Opinion of the European Economic and Social Committee on the proposal for a Directive of the European Parliament and of the Council 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 Directive 2008/105/EC on environmental quality standards in the field of water policy

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1. **Conclusions and recommendations**

1.1. The European Economic and Social Committee (EESC) strongly supports the European Commission's proposal to add a number of crucial water pollutants to the lists of priority substances for surface and groundwater, which will be used to assess chemical status under the Water Framework Directive. Member States will have to monitor their presence in water and make sure that quality standards are not surpassed. The proposal is several years overdue and is a welcome attempt to bring chemical water status assessment up to date.

1.2. The EESC points out that clean water is fundamental for our society and the environment, as well as for socioeconomic activities. A strong water protection framework, focusing on pollution reduction at source, will bring benefits for ecosystems, recreational water users and industry, and ensure clean and affordable drinking water.

1.3. While there are costs associated with the initiative, for example for wastewater treatment, the EESC stresses that benefits associated with unpolluted water outweigh them, for example by avoiding exposure to harmful chemicals and less need for treatment to reach drinking water standards. Changing use-patterns of harmful substances, with the objective of reducing their presence in water, can also bring co-benefits such as reduced exposure to harmful pesticides for workers in the agri-food sector.

1.4. More should be done for health and safety in the workplace. The EESC asks for specific guidelines to be developed for industries that use water with different substances in the production processes.

1.5. The EESC recommends that the Member States do more to collect, organise and interpret water data and put environmental data needs at the top of their priorities. Reducing data delays and ensuring specific indicators across the Member States is important.

1.6. More than 60 % of European waters still do not have good chemical status under the Water Framework Directive ([1]), but this does not give the full picture of the issue as current assessment doesn't take into account effects of chemical mixtures that can occur even when pollutants are present at 'safe' levels. More should be done to evaluate and monitor the impact of the combined substances on the environment and human health.

1.7. Banned pesticides are still present in European waters. The EESC stresses that monitoring measures, including ending illegal use and derogations, must remain in place in the Member States where excessive amounts are detected, even if those substances have been de-listed as priority substances at EU level.

1.8. Water is a vital but an increasingly scarce resource. Two thirds of European citizens consider water quality and/or quantity in their country to be a serious problem ([2]). For a successful implementation of SDG 6 'Ensuring access to water and sanitation for all' and for avoiding future crisis, these concerns need to be treated with due urgency. Facilitating access to adequate resources, equipment and human resources should be a priority for Member States alongside consolidation of the control institutions and increasing the number of control inspectors.

1.9. The EESC also calls on the European institutions to start addressing water as a priority and develop an 'EU Blue Deal': a radical effort to anticipate needs, to preserve water resources and adequately manage related challenges through a comprehensive and coordinated roadmap, setting ambitious targets and actions linked to agreed milestones. The EESC will make concrete proposals towards a EU Blue Deal in the course of 2023.

2. **Context**

2.1. The revision of the lists of surface and groundwater pollutants, presented in the Commission's proposal for a Directive amending the Water Framework Directive (WFD), the Environmental Quality Standards Directive (EQSD) and the Groundwater Directive (GWD), aims to address two main problems:

— The lists of priority substances are incomplete and out of date and do not offer adequate protection of ecosystems and human health from risks posed by water pollution.

— The large variation in pollutants and quality standards set at national level is too large. Data reporting is burdensome as it is not adapted to today's technology. The procedure for reviewing the lists of priority substances is excessively lengthy.

2.2. For surface water, the revision proposes to add 24 individual substances (pesticides, pharmaceuticals and industrial chemicals) and a group of 24 per- and polyfluoroalkyl substances (PFAS) to the list of priority substances for surface water as well as to amend the environmental quality standard (EQS) for 16 substances already listed and remove four substances deemed to no longer pose an EU-wide threat. Additionally, a threshold value for pesticides is introduced in line with the provisions for groundwater.

2.3. For groundwater, it is suggested that a group of 24 PFAS, two antibiotics and a range of pesticide metabolites be added to Annex I to the GWD with EU-wide thresholds. Additionally, a threshold value for pharmaceuticals is introduced. One pharmaceutical is added to Annex II GWD, which means that the Member States need to consider setting a national threshold.

2.4. The Commission will develop a methodology to monitor microplastics and antimicrobial resistance genes with the aim of listing them as pollutants in the future.

2.5. In order to improve the monitoring of groundwater pollutants, the 'watch list' procedure has become mandatory for groundwater monitoring.

2.6. Standards for pollutants regulated at river-basin level have been harmonised and will be included in the assessment of chemical status.

([1]) EEA, Report No 7/2018, European waters: Assessment of status and pressures 2018.
([2]) European Water Association (EWA), Water Manifesto.

2.7. Member States are required to monitor estrogenic substances using effect-based methods over a period of two years in parallel to conventional chemical monitoring of three estrogenic substances. The definition of environmental quality standard in the WFD is amended to include effect-based trigger values used for effect-based monitoring.

3. **General comments**

3.1. More than 20 years after the adoption of the Water Framework Directive, water pollution remains a wide-spread issue in Europe, with negative influence on aquatic life, recreational use of water and drinking water provision. It also constitutes a concern for agriculture and industry. Two thirds of surface water bodies and one quarter of groundwater bodies in Europe still do not have a good chemical status ([3]), but this is only assessed against a small subset of pollutants and does not reflect the full extent of water pollution.

3.2. Water pollution comes at a large cost for society, estimated at EUR 22 billion annually, only taking nutrient pollution into account ([4]). Even if the 'polluter pays' principle is enshrined in the EU Treaties, it is still not well implemented, meaning that the cost of pollution is largely born by taxpayers ([5]). Exposure of humans and the environment to harmful substances comes at a great cost, and remediation and treatment of contaminated water is costly. All efforts must therefore be directed towards preventing pollution at source.

3.3. The threat of chemical cocktail effects on aquatic life and human health is a well-recognised issue and the deficiencies of the current monitoring and reporting framework was one of the key points for the ongoing revision to solve. Findings and recommendations from the scientific community, e.g. in the framework of the EU's SOLUTIONS and NORMAN projects, should be taken into account.

3.4. The review of the lists of surface and groundwater pollutants should be done every four and six years respectively. The current revision is overdue as the last revisions were in 2013 and 2014 for surface and groundwater pollutants respectively. This means that the new priority substances will only form part of the chemical status assessment of the 4th cycle river basin management plans, with a proposed compliance date of 2033. Given the dire state of European water quality, and the fact that the proposed substances are already proven to be of EU-wide concern for water, the EESC strongly urges that measures be taken without delay to decrease the concentration of these and other pollutants in all EU waters. The EU must respond faster to scientific knowledge on water pollution and must translate it into legal action and solutions. Access to justice in environmental matters is also essential, the Members States and European Union should ensure efficient and faster judicial and administrative procedures ([6]).

3.5. The EESC supports the addition of new pollutants to the list of priority substances for surface and groundwater. The lists not only require Member States to reduce the release of these substances into the environment but also trigger measures under other Directives ([7]). However, if the lists are not up to date or are too narrow, environmental action may be limited. Likewise, pollutants have largely been added as individual substances, without taking into account chemical mixture effects.

3.6. The EESC welcomes the fact that PFAS have been added as a group of 24 substances with a threshold value for the group, and also welcomes the introduction of a threshold value for pesticides in surface water and a threshold value for pharmaceuticals in groundwater. While some of these threshold values might be too high to be protective, this is in line with the ambition of the Chemicals Strategy for Sustainability to regulate substances as a group. However, such threshold values should also be developed for other substance groups, including bisphenols, pyrethroids and neonicotinoids.

([3]) EEA, Report No 9/2021, Drivers of and pressures arising from selected key water management challenges: A European overview.
([4]) European Commission, Green taxation and other economic instruments — Internalising environmental costs to make the polluter pay.
([5]) ECA, Special Report 12/2021, The Polluter Pays Principle: Inconsistent application across EU environmental policies and actions.
([6]) EESC opinion *Application of the Aarhus Convention — Access to Justice in Environmental Matters* (OJ C 123, 9.4.2021, p. 66).
([7]) For example, Plant Protection Products Regulation (PPPR) authorisations must be reviewed if Water Framework Directive chemical status is at risk.

3.7. Even though pesticides are banned, they can continue to be present in the environment, where they exert a threat to aquatic life and human health, either via legal exceptions, illegal use or because the substance is hard to degrade. The vast majority of pesticides detected in water in some Members States are not authorised, including DDT, lindane, atrazine and endosulfan ([8]). It is crucial that the monitoring and efforts to reduce their presence continue.

3.8. It is also proposed to delete Article 16 of the WFD on the grounds that it has become obsolete. This, however, is only partly correct because the deletion would result in an elimination of the 20-year deadline for the phasing out of priority hazardous substances. The phasing out obligation, one of the main objectives of the WFD, is only enforceable if it is linked to a clear deadline. Already under the existing WFD the phasing out obligation has widely been disregarded; the less concrete it becomes the more authorities will try to ignore it. This would constitute a serious weakening.

3.9. Citing the 'one substance, one assessment' approach under the Chemicals Strategy for Sustainability, the proposal assigns a central role to the European Chemicals Agency (ECHA) to take over a set of responsibilities from DG ENVI and the JRC in identifying water pollutants and their associated quality standards. Given that ECHA primarily deals with chemicals regulated under the Regulation on the registration, evaluation, authorisation and restriction of chemicals (REACH), which does not include pesticides and pharmaceuticals, the EESC urges the ECHA to strengthen their (legal and technical) capacity on pharmaceuticals and pesticides to be equipped to deal with their new tasks. The EESC also recommends that the ECHA in this context cooperate with skilled partners, including at the regional level, e.g. universities and their laboratories.

3.10. More should be done for health and safety in the workplace, e.g. in the agri-food sector. In this regard the EESC is asking for specific guidelines to be developed for industries that use water with different substances in the production processes.

4. **Specific comments**

4.1. The EESC welcomes the fact that monitoring data and the resulting status should be made available to the European Environmental Agency and the public at least once a year, instead of every six years, as was previously the case. This will provide a more up-to date picture of the state of Europe's waters and the progress towards achieving the goal of the WFD.

4.2. The EESC welcomes the provision to use effect-based methods for the monitoring of estrogenic substances. This will capture the effect of all estrogenic substances with similar effects and not only from the three estrogenic substances monitored using conventional chemical techniques. While the inclusion of trigger values in the definition of environmental quality standard opens the possibility for the introduction of effect-based monitoring of mixture effects in the future assessment of chemical status, the Commission should be empowered to come forward with delegated acts to require further use of effect-based monitoring.

4.3. The quality standards for glyphosate have been set before the final opinion of the Scientific Committee on Health, Environmental and Emerging Risks (SCHEER) has been issued, without any indication that they will be revised following the final scientific opinion, meaning that input from civil society in the SCHEER consultation is not being taken into account. The SCHEER should also take into account the views of civil society ([9]) on this final opinion. It is not too late because the process for the revision of the Environmental Quality Standards (EQS) for glyphosate is still ongoing, as required by the Water Framework Directive. And this should form the basis of the Commission's proposal for the establishment of threshold values in surface waters.

4.4. The EESC considers that no individual EQS for pesticides should be higher than the proposed 'total pesticides' parameter (0,5 µg/L) ([10]). Therefore, the proposed EQS for inland surface water not used for drinking water abstraction (86,7 µg/L) should not be used. Instead, based on a precautionary approach, the EESC advises that the proposed EQS for surface water used for drinking water abstraction (0,1 µg/L) should cover all inland surface water. The EQS for 'other surface water' should be consequently amended to 0,01 µg/L following the practice to use one order of magnitude lower thresholds for 'other surface water' compared to 'inland surface water'.

([8]) PAN Europe and Ecologistas en Acción, Ríos hormonados: Contamination of Spanish Rivers with Pesticides.
([9]) Joint NGO analysis of the Commission's proposal for a revised list of priority substances for surface and groundwater.
([10]) COM(2022)540.

4.5. The individual threshold for pesticides in groundwater is based on what was possible to analyse with analytical techniques in the 1990s ([11]). Technical progress has been made since then and it is now possible to detect lower concentrations. In surface water, lower threshold values are already set for several pesticides. The EESC regrets the fact that the Commission has not reviewed the individual threshold value for pesticides in the revision of surface and groundwater pollutants. In groundwater, an arbitrary threshold of 0,1 μg/L for plant protection products is applied, based on analytical techniques, there are now improved techniques that allow scientific information to be available to establish thresholds based on the actual risk associated with the different substances.

4.6. There is a continued lack of indicators to monitor the health of groundwater systems, such as temperature, despite the fact that science already provides robust funding for establishing relevant criteria. The EESC wonders why the Commission has not included such relevant criteria in its proposal. Such criteria should be added in the Annex I GWD in line with recital 20 and Article 4(5) of the GWD and comply with the groundwater-related requests in the resolution of the European Parliament concerning the implementation of water legislation (17.12.2020).

Brussels, 22 February 2023.

The President
of the European Economic and Social Committee
Christa SCHWENG

([11]) See remarks from the EMA in Guideline on assessing the environmental and human health risks of veterinary medicinal products in groundwater and from the EEA in ETC/ICM Report 1/2020: Pesticides in European rivers, lakes and groundwater — Data assessment.