

EN
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Answer given by Ms Roswall
on behalf of the European Commission
(25.8.2026)

All the elements related to status assessment under the Water Framework Directive¹ (WFD) ought to be based on the best available evidence and methodologies. In addition, the Court of Justice of the European Union has held that the environmental objectives of the WFD are binding on Member States, while leaving them a margin of discretion regarding the technical and methodological means of implementation, in particular the assessment and classification of water status and the design of measures to achieve those objectives².

Cedillo's reservoir is designated as a heavily modified water body³ (HMWB) under the WFD. It is therefore subject to the objective of good ecological potential⁴ (GEP), instead of good ecological status (GES). Flow conditions consistent with GES of a natural water body are called 'ecological flow'⁵, while flow conditions consistent with GEP of an HMWB are called 'GEP flow'⁶. This reservoir is subject to the objective of GEP, then by definition to a GEP flow.

The WFD requires Member States to strengthen transboundary cooperation in international river basins. The Commission does not have evidence at this stage of the incompatibility of the Albufeira Convention with the WFD provisions. At the same time, the Commission recalls that, under the WFD, hydrological regimes – including flow conditions – should support the achievement of the relevant environmental objectives for the water body concerned. In this regard, the Commission will, during 2026-27, hold structured dialogues with Spain and Portugal – as with all Member States – to ensure that adaptations are made where necessary.

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, OJ L 327, 22.12.2000, pp. 1–73.

² Case C-461/13, paragraph 43 (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62013CA0461>) and Case C-346/14, paragraphs 53-55 and 70 (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62014CA0346>).

³ According to WFD article 4.3, such designation is possible only if the changes to the hydromorphological characteristics of the water body which would be necessary for achieving good ecological status would have significant adverse effects on various uses, including inter alia, navigation, hydropower generation, drinking-water supply, and flood protection. Besides, another necessary condition for the designation as heavily modified water body is that the beneficial objectives served by the artificial or modified characteristics of the water body cannot, for reasons of technical feasibility or disproportionate costs, reasonably be achieved by other means, which are a significantly better environmental option.

⁴ As defined under WFD annex V.

⁵ As defined in guidance document n° 31 under the Common Implementation Strategy for the WFD : Ecological flows are considered within the context of the WFD as 'an hydrological regime consistent with the achievement of the environmental objectives of the WFD in natural surface water bodies as mentioned in Article 4(1)', <https://circabc.europa.eu/ui/group/9ab5926d-bed4-4322-9aa7-9964bbe8312d/library/0c814b98-ee99-4376-9313-9655d522ef9c/details>.

⁶ As defined in guidance document n° 37 under the Common Implementation Strategy for the WFD, <https://circabc.europa.eu/ui/group/9ab5926d-bed4-4322-9aa7-9964bbe8312d/library/e1e6f1c6-5025-4312-92e8-1e0874ce82b6/details>.