## Basic information

**COD - Ordinary legislative procedure (ex-codecision procedure)**  
2022/0344(COD)  

*Awaiting Parliament's position in 1st reading*

**Protection of groundwater against pollution and environmental quality standards in the field of water policy**


**Subject**

3.70.04 Water control and management, pollution of waterways, water pollution

**Legislative priorities**

*Joint Declaration 2023-24*  
*Joint Declaration 2022*

## Key players

### European Parliament

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<thead>
<tr>
<th>Committee</th>
<th>Rapporteur</th>
<th>Appointed</th>
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<tr>
<td>ENVI</td>
<td>BRGЛЕZ Milan</td>
<td>11/01/2023</td>
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<td>ENVI</td>
<td>MELBĀRDE Dace</td>
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<td>ENVI</td>
<td>CONTE Rosanna</td>
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<td>ENVI</td>
<td>KARSKI Karol</td>
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<td>ENVI</td>
<td>MESURE Marina</td>
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<table>
<thead>
<tr>
<th>Committee for opinion</th>
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<td>ITRE</td>
<td>GÁLVEZ MUÑOZ Lina</td>
<td>25/04/2023</td>
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<tr>
<td>AGRI</td>
<td>HÄUSLING Martin</td>
<td>08/12/2022</td>
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The committee decided not to give an opinion.

### Key events

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<td>26/10/2022</td>
<td>Legislative proposal published</td>
<td>COM(2022)0540</td>
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<td>19/01/2023</td>
<td>Committee referral announced in Parliament, 1st reading</td>
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<td>27/06/2023</td>
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<td>Debate in Parliament</td>
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<td>12/09/2023</td>
<td>Decision by Parliament, 1st reading</td>
<td>T9-0302/2023</td>
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<tr>
<td>12/09/2023</td>
<td>Matter referred back to the committee responsible</td>
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### Technical information

- **Procedure reference**: 2022/0344(COD)
- **Procedure type**: COD - Ordinary legislative procedure (ex-codecision procedure)
- **Procedure subtype**: Legislation
- **Legislative instrument**: Directive
  - Amending Directive 2000/60 1997/0067(COD)
  - Amending Directive 2006/118 2003/0210(COD)
  - Amending Directive 2008/105 2006/0129(COD)
- **Legal basis**: Treaty on the Functioning of the EU TFEU 192-p1
- **Other legal basis**: Rules of Procedure EP 159
- **Mandatory consultation of other institutions**: European Economic and Social Committee, European Committee of the Regions
- **Stage reached in procedure**: Awaiting Parliament's position in 1st reading
- **Committee dossier**: ENVI/9/10497

### Documentation gateway

- **Legislative proposal**: COM(2022)0540 26/10/2022 EC Summary
Protection of groundwater against pollution and environmental quality standards in the field of water policy

PURPOSE: to update lists of water pollutants to be more strictly controlled in surface waters and groundwater.


ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: EU water legislation shares an overarching objective of protecting human health and the environment from the combined effects of toxic and/or persistent pollutants.

This proposal covers amendments to three Directives:
- 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,
- Directive 2008/105/EC on environmental quality standards (EQS) in the field of water policy.

The Commission conducted a review of the list of priority substances in the Annexes of the Directives and concluded, in the light of new scientific knowledge, that it is appropriate to amend those lists.

PURPOSE: with this proposal, the Commission aims to protect European citizens and natural ecosystems from risks posed by pollutants and their mixtures. The ultimate aim of the initiative is to set new standards for a series of chemical substances of concern to address chemical pollution in water, to facilitate enforcement based on a simplified and more coherent legal framework, to ensure dynamic and up-to-date information on water status, facilitated by the European Environment Agency (EEA), and create a more flexible framework for addressing pollutants of emerging concern. This would be based on wide stakeholder involvement as well as sound scientific support from the European Chemicals Agency (ECHA) to ensure maximum synergies and coherence across EU laws on chemicals.

More specifically, the proposal will:
- reduce concentrations of acutely toxic and/or persistent chemicals in surface and groundwater. Benefits will include reduced impacts on the environment, human health, pollinators and agriculture;
- improve the quality of oceans, lakes, rivers, streams, estuaries, and wetlands and of the services they deliver such as clean water, rich soils and a high biodiversity;
- limit or avoid future costs of water treatment by reducing pollution at the source;
- make chemical monitoring data more easily available, accessible and re-usable which will be useful for a better safety assessment of chemicals altogether;
- require that Member State authorities warn immediately downstream Member States in the same river basin, as well as the Commission, in case of exceptional circumstances of natural origin or force majeure, in particular extreme floods, prolonged droughts, or significant pollution incidents. This will provide faster and better response to events such as the Oder river pollution from summer 2022;
- work on tools to monitor and develop a policy response to problematic substances, such as microplastics and antimicrobial genes;
- support the one substance, one assessment approach' where the same chemical is evaluated in the same way regarding the risk it poses by
different EU laws and policies to limit regulatory burden;

- ensure more dynamic and up-to-date information on water status facilitated by the European Environment Agency.

The new rules recognise the cumulative or combined effects of mixtures shifting away from the current focus on individual substances solely. Furthermore, the proposal takes account of seasonal variations in the amount of pollution, such as in the case of pesticides used by farmers during planting seasons.

The current proposal is also consistent with the recently revised Drinking Water Directive, which enters into force in 2023. By aiming to reduce pollution of surface and groundwaters, it will protect vital drinking water sources and reduce the cost of treatment. The Drinking Water Directive and this proposal address a wide range of pollutants, in particular pesticides, pharmaceuticals and the group of per- and polyfluoroalkyl substances (PFAS).

Budgetary implications

The proposal will have budgetary implications for the Commission (EUR 500 000), the European Environment Agency (EEA) (EUR 7 million) and the European Chemicals Agency (ECHA) (EUR 8.9 million) in terms of human and administrative resources required.

Protection of groundwater against pollution and environmental quality standards in the field of water policy


This new legislative proposal presented by the European Commission brings forward a revision of the Water Framework Directive together with its two daughter Directives, the Groundwater Directive and the Environmental Quality Standard Directive with the purpose to improve the EU water legislation towards achieving its overarching objective of protecting human health and natural ecosystems from toxic pollutants.

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

Progressive reduction of priority hazardous substances

According to Members, the Commission should adopt the necessary legislation and Member States shall implement the necessary measures to progressively reduce pollution discharges, emissions and losses from priority substances, and to cease or phase out emissions, discharges and losses of priority hazardous substances within an appropriate timeline and, in any case, not later than 20 years after a given priority substance is listed as hazardous in Part A of Annex I to Directive 2008/105/EC.

That timeline should apply without prejudice to the application of stricter timelines in any other applicable Union legislation.

Emerging and new substances

Members proposed that the watch list - which lists substances or groups of substances for which there are indications that they present a significant risk to human health and the environment - should not be limited to a maximum number as proposed by the Commission. The watch list should contain at least five substances or groups of substances and specify, for each substance, the applicable monitoring matrices and any analysis methods. This list should be updated regularly to take account of new scientific evidence.

The substances or groups of substances to be placed on the watch list should be selected from among those substances which, on the basis of available information, could pose a significant risk at Union level to or via the aquatic environment, and for which monitoring data are insufficient. In addition to the minimum number of substances or groups of substances, the watch list could also contain pollution indicators.

Members propose that a number of substances be added to the list as soon as appropriate monitoring methods have been identified. These include micro-plastics, antimicrobial resistant micro-organisms and certain antimicrobial resistance genes, as well as possibly sulphates, xanthates and non-relevant metabolites of pesticides.

Groundwater pollution

Members considered that a precautionary approach should be applied when setting groundwater threshold values to protect human health, groundwater ecosystems and groundwater-dependent ecosystems. The threshold values applicable to groundwater should normally be 10 times lower than the corresponding threshold values for surface waters. However, where the actual risk posed to the groundwater eco-systems can be established, it could be appropriate to set threshold values for groundwater at a different level.

Each Member State should select at least two monitoring stations, plus the number of stations equal to its total area in km² of groundwater bodies divided by 30 000.

The Commission should, not later than four years after the date of entry into force of this Directive, publish an assessment of the impacts of physico-chemical elements, like pH, oxygenation, and temperature, on health of groundwater ecosystems, accompanied, where appropriate, by a legislative proposal to revise this Directive accordingly, in order to set the corresponding parameters, provide for harmonised monitoring methods, and define what would constitute a good ecological status for groundwater.

The Commission should publish an assessment of the chemical status of areas characterised by high ecological value, vulnerability or pollution, such as caves and karst areas, former industrial sites and other areas with known historical contamination, accompanied, where appropriate, by a legislative proposal to revise this Directive.

Members also wanted a subset of specific PFAS (perfluoroalkylated and polyfluoroalkylated substances) and PFAS Total (a parameter that includes all PFAS with a maximum concentration) to be added to the list of groundwater pollutants. They also want stricter standards for glyphosate, bisphenol (bisphenols total), atrazine, pharmaceuticals and non-relevant metabolites of pesticides.

The matter was referred back to the committee responsible for inter-institutional negotiations.

**Common good and a heritage**

Parliament underlined that water is a public good for the benefit of all which, as an essential natural resource that is irreplaceable and indispensable to life, needs to be carefully considered in the light of its social, economic and environmental dimensions. Climate change, including the increased frequency of natural disasters and extreme weather events, and the degradation of biodiversity, both negatively affect water quality and quantity, leading to pressure on sectors dependent on the availability of water, particularly agriculture.

**Progressive reduction of priority hazardous substances**

According to Members, Member States should implement the necessary measures to progressively reduce pollution discharges, emissions and losses from priority substances, and to cease or phase out emissions, discharges and losses of priority hazardous substances within an appropriate timeline and, in any case, not later than 20 years after a given priority substance is listed as hazardous in Part A of Annex I to Directive 2008/105/EC.

**Emerging and new substances**

The number of substances or groups of substances to be monitored and analysed under the watch lists for surface water and groundwater should not be limited.

Members proposed that the watch list - which lists substances or groups of substances for which there are indications that they present a significant risk to human health and the environment - should contain a minimum of five substances or groups of substances of emerging concern selected from amongst those substances for which the information available, also in accordance with sub-paragraph four below, indicates that they may pose a significant risk at Union level to, or via, the aquatic environment, and for which the monitoring data are insufficient. This list should be updated regularly to take account of new scientific evidence.

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Based on the precautionary principle, a common and unified AA-EQS for inland surface waters and, separately, for other surface waters, should be adopted in relation to glyphosate.

**Extended producer responsibility**

Members considered that, in accordance with the polluter pays principle, producers placing on the Union market products that contain substances which have a proven or potential negative impact on human health and the aquatic environment take financial responsibility for the measures required to control substances generated in the context of their commercial activities and found in surface water and groundwater. The Commission is called on to examine the creation of an extended producer responsibility mechanism.
European monitoring facility

Monitoring of an increased number of substances or group of substances involves increased costs but also the need for strengthened administrative capacity in the Member States, especially those with scarcer resources. In light of the above, the Commission should set up a joint European monitoring facility for managing the monitoring requirements when so requested by the Member States, thus easing their financial and administrative burdens. The use of such facility should be voluntary.

Access to justice

Member States should ensure that members of the public, in accordance with national law, that have a sufficient interest or that allege the impairment of a right, have access to a review procedure before a court of law, or another independent and impartial body established by law, to challenge the substantive or procedural legality of all decisions, acts or omissions under this Directive.

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<tr>
<th>Transparency</th>
<th>Date</th>
<th>Organisation</th>
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<tr>
<td>BRGLEZ Milan Rapporteur</td>
<td>18/12/2023</td>
<td>Comité national de la conchyliculture</td>
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<td>BRGLEZ Milan Rapporteur</td>
<td>17/11/2023</td>
<td>Solvay SA</td>
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<td>MEDICINES FOR EUROPE Teva Pharmaceuticals Europe BV</td>
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<td>CONTE Rosanna Shadow rapporteur</td>
<td>19/04/2023</td>
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<td>DE LANGE Esther Member</td>
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