

Procedure file

Basic information	
<p>COD - Ordinary legislative procedure (ex-codecision procedure) 2022/0344(COD) Directive</p>	Awaiting Parliament's position in 1st reading
<p>Protection of groundwater against pollution and environmental quality standards in the field of water policy</p> <p>Amending Directive 2000/60 1997/0067(COD) Amending Directive 2006/118 2003/0210(COD) Amending Directive 2008/105 2006/0129(COD)</p> <p>Subject 3.70.04 Water control and management, pollution of waterways, water pollution</p> <p>Legislative priorities Joint Declaration 2023-24 Joint Declaration 2022</p>	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Environment, Public Health and Food Safety	 BRGLEZ Milan	11/01/2023
		Shadow rapporteur  MELBÄRDE Dace  THUN UND HOHENSTEIN Róza  NIINISTÖ Ville  CONTE Rosanna  KARSKI Karol  MESURE Marina	
	Committee for opinion  Budgets	Rapporteur for opinion The committee decided not to give an opinion.	Appointed
	 Industry, Research and Energy	 GÁLVEZ MUÑOZ Lina	25/04/2023
	 Agriculture and Rural Development	 HÄUSLING Martin	08/12/2022

Council of the European Union
European Commission

Commission DG

Commissioner

[Environment](#)

SINKEVIČIUS Virginijus

European Economic and
Social Committee
European Committee of the
Regions

Key events

26/10/2022	Legislative proposal published	COM(2022)0540	Summary
19/01/2023	Committee referral announced in Parliament, 1st reading		
27/06/2023	Vote in committee, 1st reading		
12/07/2023	Committee report tabled for plenary, 1st reading	A9-0238/2023	Summary
11/09/2023	Debate in Parliament		
12/09/2023	Results of vote in Parliament		
12/09/2023	Decision by Parliament, 1st reading	T9-0302/2023	Summary
12/09/2023	Matter referred back to the committee responsible		

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
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Document attached to the procedure		SEC(2022)0540	27/10/2022	EC	
Document attached to the procedure		SWD(2022)0540	27/10/2022	EC	
Document attached to the procedure		SWD(2022)0543	27/10/2022	EC	
Committee draft report		PE740.884	20/02/2023	EP	
Economic and Social Committee: opinion, report		CES5403/2022	22/02/2023	ESC	
Amendments tabled in committee		PE745.503	04/04/2023	EP	
Amendments tabled in committee		PE745.501	04/04/2023	EP	
Committee opinion	AGRI	PE745.250	24/05/2023	EP	
Committee opinion	ITRE	PE746.960	13/06/2023	EP	
Committee report tabled for plenary, 1st reading/single reading		A9-0238/2023	12/07/2023	EP	Summary
Text adopted by Parliament, partial vote at 1st reading/single reading		T9-0302/2023	12/09/2023	EP	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.

PROPOSED ACT: Directive of the European Parliament and of the Council.

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

The Committee on the Environment, Public Health and Food Safety adopted the report by Milan BRGLEZ (S&D, SI) 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.

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.

In particular, the report proposed the adoption of the following EQS for glyphosate, based on the precautionary principle: a common, unified environmental quality standard expressed as an annual mean value (AA-EQS) of 0.1 µg/L for inland surface waters; a common, unified environmental quality standard expressed as an annual mean value (AA-EQS) of 0.01 µg/L for other surface waters.

Extended producer responsibility

According to Members, introducing the provision on extended producer responsibility would ensure the respective legislation lives up to the polluter pays principle particularly when it comes to financing of monitoring programmes. The Commission is called on to examine the creation of an extended producer responsibility mechanism.

Access to justice

The report proposes to enhance the provision on access to justice in environmental matters by concretely defining this right within the relevant legislation and thereby ensuring national courts across the Union abide by this provision making possible for the applicants to be able to rely on national laws when challenging decisions by public authorities that are in breach of the water framework directive.

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

The European Parliament adopted by 495 votes to 12, with 124 abstentions, amendments to 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.

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.

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

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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.

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.

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.

Transparency				
BRGLEZ Milan	Rapporteur	ENVI	15/04/2024	European Environmental Bureau
BRGLEZ Milan	Rapporteur	ENVI	28/02/2024	Fleishman-Hillard
BRGLEZ Milan	Rapporteur	ENVI	15/02/2024	European Environmental Bureau
BRGLEZ Milan	Rapporteur	ENVI	15/02/2024	European Anglers Alliance
BRGLEZ Milan	Rapporteur	ENVI	18/12/2023	Comité national de la conchyliculture
BRGLEZ Milan	Rapporteur	ENVI	17/11/2023	Solvay SA
BRGLEZ Milan	Rapporteur	ENVI	16/11/2023	Dru?ivo Proteus
BRGLEZ Milan	Rapporteur	ENVI	27/09/2023	Covestro AG
BRGLEZ Milan	Rapporteur	ENVI	06/06/2023	European Environmental Bureau
BRGLEZ Milan	Rapporteur	ENVI	23/05/2023	European Environmental Agency
LIESE Peter	Member	09/02/2024	EurEau	
DE LANGE Esther	Member	21/03/2023	Nickel Institute	