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

2022/0344(COD) - 12/09/2023 - Text adopted by Parliament, partial vote at 1st reading/single reading

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

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.

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.