessive abstraction of groundwater. Doñana National Park and adjacent protected areas are surrounded by intensive agricultural activities for the production of strawberries. The impression in this case was first that more groundwater was abstracted than recharged. According to a natural understanding of the concept of deterioration excessive abstraction would not be permissible. However, the Court adopted a contextual reading of the obligation to avoid deterioration of groundwater bodies. This means that overexploitation alone is not sufficient to qualify as deterioration. What is needed is a growing level of overexploitation. Regarding this definition, a good groundwater status is defined as a balance between abstraction and recharge of groundwater level. It means specifically that not more water is extracted than is created by rain, but this is measured over a long term. The Court concluded in this case that the obligation to prevent deterioration applies from 2009 and that consequently the requirement of improvement towards good status only needs to be met by 2015 and can be even extended till 2027. The deficit between abstraction and recharge was considered by the Court not to be growing but rather going down. Increasing the deficit on the other hand would be considered a deterioration.⁷

2.5 *Turów Case*

Subsequently, Mr Sobotta turned to a case which is still pending. Here, the Czech Republic brought an action against the operation of an opencast lignite mine across the border in Turów, Poland, It was claimed that drinking water supplies were in danger, as the mining operation could only continue if groundwater flowing into the pit was constantly pumped out.⁸ However, in the Doñana case the Court

⁵ *Land Nordrhein-Westfalen* (C-535/18, EU:C:2020:391), Judgment of 28 May 2020, para 75 & 76.

⁶ *Land Nordrhein-Westfalen* (C-535/18, EU:C:2020:391), Judgment of 28 May 2020, para 98.

⁷ *Commission v Spain (Deterioration of the Doñana natural area)* (C-559/19, EU:C:2021:512), Judgment of 24 June 2021, Para 129.

⁸ *Case Czech Republic v Poland (Turów opencast mining)* (C-121/21, pending), OJ 2021 C 138, p. 23; cf. Court Orders of 21 May and 20 Sept. 2021, at <https://curia.europa.eu>.

decided, the potential danger of water supplies did not necessarily constitute deterioration. In the Czech case there was no allegation that Article 4 of the Water Framework Directive was infringed directly. The pending case is now mostly based on the EIA Directive and has led to an interim injunction to stop the operation of the mine and a daily penalty order (both disregarded by Poland).⁹

2.6 Access to Justice - Folk Case

In this particular case, where the permit for a hydroelectric power plant was in dispute, the holders of fishing rights that could be affected by environmental damage to a river were deemed to have sufficient interest to initiate judicial review under the Environmental Liability Directive.¹⁰

2.7 Access to Justice - Protect Natur Case

This case was based essentially on Article 9 (3) of the Aarhus Convention. The Court came to the conclusion that this Article was directly applicable, in combination with Article 47 of the Charter of Fundamental Rights.¹¹

2.8 Access to Justice – Wasserleitungsverband Case

Legitimate users of groundwater wells such as drinking water providers or operators of wells, are directly concerned by insufficient implementation of the Nitrates Directive 91/676/EEC.¹² Therefore, the Court concluded that they should be able to bring an action before the courts without having to demonstrate health risks. In other cases, legitimate users of groundwater wells are also directly concerned by groundwater pollution and can thus bring actions over the possible infringement of Art. 4(1) (b) (i) of the WFD.¹³

3 Protecting Groundwater Resources for ecological and societal needs: struggling at the Member States level

Professor Marleen van Rijswick of Utrecht University as second speaker focused on the implementation of EU law in the Member States, as illustrated by the protection of groundwater in the Netherlands. Her concerns were in particular the tackling of drought

problems in a water rich country and of historical groundwater pollution by soil remediation. In addition, she addressed pollution from agriculture by chemicals and nitrates. Pointing to the many cross-cutting issues with other policy fields, she insisted that EU environmental law should address the drivers and impacts of pollution and water shortages and that legal measures alone cannot achieve the goals of the WFD.

3.1 General aims of the Directive

She then pointed again to the general aims for groundwater under the WFD such as:

- Causing no significant effects for groundwater dependent ecosystems;
- Protecting, improving and restoring all groundwater bodies;
- Ensuring a balance between abstraction and replenishment of groundwater;
- Protection of groundwater as a drinking water source.

Assessing those goals, following factors have to be looked at:

- Groundwater quality;
- Groundwater quantity;
- Cross cutting issues: multi sector challenges and benefits (nature, agriculture, chemicals).

3.2 Drivers and Impacts approach

Van Rijswick highlighted once again that the EU environmental legal regime should address both the drivers and impacts. She named some examples of those which have to be taken into account when making policies.

Mentioned Drivers were:

- Land use: agriculture, urbanization, industry;
- Use of groundwater as a resource (drinking water, water for industrial cooling, water for agriculture, wastewater, drainage);
- Climate Change/droughts;
- Historical pollution and existing groundwater rights.

Obvious impacts on groundwater quantity are:

- an overuse of groundwater, leading to an imbalance between abstraction and (natural) refill;
- Water stress for drinking water supply;
- Impacts for agriculture and industries;
- Water stress in nature areas.

Impacts on groundwater quality included:

- Pollution with chemicals, metals and nitrates; (especially in the Eastern part of the country);
- Consequences for failing to achieve good chemical status.

⁹ Directive 2011/92/EU. For the recent case history see also [here](#).

¹⁰ Folk (C-529/15, EU:C:2017:419), Judgment of 1 June 2017.

¹¹ Protect Natur-, Arten- und Landschaftsschutz Umweltorganisation (C-664/15, EU: C:2017:987), Judgment of 20 December 2017; Charter of the Fundamental Rights of the European Union, OJ 2012 C 326.

¹² Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources, OJ 375.

¹³ Wasserleitungsverband Nördliches Burgenland and Others (C-197/18, EU:C:2019:824), Judgment of 3 October 2019.

3.3 Solutions from a practical and legal perspective

She noticed that enforcement is lagging behind. Technical solutions are also needed here. The very first priority, however, is to increase the implementation of current directives (WFD, Groundwater Directive, Nitrates Directive, and Habitats Directive), of permits as well as general rules. These instruments are currently used rather weak in her view and permissions by means of general rules do not take cumulative effects into account. A stricter regime is needed to achieve the goal, which should include stricter enforcement. Additionally, legal instruments available in current directives have to be used. Implementation of measures in the areas of soil remediation and in raising water levels or store water during wet periods in order to create a better balance between abstractions and replenishment has to be strengthened.

3.4 Dutch Delta Programme

The speaker then elaborated on the proposed water quantity measures in the context of the *Dutch Delta Programme*, dealing with fresh waters and high sandy soils. This large policy programme is addressing climate issues, such as:

- flexible level management;
- stream restoration and reprofiling of laying waterways;
- adaptation of land use: changing function into space for water;
- area-oriented work on the retention of freshwater and/or the economical use of water with all stakeholders;
- conversion of coniferous forest into heath or deciduous forest;
- reducing local drainage;
- business-oriented incentive plans;
- targeted watering systems;
- improving soil structure.¹⁴

For most of these issues legal instruments are needed, and many areas in the Netherlands are affected. Van Rijswick named specifically the province of Noord-Brabant where water stress in nature areas is conspicuous. In order to determine a good quantitative groundwater status, a balance between abstraction and recharge has to be gained. Increasing the imbalance leads to deterioration. However, not meeting the good status is not a deterioration in itself.

3.5 Evaluating irrigation policy (Brabant 2014 – 2018)

Prof van Rijswick referred to several important cases in the context of the irrigation policy of the province

of Noord-Brabant in the Netherlands. The policy was based on two aims, to respond to changing needs and to ensure a robust water supply for farmers with more flexibility in time and space to address their needs. Both equally require an area-oriented regime.

Groundwater abstraction in Brabant led to serious harm for water levels and a conflict arose between drinking water companies and farmers. The question arose whether the irrigation policy was well-applicable and whether the water authorities comply actually with the WFD and the Habitats Directive.¹⁵ Due to its area differentiation, distinction between crops and the combination of irrigation under general rules or with a permit, or even without any specific regulation, the irrigation policy in Brabant proved to be (over-)complicated and does not comply with the WFD as water levels are increasing instead of not deteriorating or getting better. It was not clear how much groundwater was abstracted. Van Rijswick came to the conclusion that the irrigation policy has not led to better protection of the groundwater supply. Even though water-saving measures have been implemented, they did not outweigh the scale of irrigation from groundwater. This irrigation was regarded by the agro-industry as an essential part of their water supply. A significant increase in the amount withdrawn was observed. Therefore, the dependency on groundwater also increased over time. She remarked that there is a decline in the desiccation status of nature reserves, concerning both the groundwater-dependent ones and beyond.

This was equally caused by extracting groundwater and by climate change and evaporation. The advice is therefore to see both causes in conjunction and to retain more rainwater regionally.

3.6 Urgency to act

The obvious imbalance highlights the urgency to act. Despite the fact that the WFD requires good groundwater status at the latest by 2027, a balance between replenishment and utilization has not been reached yet. There has been even a deterioration in the quantitative groundwater status. In Van Rijswick's view, due to climate change, summers will become warmer leading to longer periods of droughts overall, reducing the replenishment of groundwater. The desiccation problem contributes also significantly to the deterioration of Natura 2000 areas within the meaning of Article 6(2) of the Habitats Directive.¹⁶ As the water reserves are often located on private ground, a cooperation between public and private actors is needed. Additionally, there is only a limited control over the total size of groundwater abstractions. Permit-free irrigation disregards the effect of

¹⁴ Dutch National Delta Programme 2022, see [here](#) (last access 01.12.2021).

¹⁵ Council Directive 92/43/EEC.

¹⁶ Council Directive 92/43/EEC.

cumulative abstraction, and there is no maximum limit to it. Speaking of legal disputes, there is a risk of conflict between the authorities and different user groups such as drinking water companies and environmental NGOs.

3.7 Cross-Cutting issues

Another important finding emphasized by van Rijswick was that groundwater protection is often about cross-cutting issues and complementary legislation. It is linked to nature protection – one of the objectives of the WFD – but involves in particular drinking water abstraction, industrial as well as agricultural use and pollution, all of which is aggravated by climate change and longer drought periods.

3.8 The good chemical status and the relationship between Water Framework Directive and Nitrates Directive

In the context of limiting pollution and achieving a good chemical status, van Rijswick raised the issue about the legal relationship between the Water Framework Directive and the Nitrates Directive. It is not clear why certain quality standards regarding chemical status are not included in the Nitrates Directive nor are sufficient regulated in the WFD. In this context she mentioned an ECJ decision of 2005 in an infringement case against Spain which, however, might hopefully not be relevant case-law any more.¹⁷ In the end it is doubtful which legal instruments are appropriate and effective in dealing with diffuse sources of pollution.

4 Discussion Round and Questions

4.1 Definition of deterioration

First question in the discussion round concerned the Turow Open Mining case and why it did not result in ‘deterioration’ being established. Mr Sobotta replied that the case was not based on the WFD. Deterioration of water bodies could not be observed, similarly to Doñana, as long as the abstraction is kept at a constant level and not increased. The question was put how an effective legal regime for WFD implementation can be reached with this interpretation and how it compares to the improvement obligation? Prof. van Rijswick pointed out that the focus is at present mostly on deterioration and less on improvement. Mr Sobotta replied that the current management plans should demonstrate how good status is to be achieved. In his view, the WFD does not currently oblige the member states to increase the level of groundwater. According to Prof. van Rijswick, even if this applies, there should be at least no diminishment of the

groundwater level. The conclusion here was that it is sufficient to maintain a balance between extraction and replenishment and that in the end a good status should be achieved in 2027.

Thomas Ormond subsequently raised the question whether there are already infringement proceedings under the Water Framework Directive for insufficient management plans. Mr Sobotta pointed to the Doñana Case in this context but doubted whether the Commission has the manpower and necessary expertise to follow up these cases. He does not expect a wave of infringement proceedings to come in the foreseeable future.

4.2 Deterioration through chemicals

Another questioner inquired if this interpretation of deterioration also applies to groundwater pollution by chemicals. The reply was that if there has been already pollution, this does not lead to deterioration but merely to a bad chemical status.

There were doubts whether in already polluted waterbodies certain environmental standards have to be met or the overall trend has to be reversed.

4.3 Considering terrestrial ecosystems

Another question concerned the definition of good quantity standards for groundwater and the potential damage to terrestrial ecosystems which are directly dependent on groundwater bodies.¹⁸ The questioner expressed her concern that this criterion was not sufficiently taken into account in recent case law and that achieving a balance of abstraction did not prevent a significant damage to terrestrial ecosystems. Mr Sobotta replied that in the Doñana case the Commission did not demonstrate that groundwater abstraction resulted in damage to the habitats concerned and so a breach of the WFD. However, this did not mean that the Commission did not consider it to be relevant as they successfully claimed an infringement of the Habitats Directive in the same case. Prof van Rijswick likewise considered the double-sided approach as very important, covering the synergies between the Water Framework Directive and the Habitats Directives, as was demonstrated in the case of the Dutch province Brabant.

4.4 Balanced approach in the groundwater quantity assessment

When questioned on the balanced approach in abstraction of groundwater, considering the drought and rain periods, Mr Sobotta referred again to the

¹⁷ Judgment of 8 Sept. 2005, Cases C-121/03 & C-416/02 (Commission vs Spain).

¹⁸ Referral to Annex V, Art. 2.3.2: Definition of good groundwater chemical status: “The chemical composition of the groundwater body is such that the concentrations of pollutants: [...] are not such as would result in failure to achieve the environmental objectives specified under Article 4 for associated surface waters nor any significant diminution of the ecological or chemical quality of such bodies nor in any significant damage to terrestrial ecosystems which depend directly on the groundwater body”.

Doñana case that showed that not each dry summer is significant. Nevertheless, there is an assumption that during periods of rain Member States should use the opportunity for the restoration of groundwater resources. Otherwise, a deterioration could follow. In view of the commitment under the WFD to preserve groundwater bodies, this can be considered as the aim of each Member State. A balanced and rational approach between the dry and wet years can be used in the assessment and a proper water management is expected from all parties. In this context, Member States do enjoy a certain margin of discretion in their measures concerning the current groundwater quantity status.

4.5 *The maximum abstraction limit and nitrate emissions*

The discussion consequently turned to the definition of a maximum for the total abstraction level, as this is prescribed in the case of nitrate emissions. The limit to emissions is determined by the critical nitrates impact on the type of habitat where no harm should occur. Mr Sobotta was positively referring to the approach used in the Netherlands in that respect. On the other side, for the groundwater level, a certain balance and recharge need to be achieved and the capacity to do this over a certain time is assessed, with the aim to achieve a long-term preservation.¹⁹ In the end, the total amount of water should not decrease because of increasing abstraction. However, no explicit maximum regarding the possible amount of abstraction in the WFD exists. A combined approach is therefore needed: reaching a certain goal regarding the preservation of the water resources and an obligation not to deteriorate at the same time. In this context, the Weser Case served as a good example. The court looked at the rationale behind the Water Framework Directive and at the whole set of instruments to make it effective. Van Rijswick emphasized that an integrative, holistic explanation was applied here which could be a helpful orientation for the future.

4.6 *Conflicting goals between different Directives*

The following discussion centered on potential conflicts between the different Directives, such as the Floods Directive and the Water Framework Directive, aiming at different goals such as the use of groundwater in rain periods and the protection of buildings and arable land against floods. Prof. Rijswick replied that in such cases, the stricter regime takes priority. One of the possible exemptions from the obligation to preserve water resources is

consequently civil protection against floods, even if this implies deterioration of groundwater. Prof. Rijswick added that drivers, impacts and possible solutions have to be considered here. From a legal perspective, there is a need to differentiate between the drivers in human behaviour and other (natural) causes. Law can only mitigate the former.

4.7 *The difficulty of assessing impacts on terrestrial and aquatic ecosystems*

When assessing impacts on terrestrial and aquatic systems, several factors have to be taken into account. There are complex mutual interdependencies, especially if groundwater abstraction affects nature reserves, aquatic systems and surface waters. Thus it may be difficult to decide which measures should be taken in certain cases where all those factors have to be taken into consideration. In the context of climate change, the possible long-term impacts on groundwater are equally difficult to assess.

4.8 *Access to justice in cases of environmental damage*

The discussion finally led to the controversial topic of environmental damage caused by industrial operators. In certain cases, there exist possibilities for environmental NGOs and water users to bring a legal action against the polluting activity which causes environmental damage. In the Gert Folk case²⁰ where such damage occurred in the context of a hydropower plant on a river, operators showed their concern that any kind of hydropower generation could be stopped as illegal by NGO lawsuits. Here the ECJ decided that even years after issuing the license, an environmental damage caused by these installations could lead to them being subjected to a new assessment. Mr Sobotta replied that in this regard a clear trend for access to justice could be observed in the last years. However, on the merits an NGO trying to stop the operation might lose the case if the licensing authority performed a proper environmental impact assessment and can show an overriding public interest in the operation of the hydropower plant.

4.9 *Concluding discussion remarks*

Projects leading to a negative impact on the environment will still happen, according to the main speakers. However, instead of focusing on a single project a broader approach should be applied. Prof. van Rijswick mentioned in this respect that permits for large projects have to be assessed in the light of the requirements of the whole Water Framework Directive. The Directive itself does not mention specific type of projects but only an obligation to prevent deterioration (Art. 4.1 WFD) and to achieve

¹⁹ See Art 1 of the WFD: "The purpose of this Directive is to establish a framework for the protection of inland surface waters, transitional waters, coastal waters and groundwater which: [...] b) promotes sustainable water use based on a long-term protection of available water resources".

²⁰ ECJ judgment of 1 June 2017, C-529/15, ECLI: EU: C: 2017:419.

the goals in time by using the combined approach of Art. 10 WFD. On this basis, claims can be brought by environmental NGOs. In his final comment Mr Ormond concluded that water authorities in many EU countries have a wide range of legal instruments but do not necessarily make use of them.

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In many countries lawyers are working on aspects of environmental law, often as part of environmental initiatives and organisations or as legislators. However, they generally have limited contact with other lawyers abroad, in spite of the fact that such contact and communication is vital for the successful and effective implementation of environmental law.

Therefore, a group of lawyers from various countries decided to initiate the Environmental Law Network International (elni) in 1990 to promote international communication and cooperation worldwide. elni is a registered non-profit association under German Law.

elni coordinates a number of different activities in order to facilitate the communication and connections of those interested in environmental law around the world.

Coordinating Bureau

Three organisations currently share the organisational work of the network: Öko-Institut, Technische Hochschule Bingen (TH Bingen) and sofia, the Society for Institutional Analysis, located at the Darmstadt University of Applied Sciences. The person of contact is Prof. Dr. Roller at TH Bingen.

elni Review

The elni Review is an English language law review. It publishes articles on environmental law, focussing on European and international environmental law as well as recent developments in the EU Member States. elni encourages its members to submit articles to the elni Review (info@elni.org) in order to support and further the exchange and sharing of experiences with other members.

The first issue of the elni Review was published in 2001. It replaced the elni Newsletter, which was released in 1995 for the first time.

The elni Review is published by Öko-Institut, TH Bingen and sofia.

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elni conferences and fora are a core element of the network. They provide scientific input and the possibility for discussion on a relevant subject of environmental law and policy for international experts. The aim is to gather together scientists, policy makers and young researches, providing them with the opportunity to exchange views and information as well as to develop new perspectives.

The aim of the elni fora initiative is to bring together, on a convivial basis and in a seminar-sized group, environmental lawyers living or working in the Brussels area, who are interested in sharing and discussing views on specific topics related to environmental law and policies.

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elni Website: elni.org

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