



# The EU Zero Pollution Action Plan

## EurEau recommendations

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**Addressing the pollution of water resources in the context of the European Green Deal with its Zero Pollution Action Plan (ZPAP) is fundamental for the continued provision of safe and affordable drinking and waste water services,** whose essential mission is to protect human health and the aquatic environment.

EurEau **fully supports the zero pollution ambition and calls on the Commission to put water front and centre of the plan.** Besides this, we expect that the water sector is not left to act alone: **industry and agriculture have an important role to play in controlling pollution and rectifying environmental damage as much as possible at the source.**

The **action plan should propose concrete actions rather than focussing solely on establishing monitoring frameworks and promoting digital tools.** Monitoring and digitalisation are part of the solution. However, the substantial amount of scientific data already available allows for ambitious legislative actions to be taken now, according to the following recommendations:

- ~ apply stringent authorisation for hazardous substances and consider REACH as the general key instrument to control hazardous substances
  - ~ apply effective prevention and rectification at the source
  - ~ implement the Polluter Pays Principle for mitigating measures through, inter alia, Extended Producer Responsibility (EPR) mechanisms
  - ~ make EU legislation and EU Green Deal strategies coherent
  - ~ mainstream the water resources protection objectives in sectorial legislation
  - ~ foster innovative solutions for realistic tasks.
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## Zero Pollution and the water sector

The European Green Deal announced the intention of the EU to pursue “a zero-pollution ambition for a toxic free-environment, including for air, water and soil, and protecting the health and well-being of citizens from environment-related risks and impacts” as explained in the proposal on the 8<sup>th</sup> Environment Action Programme (8EAP).

**Addressing the pollution of water resources in the context of the European**



**Green Deal with its Zero Pollution Action Plan is fundamental for the continued provision of safe and affordable drinking water and waste water services,** whose essential mission is to protect human health and the aquatic environment.

Our ambition and expectation towards zero pollution has two perspectives:

1. Drinking water providers must rely on sufficient clean water resources (surface and groundwater) so that they can fulfil their task to ensure healthy and safe drinking water 24/7 with a minimum of treatment.
2. Waste water treatment operators endeavour to return treated waste water to nature without harming the aquatic ecosystems and bathing waters while producing high quality sewage sludge and – if intended for agricultural use – improving the quality of the soil. The ability to do this depends very much on the quality and on the composition of the waste water at the influent of the waste water treatment plant.

The water sector has to cope with the presence of 'old' pollution, (e.g. nitrates, which have been problematic since the 1980s, as well as phosphorous) and 'new' pollution or pollutants of emerging concern, such as PFAS in the water cycle. This situation makes it increasingly difficult to deliver our high-quality services.

The need for additional costly treatments - for either drinking or waste water – puts the burden on our sector and jeopardises our mission to provide reliable and sustainable services for customers at affordable prices. Furthermore, these additional treatments increase energy consumption and hinder the circular economy potential.

EurEau fully supports the Zero Pollution ambition and calls on the Commission to put water in its focus. We cannot act alone, all sectors need to step up and take responsibility: industry and agriculture have an important role to play to control pollution and rectify environmental damage as much as possible at the source.

Water professionals treat polluted raw water and waste water in order to comply with legal requirements and environmental permits. However, the pressures on our treatment systems are growing. Many of the causes of those pressures relate to the unsustainable production, consumption and release of hazardous substances in the environment; **tackling those lies beyond the control of water service providers.**

Advanced treatment processes exist but they are expensive, energy intensive and often substance-specific: they rarely come out well in cost effectiveness and environmental performances analysis. In fact each additional end-of-pipe (waste) water treatment step towards 'zero pollution' has consequences, such as higher energy consumption, additional use of resources etc. In turn this increases the cost of water treatment and could jeopardise the affordability of water services for consumers.

**Competent authorities have a fundamental role to play.** They are responsible for initiating and enforcing measures to protect drinking water resources and to avoid harmful emissions to waste water and taking appropriate measures to mitigate the risks following the release of hazardous substances into the environment.



This position paper reflects our expectations towards the Zero Pollution Action Plan aimed at protecting water resources now and for future generations.

## EurEau recommendations for the Zero Pollution Action Plan

The 'action plan' should propose **concrete 'actions' rather than focussing solely on establishing monitoring frameworks and promoting digital tools**. Monitoring and digitalisation are part of the solution. However, the substantial amount of scientific data already available allows for ambitious legislative actions to be taken now, according to the following recommendations.

### Apply stringent authorisation for hazardous substances

We ask for an ambitious Zero Pollution Action Plan that includes full implementation of existing/new **EU legislation restricting hazardous chemicals and products before they are put on the market**, in line with the TFEU principles of Art.191.2 (**Precautionary Principle**, principles that **preventive action** should be taken, that **environmental damage should be rectified** as much as possible **at the source** and that **the polluters should pay**) and the zero pollution ambition. This way the producers of these pollutants are stimulated to innovate and steer businesses towards more sustainable products and processes.

The **hazard-based approach** must be applied consistently to all potentially hazardous chemicals entering the water cycle at a detectable level, **without taking exposure into account**. This means that EU authorities should **regulate chemical substances based on their intrinsic harmful properties** to humans and the environment (persistent, mobile, bioaccumulating, (eco)toxic, endocrine disrupting), even in case of scientific uncertainty.

We call for the **adoption of strict cut-off criteria** to restrict placing environmentally hazardous substances on the market. **Mobility is one criterion that needs wider application, in particular with PMT substances**. Besides this, the setting and implementation of **harmonised criteria for the identification of endocrine disrupting properties is key to assessing harmful chemicals**.

Authorisation should consistently consider **criteria such as CMR** (carcinogenic, mutagenic, reprotoxic), **PMT** (persistent, mobile and toxic), **PBT** (persistent, bio-accumulative and toxic), **EDC** (endocrine disrupting compound).

There is currently a lack of **knowledge of the (eco)-toxicological effects** for many hazardous substances to or via the aquatic environment, either individually or in combination with other substances. We insist scientific evidence on ecological and health impacts of chemical substances should be updated and considered continuously. Information on substances should be accessible, especially concerning risks to humans and the environment.



Chemicals with similar hazards or modes of action should be **assessed as a group** (e.g. PFAS, microplastics). This might allow applying more holistic/coherent risk assessments and measures for groups of chemicals, including the substances with unknown properties and risks for human health and the environment.

**Current restriction procedures** for certain hazardous substances that are widely used and occur everywhere (e.g. PFAS) should **be shortened** to allow for action in the short term. The wider implementation of the restriction criteria for **'non-essential uses'** should be considered.

We welcome the revision of the Industrial Emissions Directive and we hope that this process will speed up the review and enforcement of BREF requirements for various industrial polluters and increased requirements on the liquid/solid/air emissions, applied as a part of the Integrated Pollution Control (IPC) process review in Member States.

### Apply effective prevention and rectification at the source

We insist that **source-control and preventive measures** should be applied in existing/new legislation to avoid water pollution due to the lifecycle of substances and/or products.

**Information on the sources and emissions** of many pollutants should be made more complete. We support increased monitoring and collecting information/data of pollutants present in the aquatic environment. Monitoring should also include emissions of substances of emerging concern of industrial discharges, as well as (large) WWTPs to water, and also include diffuse emissions from agriculture.

Due to the diffuse nature of many emissions and the variety of entry pathways, considering the life-cycle of pollutants, and also measuring emissions of sources upstream in the cycle, will allow to define the origin of the pollutants and/or **to put the action where it is most effective, with least CO<sub>2</sub> footprint, and by the right stakeholders.**

Collected information/data should be transparent to show **trends in releases** and to allow defining where the most cost-effective and energy-efficient measures could be taken.

### Implement the Polluter Pays Principle for mitigating measures through, inter alia, Extended Producer Responsibility (EPR) mechanisms

**Producers must be made legally and financially responsible for the mitigation measures needed to tackle pollution down the value chain.** This should be done by realising the Polluter Pays Principle, possibly, through Extended Producer Responsibility (EPR) schemes<sup>1</sup>.

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<sup>1</sup> <https://www.eureau.org/resources/position-papers/4552-eureau-comments-on-the-deloitte-epr-study/file>.



EurEau recognises that for specific pollutants, e.g. pharmaceuticals, other measures, including **end-of-pipe treatment by water operators**, may be an inevitable part of the solution as **a means of last resort**.

## Make EU legislation and EU Green Deal strategies coherent

**The protection of water resources** from pollutants and contaminants of emerging concern **should be mainstreamed through the Water Framework Directive (WFD), its daughter Directives and sectoral legislation** (like agriculture, chemicals, pharmaceuticals, energy legislation); it should not be confined to measures in the UWWTD only. Currently, the control of chemical substances under the WFD is based on a substance by substance approach, ignoring the combined impact of cocktails of several chemicals. Effect-based monitoring methods may add to the assessment of aggregated exposure to pollution already present in the aquatic environment.

EurEau considers **REACH as the general key instrument to control hazardous substances** entering the urban water cycle and to fulfil the requirements for good chemical status in the WFD and the protection of water resources. It is essential that the authorisation and restrictions processes of REACH are used much more, identifying more substances of very high concern for the candidate list and using the authorisation process but also the restriction process in a stricter way.

**More stringent and better implemented sectoral legislation** (e.g. biocides, pesticides, pharmaceuticals, mercury and cosmetics) is also important for the quality of the European waters.

The existing mechanisms by which Member States have to **review an authorisation** in other sectoral legislation (e.g.: pesticides), in case the **objectives of the WFD** on the reduction of pollution in surface water and groundwater cannot be met, should be increasingly generalised and triggered.

A way to achieve a more prospective approach may be to set up a list/hierarchy of pollutants based on the above criteria.

## Foster innovative solutions for realistic tasks

**We value innovative solutions** as water professionals and always look for possibilities to improve the performance of water services. However, the driver for innovative solutions (smart sensors, modelling, digital tools, innovative treatment technologies or new concepts) should always be **better performance**, whether it is cost reduction, improving treatment efficiency and higher effluent standards, adapting to changing climate conditions, improving service to customers and citizens, or other social objectives like reducing the carbon footprint or reuse of valuable resources. Water utilities are not technology-driven, but result-driven because they are services of general interest that work with public funding and with assets that require long-term investments.



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## About EurEau

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

Our members are 34 national associations of water services. At EurEau, we bring national water professionals together to agree European water sector positions regarding the management of water quality, resource efficiency and access to water for Europe's citizens and businesses.

