



EurEau

Rue du Luxembourg 47-51,
B-1050 Brussels, Belgium
Tel: +32 (0)2 706 40 80
Fax: +32 (0) 2 706 40 81
secretariat@EurEau.org
www.EurEau.org

EurEau position paper on water and agriculture

Summary

Both water and agriculture are essential for life. However, agriculture increasingly affects the quantity and the quality of drinking water resources through over-abstraction and the intensive use of anthropogenic substances respectively.

Voluntary collaboration projects between farmers and water utilities may have positive impacts on the choices of Plant Protection Products (PPPs) or land-use management. However, such projects can only be complementary to, but they cannot substitute, clear legislative requirements including targets, thresholds and timelines. EurEau insists on the full application of the Precautionary Principle, the Control at Source Principle and the Polluter Pays Principle.

EurEau calls for consistency and coherence of the legislative framework (CAP, Nitrates Directive, Plant Protection Products Regulation, Biocides Regulation and Water legislation), proper implementation, mutual understanding and cooperation.

In addition, EurEau calls for the implementation of Articles 7(2) and 7(3) of the Water Framework Directive which are crucial for the quality of water resources and the level of treatment required for the production of drinking water.

EurEau believes that the regulation of chemical substances should continue to be decided according to a hazard based approach only. The exposure should remain a part of the risk assessment for the authorisation of chemicals.

1. Introduction

Water is essential for life. It is a valuable resource and as such must be protected from pollution. There is a demonstrable impact of agriculture on both the quality and quantity of water resources and consequently on the availability of water that can be used for human consumption without



treatment to comply with the regulatory framework.

Agriculture is essential for life. Without a safe, secure and affordable supply of food society will not function or needs to increase the food it imports from other parts of the world. Without a reliable, controllable and high quality source of water, agriculture will not be sustainable.

Water and agriculture are intrinsically linked and both sectors operate with direct benefits to and impacts on each other. Proper farming practices can reduce the movement of sediment from land to water courses resulting in cleaner sources of drinking water that require less treatment. Catchment practices can slow down the overall flow of water benefitting downstream water abstractors and the environment; and solid waste from water treatment can, in some Member States, provide a nutrient rich soil additive for use by farmers.

However, the intensive use of anthropogenic substances such as phosphorous, nitrates, pesticides, veterinary medicines, as well as their metabolites and transformation products is increasingly having an impact on the quality of drinking water resources. These substances may occur sooner or later in the water cycle and could reach water resources used for drinking water abstraction, potentially with negative impacts on the ability of water utilities to meet regulatory quality standards for safe drinking water without applying water treatment.

Groundwater and surface waters are both major elements of the water cycle and subject to protection per se. They are crucial as resources for the supply of safe, wholesome and clean drinking water, now and for future generations. Water suppliers must have access to adequate and reliable sources that are protected from contamination. In order to obtain this, water resources have to be protected through safeguard zones. In other words, some areas need to be put aside for the abstraction of water in the present and in the future.

2. Control at source – the key principle

EU legislation is built on the Precautionary Principle, on the Control at Source Principle and on the Polluter Pays Principle¹. These principles constitute the underlying philosophy behind the Water Framework Directive and cutting-edge and far-reaching European chemicals legislation such as REACH, the Plant Protection Products Regulation, the Biocides Regulation, and cosmetics legislation.

Drinking water utilities prefer to focus on the improvement of water quality at the source instead of focussing on end-of-pipe treatment to provide safe, wholesome and clean drinking water to the consumer at the tap. However, in

¹ Art. 191(2) of the Treaty on the Functioning of the European Union.



reality this philosophy cannot be applied at many places. In order to minimise the treatment needed steps should be taken to reduce the impacts of agriculture on water by developing and adopting good practice through voluntary and collaborative approaches.

Water utilities can and do provide financial support to farmers in making choices on the use of Plant Protection Products (PPPs) or land-use management. These means are often more cost-effective than end-of-pipe treatment.

Member States very often consider collaboration projects between farmers and water utilities as being sufficient measures to tackle the impact of agriculture on drinking water resources. EurEau emphasizes that such cooperation is voluntary and tries to overcome the inconsistencies between what is allowed according to agricultural legislation and what is needed to protect drinking water resources. Hence, such projects can be complementary to, but they cannot substitute, clear legislative requirements including targets, thresholds and timelines.

When using financial incentives, the focus should be on the outcome in the form of the protection of drinking water resources (surface or ground water).

3. Legislative framework

The portfolio of EU legislation is extensive but needs more consistency and coherence, review and proper implementation at Member States level to address the impacts of agriculture on drinking water resources and quality.

The reciprocal relationship between the water and agriculture has to be acknowledged. EurEau calls for consistency and coherence of the legislative framework (CAP, Nitrates Directive, Water Framework Directive and Priority Substances Directive, Plant Protection Products Regulation), proper implementation of legislation, mutual understanding and cooperation. Detected weaknesses of legislation have to be tackled via the REFIT- and Better Regulation approaches as soon as possible to create a sound and sustainable water-agriculture nexus in Europe.

For example, a revision of the CAP as well as the review of the Plant Protection Products Regulation (1107/2009) and a sufficient implementation of the Nitrates Directive should be prioritised as none of these really deliver in protecting drinking water resources in a coherent and consistent way.

Besides this, a proper link should be established between these agricultural policies, water resources policies (the Water Framework Directive and its Daughter Directives) and health policy (Drinking Water Directive), especially in the context of climate change and over abstraction due to agriculture. Existing silo-thinking (DG Environment, DG Agriculture and DG SANTE) has to



be overcome.

In addition to existing legislation new upcoming legislative proposals should be designed accordingly. The topic of 'water reuse' is high on the political agenda due to the increasing stress being placed on water resources in many parts of Europe. EurEau finds that water reuse is of particular relevance for water-scarce regions and should therefore not become an EU-wide obligation. Standards and arrangements should take account of the protection of drinking water resources (surface or ground water) including of any impacts downstream of water reused for agricultural purposes.

EurEau considers that priority access to water resources to prioritise cost effective drinking water for domestic consumption is of great importance to serve the public and that this should be achievable without compromising economic growth in agriculture.

3.1 Plant Protection Products (PPP)

The so-called 'Pesticides package' (Regulation No 1107/2009, Directive 2009/128/EC and Regulation (EC) No 1185/2009) adopted by the European institutions in 2009 creates the framework for the authorisation and sustainable use of pesticides as well as obligations for the documentation of the applications by farmers. In addition, the Priority Substances Directive creates a 'watch list' of substances that are being assessed for potential inclusion in the list of controlled chemicals. The draft version of the latest watch list contains a number of plant protection products.

There needs to be a balance between the benefits of PPPs in the development of food to meet society's needs, and the risks potentially posed to humans and the environment. A stringent authorisation process of plant protection products is crucial to ensure the protection of water resources from these substances and to minimise or prevent negative impacts in the long term.

The introduction of stringent cut-off criteria within the last revision of the PPP Regulation reflects the awareness of the European legislator to tackle the impacts of pesticides on the environment. Nevertheless, these requirements will only be effective in the future when pesticide producers apply for authorisation for new active substances. EurEau regrets that the Commission have yet to establish a full definition of endocrine disrupting properties.

EurEau believes that the ban of substances should be decided according to a **hazard based approach** which means the substance is evaluated on the basis of hazard (the inherent harmful properties) to humans and the environment, without taking the exposure into account.

Regarding the requirements of the PPP Regulation, EurEau addresses the following articles to be evaluated as soon as possible:



3.1.1 Article 4(3) PP Regulation

Article 4.3 of Regulation 1107/2009 states that: “A *plant protection product, consequent on application consistent with good plant protection practice and having regard to realistic conditions of use, shall meet the following requirements:*

*(b) it shall have no immediate or delayed harmful effect on human health, including that of vulnerable groups, or animal health, directly or through drinking water (**taking into account substances resulting from water treatment**), ...”*

In this context, EurEau approached DG Health and Consumers in 2009 and asked for a revision of the Guidance document on the assessment of pesticides and metabolites. As far as we know no work has been started either in the remit of DG SANTE or EFSA since that time which is, in terms of a proper implementation of article 4 (3), unacceptable.

3.1.2 Article 44(1) PPP Regulation

In addition, Article 44 (1) Regulation 1107/2009 links the requirements of the pesticides authorisation with the objectives of the Water Framework Directive:

2. *A Member State shall review an authorisation where it concludes that the **objectives of Article 4(1)(a)(iv) and (b)(i) and Article 7(2) and (3) of Directive 2000/60/EC** may not be achieved.*

This requirement is crucial for the protection of water resources but there is up to now no transparency about the implementation and experiences gained with this requirement from the European institutions.

3.2 Need for implementation of Articles 7(2) and 7(3) of the WFD

According to Article 7(2) of the WFD, Member States shall ensure that water bodies identified meet the objectives of Article 4 of the WFD, and under the water treatment regime applied, meet the requirements of the DWD.

Besides this, Article 7(3) WFD states that Member States shall ensure the necessary protection for water bodies identified with the aim of avoiding deterioration in their quality to reduce the level of purification treatment required in the production of drinking water.

From EurEau’s point of view these requirements have been overlooked by the Member States. One proof for this conclusion is the lack of measures taken to achieve the necessary protection of drinking water resources when analysing the national programmes of measures. One approach in terms of reinforcing these requirements and supporting the proper implementation by Member States could be to clarify the intent of the requirements of Article 7(2) and



7(3). Therefore, EurEau welcome that the Commission will review the WFD in 2019 but we expect that the revision, that will be left to the new Commission, addresses the challenges outlined above.

More information

EurEau policy positions cover in more detail the range of issues where water and agriculture overlap. These are available on the EurEau website (eureau.org).

About EurEau

EurEau is the voice of Europe's water sector. We represent drinking and waste water service providers from 29 countries in Europe, from both the private and the public sectors.

Our members are the national associations of water services in Europe. At EurEau, we bring national water professionals together to agree European water industry positions regarding the management of water quality, resource efficiency and access to water for Europe's citizens and businesses. The EurEau secretariat is based in Brussels, from where we coordinate the work of around 200 experts from member organisations and utilities and advocate common positions with EU decision makers.

Our members are fully committed to the continuous supply of clean water and its safe return into the water cycle. We have a role in raising awareness of threats to the water environment. With a direct employment of around 500,000 people, the European water sector makes a significant contribution to the European economy.



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