

EurEau Position on Environmental Quality Standards(EQS)

Control-at-source measures are indispensable to effectively protect human health and our aquatic environment, now and in the future

Summary

Directive 2022/0344 amends the Water Framework Directive (WFD) and its two daughter directives, the Groundwater Directive (GWD) and the Environmental Quality Standards Directive (EQSD).

The proposal adds pesticides, pharmaceuticals and PFAS to the priority substances lists for surface water and groundwater, and sets more flexible procedures to update Environmental Quality Standards (EQS).

EurEau welcomes the enlargement of the EQS lists as a prerequisite to providing safe and affordable drinking water services to consumers and as an effective means of protecting the environment.

If EQS are exceeded, the EU and Member States are obliged to take action to curb the emissions. EurEau requests that, in line with Article 191.2 of the Treaty on the Functioning of the European Union (TFEU), any exceedance of EQS should primarily trigger control-at-source measures.

1. Addressing chemical pollution in water

On 26 October 2022, the European Commission published Directive 2022/0344 amending the Water Framework Directive (WFD) and its two daughter directives, the Groundwater Directive (GWD) and the Environmental Quality Standards Directive (EQSD).

It enlarges the lists of surface water and groundwater chemical pollutants, adding pesticides, pharmaceuticals and a group of 24 PFAS that currently pose a serious threat to water quality and sources of drinking water, while setting more stringent thresholds for several other substances. The WFD and the EQS lists, also known as Priority Substances Lists, establish the requirements to achieve good chemical status in Europe's water bodies. The Directive also changes the provisions and procedures on how to regularly update the



lists and establishes a mandatory watch list mechanism for groundwater pollutants.

The proposal contains improvements in the areas of:

- ~ monitoring of chemical mixtures to assess combinations and seasonal effects, including the use of effect-based methods;
- ~ harmonisation of the management of pollutants at EU level, allowing the lists to be adapted to new scientific findings and emerging concerns more swiftly, and giving the European Chemical Agency (ECHA) a principal role; and
- ~ management of information on water status and compliance, regarding timeliness and transboundary cooperation, and reshaping the European Environmental Agency's (EEA) role.

EurEau supports these improvements. At the same time, we emphasise that the necessary actions to achieve the goals must be carried out in a timely manner, preferably before 2027. Particularly urgent action is needed on PFAS, where drastic reduction measures are needed well before 2033. EurEau advocates for a complete PFAS ban by 2025.

Microplastics should not be added to the watch list until a practicable analytical method is available. We are also concerned about the availability, cost and laboratory expertise needed to analyse the 24 PFAS.

2. Stimulate upstream action to phase out emissions at the source

EurEau welcomes the enlargement of the list of chemical pollutants in water and the more stringent thresholds for some substances, which should lead to better protection of water resources. This is a prerequisite for providing safe and affordable drinking water services to Europe's citizens.

However, the EQSD, GWD and WFD assess chemical pollution downstream, after it has already occurred. Even if all three Directives require the EU and Member States to take measures to curb emissions, discharges and losses of priority substances when EQS are exceeded or at risk of exceedance, the draft has to prioritise mitigation measures at the source of the pollution instead of end-of-pipe measures for water and waste water operators. The draft neither follows Article 191.2 of the TFEU nor the Zero Pollution Action Plan. The primary response to any EQS exceedance should be to impose control-at-source measures through upstream legislation. In this context "immission targets"¹ for substances as determined in the proposed EQSD should be backed up by corresponding emission environmental standards for each parameter. For this, we support an obligatory inventory of emissions at river basin level (or catchment area) included in Article 5 of the EQSD 2008/105/EC, so that the cause for emissions (and thus polluters) can be derived. The inventory shall be distributed to drinking water operators in order to support the requirement for risk management under the EU Drinking Water Directive (Art. 8).

¹ Immission targets in this sense are the amount of substances that can be accepted into the environment.



Prevention at source (and a complete ban) is also the only way for persistent, mobile and toxic (PMT) chemical pollutants like PFAS that accumulate in the environment and eventually exceed acceptable environmental or human guidance values to be contained/controlled.

The removal of current Articles 16 and 17 (WFD) weakens the phase-out provisions. Even though these requirements did not establish a clear hierarchy to promote the control of pollution at source, the deletion of the 20-year timeline sends a negative signal, especially as it has not been replaced by a shorter timeline or another phase-out mechanism. EurEau requests to keep Article 16 of the existing WFD and amend it to prioritise control-at-source measures.

In this context, we see a conflict in that good chemical status requirements are tightened while certain stakeholder groups try to weaken and postpone the revision of upstream legislation that should enable compliance with the proposed new rules (Registration, Evaluation, Authorisation and Restriction of Chemicals Regulation (REACH), Industrial Emissions Directive (IED), Sustainable Use of Pesticides Regulation (SUR), etc...). This increases the risk that, for indirect emissions of these chemical pollutants, Member States will over-rely on the final barrier between human activities and the aquatic environment: urban waste water treatment plants (UWWTPs). Besides this, UWWTPs do not remove substances that enter the aquatic environment through other pathways (i.e. anti-fouling coatings of boats/ships, leaching of landfills or pesticides).

UWWTPs can act as pathways for certain pollutants to the aquatic environment and, hence, contribute to achieving EQS compliance. However, they cannot be used as a proxy to deal with upstream pollution. Only if control-at-source measures are insufficient to eliminate certain micropollutants (for example pharmaceuticals), and EQS levels are exceeded, then end-of-pipe measures should be seen as a last option. Besides this, hazardous substances removed from waste water can end up in sludge or recovered phosphorus, and have a negative impact on the recovery of resources from waste water. Furthermore, the removal of pollutants incurs a higher energy and environmental footprint for the UWWTP.

Further, UWWTPs do not have technologies at their disposal today that completely remove all substances for which an EQS is set. For instance, there is no viable technology available to completely remove and destroy PFAS at UWWTPs. Partial removal is possible but costly, resource-intensive and technically difficult, particularly for short-chained PFAS.

In line with the draft revised Urban Waste Water Treatment Directive, extra treatment must be covered by [extended producer responsibility \(EPR\) schemes](#) to enable wastewater operators to finance and operate the necessary treatment steps, including monitoring and any impact assessments required as well.

EPR should also be addressed to the extra treatment of drinking water, as PFAS-substances in groundwater or surface water used for drinking water purposes is impacted by these. This is due to the Polluter Pays Principle and is in line with environmental principles of the European Treaty.

The lack of control-at-source measures will make **managed aquifer recharge (MAR)** very



difficult in practice, as will also be the case with circular options for **water reuse** or **agricultural applications of sewage sludge**.

In order to avoid further risks to human health and extreme costs for purification at drinking water production facilities and UWWTPs, **EQS values should be met as soon as possible** through control-at-source measures. For PFAS in particular, the necessary actions to phase out every direct or indirect emission for non-essential uses, should be taken before 2027.

Article 4.1. of the WFD mandates Member States to implement measures to progressively reduce pollution from priority substances and river basin-specific pollutants, and to cease or phase out emissions, discharges and losses of priority hazardous substances, while Article 7.a. of the EQSD obliges the Commission to assess whether the EU and national measures in place are sufficient to achieve the EQS. We call on the **Commission to clarify the hierarchy of measures to be taken, prioritising restrictions and other control-at-source options**, and to ensure that both the Commission and Member States enforce these provisions. We request the Commission to provide further guidance on the implementation of control-at-source measures through the river basin management process.

3. Improve policy coherence

EurEau insists that, according to Article 191.2 of the TFEU, any exceedance of EQS should primarily trigger control-at-source measures. This requires a clearer link between compliance with the EQS and other sectoral legislation. Therefore, we support the following solutions:

- ~ Substance authorisations and restrictions under **REACH**: Restrictions should be expedited by extending the generic approach to risk management to the new hazard classes proposed in the draft revised Classification, Labelling and Packaging Regulation
 - o For PFAS, EurEau supports a group ban of all PFAS throughout the EU.
- ~ Emission permits under the **Industrial Emissions Directive (IED)**: We support the provisions of Article 18 of the draft revised IED: "Where an environmental quality standard requires stricter conditions than those achievable by the use of the best available techniques, additional measures shall be included in the permit with a view to reducing the specific contribution of the installation to the pollution occurring in the relevant area". The substitution of problematic substances should be considered on an emissions database as well to avoid the regrettable substitution of harmful substances (i.e. GenX).
- ~ Pesticide use according to the draft **Sustainable Use of Plant Protection Products Regulation**, particularly Article 8.4 on the consistency of action plans drawn up by Member States in accordance with other Union legislation, including directive 2000/60/EC.



- ~ The **Pharmaceutical legislation**: In order to consider the environmental impact of medicines by including the extended environmental risk assessment in the authorisation of pharmaceuticals, by restricting marketing options for medicines containing priority substances or if more environmentally friendly alternatives are available or targeting the reduction of antibiotics use.
- ~ The need for better coherence between the amended WFD and the **revised UWWTD**. There is an increasing risk that UWWTPs may be considered as non-compliant with the non-deterioration requirement in Article 4 (WFD) even when applying the most advanced treatment techniques, but growing populations and the merging of smaller UWWTPs into one big installation mean that emissions increase in absolute terms. An exemption needs to be introduced in the UWWTD for these specific cases in line with the European Parliament's call to address the interaction between the design, construction and expansion of urban wastewater treatment plants (UWWTPs) and the obligation of non-deterioration to ensure coherence between the UWWTD and the WFD².
- ~ An ambitious implementation of the source-control measures in the **Veterinary Medicinal Products Regulation**.
- ~ **Biocidal Products Regulation**, for example by phasing out silver ions in sports clothes.
- ~ **Drinking Water Directive (DWD) and Article 7.3 (WFD)**. Relevant information on the contamination of drinking water resources must be shared with the water suppliers concerned. Authorities must communicate the chemical status of the water bodies to drinking water operators who need it for the risk assessment and management under Articles 7 and 8 (DWD). For all substances listed in Annex III (B) (DWD), an EQS should be set. The EQS should not be higher than DWD parametric values. The measurement units should be harmonised (i.e. for PFAS, all thresholds should be harmonised to absolute ng/l (DWD) or to PFOA equivalents through relative potency factors as in the EQS).

By integrating the EQS into EU legislation through control-at-source measures as outlined above, we can ensure that our water resources remain protected for generations to come, assuring affordability for consumers, circularity, environmental sustainability and biodiversity.

About EurEau

EurEau is the voice of Europe's water sector. We represent 70,000 public and private drinking water and waste water operators from 31 countries. Our members are 36 national associations of water services. We bring national water professionals together to manage water quality, resource efficiency and access to water for Europe's citizens and businesses.

² European Parliament resolution of 17 December 2020 on the implementation of the EU water legislation (2020/2613(RSP)) https://www.europarl.europa.eu/doceo/document/TA-9-2020-0377_EN.pdf.