



2022/0344(COD)

20.2.2023

*****I**

DRAFT REPORT

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 (COM(2022)0540 – C9-0361/2022 – 2022/0344(COD))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Milan Brglez

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or ~~strikeout~~. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION	5
EXPLANATORY STATEMENT	35
ANNEX: LIST OF ENTITIES OR PERSONS FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT	38

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**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
(COM(2022)0540 – C9-0361/2022 – 2022/0344(COD))**

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2022)0540),
 - having regard to Article 294(2) and Article xx of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0361/2022),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the Economic and Social Committee of XX¹,
 - having regard to the opinion of the Committee of the Regions of XX²,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the opinions of the Committee on Agriculture and Rural Development, Committee on Industry, Research and Energy and the Committee on Fisheries
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety (A9-0000/2023),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ published in the Official Journal of

² published in the Official Journal of

Amendment 1

Proposal for a directive Recital -1 (new)

Text proposed by the Commission

Amendment

(-1) The United Nations General Assembly recognised, on 28 July 2010, access to water and sanitation as a universal human right. Following the success of the 2014 European Citizen’s Initiative entitled ‘Right2Water’ a proposal for the revision of the Directive on drinking water was adopted by the Commission in 2018 and the corresponding amended Directive entered into force on 12 January 2021. That Directive clearly lays down an obligation for Member States to improve access to water intended for human consumption while relying, inter alia, on the knowledge gained and actions carried out under Directive 2000/60/EC.

Or. en

Amendment 2

Proposal for a directive Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) Member States should ensure that pollution through the discharge, emission or loss of priority hazardous substances ceases or is phased-out 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.

Amendment 3**Proposal for a directive
Recital 6 a (new)***Text proposed by the Commission**Amendment*

(6a) Glyphosate is the most frequently used herbicide within the Union for agricultural use. As an active substance, it has raised serious concerns in terms of its impact on human health and aquatic toxicity. In December 2022, the Commission decided to grant a temporary extension of the glyphosate marketing authorisation for one additional year, pending the European Food Safety Authority's reassessment of the active substance due in July 2023. Various recent scientific studies^{1a} suggest, however, that an environmental quality standard (EQS) lower than 0,1 µg /L for all surface water bodies should be considered based on the aquatic toxicity of glyphosate, AMPA and glyphosate-based herbicides. Considering the ongoing assessments by competent Union regulators and the scientific findings of relevant studies regarding the impacts of glyphosate on aquatic life, and for the purpose of ensuring the good chemical status of the majority of Union waters, based on the precautionary principle, a common and unified AA-EQS of 0,1 µg/L for inland surface waters should be adopted in relation to glyphosate. For other surface waters, AA-EQS of 0,01 µg/L should be adopted as an EQS for glyphosate.

^{1a} Transcriptomic signalling in zebrafish embryos exposed to environmental concentrations of glyphosate, 2022. Effects of low-concentration glyphosate

and aminomethyl phosphonic acid on zebrafish embryo development, 2021. Global transcriptomic profiling demonstrates induction of oxidative stress and compensatory cellular stress responses in brown trout exposed to glyphosate and Roundup, 2018.

Or. en

Amendment 4

Proposal for a directive Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) In order to ensure the legislation intended for preventing pollution of surface water and groundwater is up to date in relation to the fast-evolving pace of new and emerging chemicals that have the potential, as pollutants, to cause significant risks to human health and the aquatic environment, policy mechanisms to detect and assess such substances of emerging concern should be strengthened, in particular by not limiting the number of such substances or groups of substances to be monitored and analysed under the watch lists for surface water and groundwater.

Or. en

Amendment 5

Proposal for a directive Recital 11

Text proposed by the Commission

Amendment

(11) Considering the growing awareness of the relevance of mixtures and therefore of effect-based monitoring for determining

(11) Considering the growing awareness of the relevance of mixtures and therefore of effect-based monitoring for determining

chemical status, and considering that sufficiently robust effect-based monitoring methods already exist for estrogenic substances, Member States should apply such methods to assess the cumulative effects of estrogenic substances in surface waters over a period of at least two years. This will allow the comparison of effect-based results with the results obtained using the conventional methods for monitoring the three estrogenic substances listed in Annex I to Directive 2008/105/EC. That comparison **will be used to assess** whether effect-based monitoring methods may be used as reliable screening methods. Using such screening methods would have the advantage of allowing the effects of all estrogenic substances having similar effects to be covered, and not only those listed in Annex I to Directive 2008/105/EC. The definition of EQS in Directive 2000/60/EC should be modified to ensure that it may, in the future, also cover trigger values that might be set for assessing the results of effect-based monitoring.

chemical status, and considering that sufficiently robust effect-based monitoring methods already exist for estrogenic substances, **while the current and conventional monitoring methods for the chemical status of water bodies are less efficient in determining the impact of complex mixtures of chemicals on water quality**, Member States should apply such methods to assess the cumulative effects of estrogenic substances in surface waters over a period of at least two years. This will allow the comparison of effect-based results with the results obtained using the conventional methods for monitoring the three estrogenic substances listed in Annex I to Directive 2008/105/EC. That comparison **should be included in an evaluation report published by the Commission in which it assesses** whether effect-based monitoring methods may be used as reliable screening methods. Using such screening methods would have the advantage of allowing the effects of all estrogenic substances having similar effects to be covered, and not only those listed in Annex I to Directive 2008/105/EC. The **Commission should also be empowered to adopt delegated acts to supplement Directive 2008/105/EC to require Member States to use the effect-based methods to carry out monitoring to assess the presence also of other substances in water bodies, in anticipation of a possible setting of effect-based trigger values in the future.** The definition of EQS in Directive 2000/60/EC should be modified to ensure that it may, in the future, also cover trigger values that might be set for assessing the results of effect-based monitoring.

Or. en

Amendment 6

Proposal for a directive Recital 31 a (new)

Text proposed by the Commission

Amendment

(31a) The Commission, in its communication of 11 December 2019 on the European Green Deal and its communication of 14 October 2020 on improving access to justice in environmental matters, committed to taking action to improve access to justice before national courts in all Member States for citizens and environmental non-governmental organisations that have specific concerns about the compatibility of administrative acts that have effects on the environment with environmental law. In the latter communication, the Commission affirms that ‘access to justice in environmental matters, both via the Court of Justice of the EU (CJEU) and the national courts as Union courts, is an important support measure to help deliver the European Green Deal transition and a way to strengthen the role which civil society can play as watchdog in the democratic space’. Those commitments should be implemented also under Directive 2000/60 EC.

Or. en

Amendment 7

Proposal for a directive Recital 31 b (new)

Text proposed by the Commission

Amendment

(31b) As confirmed by the case law of the CJEU^{1a}, environmental non-governmental organisations and directly concerned individuals should be provided legal standing in order to challenge a

decision taken by a public authority, which is in breach of the environmental objectives referred to in Article 4 of Directive 2000/60 EC. With the purpose of enhancing access to justice in the matters concerned before national courts across the Union and for the organisations and individuals mentioned above to be able to rely on national laws when challenging decisions that are in breach of Directive 2000/60 EC, provisions to ensure access to justice should be established in Directive 2000/60 EC.

^{1a} Case C-535/18, Judgment of the Court (First Chamber) of 28 May 2020; IL and Others v Land Nordrhein Westfalen. Case C-664/15, Judgment of the Court (Second Chamber) of 20 December 2017; Protect Natur-, Arten- und Landschaftsschutz Umweltorganisation v Bezirkshauptmannschaft Gmünd.

Or. en

Amendment 8

Proposal for a directive Recital 32

Text proposed by the Commission

(32) Considering the increases in unforeseeable weather events, in particular extreme floods and prolonged droughts, and in significant pollution incidents resulting in or exacerbating transboundary accidental pollution, Member States should be required to ensure that immediate information on such incidents is provided to other potentially affected Member States and effectively cooperate with potentially affected Member States to mitigate the effects of the event or incident. It is also necessary to reinforce cooperation between Member States and streamline procedures

Amendment

(32) Considering the increases in unforeseeable weather events, in particular extreme floods and prolonged droughts, and in significant pollution incidents resulting in or exacerbating transboundary accidental pollution, Member States should be required to ensure that immediate information on such incidents is provided to other potentially affected Member States and effectively cooperate with potentially affected Member States to mitigate the effects of the event or incident. It is also necessary to reinforce cooperation between Member States and streamline procedures

for transboundary cooperation in case of more structural, i.e. non accidental and longer term transboundary issues which cannot be solved at Member State level, in accordance with Article 12 of Directive 2000/60/EC. In case European assistance is necessary, competent national authorities may send requests for assistance to the Emergency Response Coordination Centre of the Commission, which will coordinate possible offers of assistance and their deployment through the Union Civil Protection Mechanism, in accordance with Article 15 of Decision **1313/2013** of the European Parliament and of the Council⁶⁴ .

for transboundary cooperation in case of more structural, i.e. non accidental and longer term transboundary issues which cannot be solved at Member State level, in accordance with Article 12 of Directive 2000/60/EC. In case European assistance is necessary, competent national authorities may send requests for assistance to the Emergency Response Coordination Centre of the Commission, which will coordinate possible offers of assistance and their deployment through the Union Civil Protection Mechanism, in accordance with Article 15 of Decision *No 1313/2013/EU* of the European Parliament and of the Council⁶⁴ . ***In addition, armed conflicts taking place in close geographical proximity to the Union should also be considered as exceptional events. The war in Ukraine has had an extensive negative environmental impact, including air, soil and water pollution by toxic substances. As the river basins affected by that war extend within the Union's boundaries, the Commission and Member States should increase their endeavours to establish appropriate coordination with relevant non-Member States as defined in Article 3(5) of Directive 2000/60/EC.***

⁶⁴ Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil Protection Mechanism (OJ L 347, 20.12.2013, p. 924).

⁶⁴ Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil Protection Mechanism (OJ L 347, 20.12.2013, p. 924).

Or. en

Amendment 9

Proposal for a directive Recital 32 a (new)

Text proposed by the Commission

Amendment

(32a) According to the European

Environment Agency, around 90 % of the area of groundwater bodies is reported to be in good quantitative status, around 75 % of the groundwater body area is in good chemical status, 40 % of the surface water bodies are in good or high ecological status, and 38 % of surface water bodies are in good chemical status, while the European Environment Agency's report of 4 December 2019 entitled 'The European environment – state and outlook 2020: Knowledge for transition to a sustainable Europe' found that reduced pollution has improved water quality, but that the Union was far from achieving good ecological status for all water bodies by 2020.

Or. en

Amendment 10

Proposal for a directive Recital 32 b (new)

Text proposed by the Commission

Amendment

(32b) The 2019 Fitness Check of the Water Framework Directive concluded in its evaluation that the next round of programmes of measures will play a key role in ensuring the necessary progress towards achieving the environmental objectives of Directive 2000/60/EC by the 2027 deadline, and stated that currently more than half of all European water bodies are exempt under Directive 2000/60/EC, which makes the challenges for Member States more than substantial. In addition, the Fitness Check concluded that the environmental objectives have not been reached fully largely due to insufficient funding, slow implementation and insufficient integration of environmental objectives in sectoral policies, and not due to a deficiency in the

legislation.

Or. en

Amendment 11

Proposal for a directive Recital 32 c (new)

Text proposed by the Commission

Amendment

(32c) The European Court of Auditors in its report of 19 May 2021 entitled ‘The Polluter Pays Principle: Inconsistent application across EU environmental policies and actions’ notes that Member States already spend around EUR 100 billion per year on water supply and sanitation and that increases of that expenditure are expected to amount to over 25 % to meet the objectives of Union legislation on wastewater treatment and drinking water, while not including investments needed to renew existing infrastructure or meet the objectives of the Water Framework Directive and the Floods Directive. Furthermore, costs for water supply and sanitation are borne mainly by households and Member States’ budgets, whereas the economic sectors that exert the most pressure on renewable freshwater resources contribute the least to meeting such costs.

Or. en

Amendment 12

Proposal for a directive Recital 32 d (new)

Text proposed by the Commission

Amendment

(32d) The costs of monitoring programmes for determining the status of

surface water and ground water are financed solely under Member States' budgets. Given that the number of chemicals detected in the aquatic environment is constantly changing, that there is a growing number of emerging pollutants which have just recently appeared in the aquatic environment, that constant improvement of chemical analytical methods is required in order to detect these emerging and new pollutants and correctly assess their ecological impact, and that also new monitoring methods need to be developed in order to better assess effects of chemical mixtures, those monitoring costs are expected to increase even further. In order to cover those costs, and in accordance with the polluter-pays principle expressed in Article 191(2) of the Treaty on the Functioning of the European Union (TFEU), it is essential that 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. A system of extended producer responsibility is the most appropriate means of achieving this, as it would limit the financial burden on the taxpayer, while providing an incentive to develop greener products. Extended producer responsibility should therefore apply to priority substances defined under Directive 2006/118/EC and under Directive 2008/105/EC, as well as to emerging and new pollutants, as defined in the watch lists under Directive 2006/118/EC and Directive 2008/105/EC.

Or. en

Amendment 13

Proposal for a directive Recital 32 e (new)

Text proposed by the Commission

Amendment

(32e) The contributions of the producers should be proportionate to the quantities of the products they place on the market and the hazardousness of their residues. The contributions should cover, but not exceed, the costs for the monitoring programmes.

Or. en

Amendment 14

Proposal for a directive Recital 32 f (new)

Text proposed by the Commission

Amendment

(32f) In order to avoid possible internal market distortions, minimum requirements for the implementation of the extended producer responsibility schemes should be established in Directive 2006/118/EC and Directive 2008/105/EC, whereas the practical organisation of the system should be decided at national level. Since ensuring good status of surface water and groundwater is a collective effort, it is appropriate to introduce a requirement for producers to join a centralised organisation which can fulfil, on those producers' behalf, their obligations under extended producer responsibility.

Or. en

Amendment 15

Proposal for a directive Recital 32 g (new)

Text proposed by the Commission

Amendment

(32g) More stringent threshold values should be established where groundwater quality standards could result in failure to achieve the environmental objectives of Directive 2000/60/EC for associated water bodies, as required under Directive 2006/118/EC. That requirement under Directive 2006/118/EC should be further extended to better protect vulnerable sites, such as groundwater-dependent Natura 2000 sites, from pollution.

Or. en

Amendment 16

Proposal for a directive Article 1 – paragraph 1 – point 4 – point a Directive 2000/60/EC Article 4 – paragraph 1 – point (a) – point (iv)

Text proposed by the Commission

Amendment

(iv) Member States shall implement the necessary 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.;

(iv) Member States shall implement the necessary measures to progressively reduce pollution ***discharges, emissions and losses*** from priority substances and river basin specific pollutants, 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 shall apply without prejudice to the application of stricter timelines in any other applicable Union legislation;***

Or. en

Justification

The Commission in its proposal for revision of the water legislation deleted in Article 16(6) WFD the provision on the 20-year deadline for the phase-out of priority hazardous substances. This is an unnecessary backtrack. The phase-out obligation is one of the main objectives of the WFD and it is only enforceable if it is linked to a clear deadline. The provision as such should therefore remain intact and reinserted in the existing WFD text under Article 4(1) where there's reference to phase-out of emissions, discharges, and losses.

Amendment 17

Proposal for a directive

Article 1 – paragraph 1 – point 9 a (new)

Directive 2000/60/EC

Article 14 a (new)

Text proposed by the Commission

Amendment

(9a) The following Article is inserted :

"Article 14a

Access to justice

1. Member States shall 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 concerning, inter alia:

(a) plans and projects which may be contrary to the requirements of Article 4, including to prevent the deterioration of the status of bodies of water and to achieve good water status, good ecological potential and/or good water chemical status, to the extent that those requirements are not already provided for under Article 11 of Directive 2011/92/EU;

(b) programmes of measures referred to in Article 11, Member State river basin management plans referred to in Article 13(1) and supplementary Member State

programmes or management plans referred to in Article 13(5).

2. Member States shall determine what constitutes a sufficient interest and the impairment of a right, in a manner that is consistent with the objective of providing the public with wide access to justice. For the purposes of paragraph 1, any non-governmental organisation that promotes environmental protection and meets the relevant requirements under national law shall be deemed to have rights capable of being impaired and their interest shall be deemed sufficient.

3. The review procedures referred to in paragraph 1 shall be fair, equitable, and completed in a timely manner, and shall not be prohibitively expensive. Those procedures shall also involve the provision of adequate and effective redress, including injunctive relief where appropriate.

4. Member States shall ensure that practical information is made available to the public on access to the administrative and judicial review procedures referred to in this Article."

Or. en

Justification

The purpose of this amendment is to enhance the provision on access to justice in environmental matters by concretely defining this right within the relevant legislation. This way, it's possible to ensure 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 WFD. Such an endeavour would contribute to the actual implementation of the Commission's commitments under the European Green Deal.

Amendment 18

Proposal for a directive

Article 1 – paragraph 1 – point 10

Directive 2000/60/EC

Article 15 – paragraph 3

Text proposed by the Commission

Amendment

(10) in Article 15, paragraph 3 is deleted; **deleted**

Or. en

Justification

The provision in Article 15(3) instructs the Member States to submit, within three years of the publication of each river basin management plan, an interim report describing progress in the implementation of the planned programme of measures. This provision should remain in the respective legislation in order to be able to track interim progress in the implementation of measures under the river basin management plans.

Amendment 19

Proposal for a directive

Article 1 – paragraph 1 – point 12 – point b

Directive 2000/60/EC

Article 18 – paragraph 4

Text proposed by the Commission

Amendment

(b) paragraph 4 is deleted; **deleted**

Or. en

Justification

Under this provision in Article 18(4) of the WFD, the Commission shall provide for a report containing findings from the Member States' interim reports describing progress in implementation of the programme of measures within the river basin management as mentioned in Article 15(3). This shall be submitted to the European Parliament and to the Council.

Amendment 20

Proposal for a directive

Article 2 – paragraph 1 – point 6

Directive 2006/118/EC

Article 6 a – paragraph 1 – subparagraph 2

Text proposed by the Commission

The watch list shall contain **a maximum of five** substances or groups of substances **and shall indicate the monitoring matrices and the possible methods of analysis for each substance. Those monitoring matrices and methods shall not entail excessive costs for the competent authorities. The substances to be included in the watch list shall be** selected from amongst those substances for which the information available indicates that they may pose a significant risk at Union level to, or via, the aquatic environment and for which monitoring data are insufficient. This watch list shall include substances of emerging concern.

Amendment

The watch list shall contain substances or groups of substances selected from amongst those substances for which the information available indicates that they may pose a significant risk at Union level to, or via, the aquatic environment and for which monitoring data are insufficient, **and shall specify the monitoring matrices and the possible methods of analysis for each substance. Those monitoring matrices and methods shall not entail excessive costs for the competent authorities.** This watch list shall include substances of emerging concern.

Or. en

Justification

The purpose of this amendment is to have a non-capped watch list of new and emerging substances found in groundwater. The selection of substances to be inserted on the watch list should just correspond to the criteria listed in the provision concerned. Taking into consideration the amount of new and emerging substances appearing in the natural environment having potential harmful effects for humans and the aquatic ecosystems it would not be appropriate to limit the range of these substances that should be monitored.

Amendment 21

Proposal for a directive

Article 2 – paragraph 1 – point 6

Directive 2006/118/EC

Article 6 a – paragraph 1 – subparagraph 3

Text proposed by the Commission

As soon as suitable monitoring methods for micro-plastics and selected antimicrobial resistance genes **have been** identified, **those substances** shall be included in the watch list.

Amendment

Suitable monitoring methods for micro-plastics and selected antimicrobial resistance genes **shall be identified as soon as possible and no later than [the first day of the month following 18 months after the date of entry into force of this amending Directive]. As soon as those**

monitoring methods are identified, micro-plastics and selected antimicrobial resistance genes shall be included in the watch list.

Or. en

Justification

A clear deadline should be set in order to identify suitable monitoring methodologies for micro-plastics and antimicrobial resistance genes found in groundwater and start monitor and control those substances under the watch lists as soon as possible.

Amendment 22

Proposal for a directive

Article 2 – paragraph 1 – point 6 a (new)

Directive 2006/118/EC

Article 6 b (new)

Text proposed by the Commission

Amendment

(6a) The following Article is inserted :

'Article 6b

Extended producer responsibility

1. Member States shall take measures to ensure that producers that place on the market products containing any of the substances or compounds listed in Annex I to Directive 2006/118/EC, as well as substances of emerging concern included in the watch list under that Directive have extended producer responsibility.

Such measures shall ensure that those producers contribute to the costs for monitoring programmes designed under Article 8 of Directive 2000/60/EC.

2. Member States shall ensure that producers referred to in paragraph 1 fulfil their extended producer responsibility collectively by becoming a member of a producer responsibility organisation.

Member States shall ensure that:

(a) the producers referred to in paragraph 1 are required to provide, once every year, the producer responsibility organisations with the following information:

(i) the annual quantities of the products containing any of the substances or compounds listed in Annex I to Directive 2006/118/EC, as well as substances of emerging concern included in the watch list under that Directive;

(ii) information on the hazardousness of the products referred to in point (i) in the surface water and groundwater;

(b) the producers referred to in paragraph 1 are required to contribute financially to the producer responsibility organisations in order to cover the costs arising from their extended producer responsibility;

(c) each producer's contribution, as referred to in point (b), is determined based on the quantities and hazardousness in the surface water and groundwater of the products specified in paragraph 1 of this Article that are placed on the market;

(d) producer responsibility organisations are subject to annual independent audits of their financial management, including their capacity to cover the costs referred to in paragraph 4, the quality and adequacy of the information collected under point (a) and the adequacy of the contributions collected under point (b).

3. Member States shall ensure that:

(a) the roles and responsibilities of all relevant actors involved, including producers referred to in paragraph 1, producer responsibility organisations, Member State agencies and other private or public organisations carrying out monitoring programmes designed under Article 8 of Directive 2000/60/EC, and local competent authorities, are clearly

defined;

b) a reporting system is in place to gather data on the products referred to in paragraph 1 that are placed on the market of the Member States by producers.'

Or. en

Justification

The provision on extended producer responsibility (EPR) under the GWD is intended for relieving national budgets and taxpayers from the burden of costs that incur for implementing water monitoring programmes. The Commission's impact assessment foresees increases of expenses at Member State level associated with monitoring pollution due to the increased number and different nature of substances covered by the revised legislation. The EPR should be an appropriate measure to mitigate the increase of these costs.

Amendment 23

Proposal for a directive

Article 2 – paragraph 1 – point 7

Directive 2006/118/EC

Article 8 – paragraph 1

Text proposed by the Commission

1. The Commission shall review, for the first time by ... [OP: please insert the date = **six** years after the date of entry into force of this Directive] and every six years thereafter, the list of pollutants set out in Annex I and the quality standards for those pollutants set out in that Annex, as well as the list of pollutants and indicators set out in Part B of Annex II.

Amendment

1. The Commission shall review, for the first time by ... [OP: please insert the date = **four** years after the date of entry into force of this Directive] and every six years thereafter, the list of pollutants set out in Annex I and the quality standards for those pollutants set out in that Annex, as well as the list of pollutants and indicators set out in Part B of Annex II.

Or. en

Justification

The review of the priority substances list should not be delayed for an additional two years. Suggest to revert back to four years after the entry into force of the Directive concerned, as it is specified in the current GWD legislation.

Amendment 24

Proposal for a directive

Article 2 – paragraph 1 – point 7

Directive 2006/118/EC

Article 8 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. *By [two years after the entry into force of this Directive], the Commission shall establish technical guidelines regarding methods of analysis for monitoring of per- and polyfluoroalkyl substances under the parameters ‘PFAS Total’ in order to set the groundwater quality standards for the totality of the substances concerned and review Annex I accordingly.*

Or. en

Justification

In addition to the 24 PFAS that are to be inserted on the GWD list of priority substances, the Commission should develop monitoring methods also for the totality of PFAS.

Amendment 25

Proposal for a directive

Article 3 – paragraph 1 – point 5

Directive 2008/105/EC

Article 8 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission shall review, for the first time by ... [OP: Please insert the date = **six** years after the date of entry into force of this Directive] and every six years thereafter, the list of priority substances and the corresponding EQS for those substances set out in Part A of Annex I and the list of pollutants set out in Part A of Annex II.

1. The Commission shall review, for the first time by ... [OP: Please insert the date = **four** years after the date of entry into force of this Directive] and every six years thereafter, the list of priority substances and the corresponding EQS for those substances set out in Part A of Annex I and the list of pollutants set out in Part A of Annex II.

Or. en

Justification

The review of the priority substances list should not be delayed for an additional two years. Suggest to revert back to four years after the entry into force of the Directive concerned, as it is specified in the current EQSD legislation.

Amendment 26

Proposal for a directive

Article 3 – paragraph 1 – point 5

Directive 2008/105/EC

Article 8 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. By [two years after the entry into force of this Directive], the Commission shall establish technical guidelines regarding methods of analysis for monitoring of per- and polyfluoroalkyl substances under the parameters ‘PFAS Total’ in order to set the EQS for the totality of the substances concerned and review Annex I accordingly.

Or. en

Justification

In addition to the 24 PFAS that are to be inserted on the EQSD list of priority substances, the Commission should develop monitoring methods also for the totality of PFAS.

Amendment 27

Proposal for a directive

Article 3 – paragraph 1 – point 6

Directive 2008/105/EC

Article 8a – paragraph 2

Text proposed by the Commission

Amendment

2. Member States may monitor substances identified in Part A of Annex I as substances behaving like ubiquitous PBTs less intensively than is required for priority substances in accordance with

2. Member States may monitor substances identified in Part A of Annex I as substances behaving like ubiquitous PBTs **and which are no longer authorised and used in the Union** less intensively

Article 3(4) of this Directive and Annex V to Directive 2000/60/EC, provided that the monitoring is representative and a statistically robust baseline is available regarding the presence of those substances in the aquatic environment. As a guideline, in accordance with Article 3(6), second subparagraph, of this Directive, monitoring should take place every three years, unless technical knowledge and expert judgment justify another interval.

than is required for priority substances in accordance with Article 3(4) of this Directive and Annex V to Directive 2000/60/EC, provided that the monitoring is representative and a statistically robust baseline is available regarding the presence of those substances in the aquatic environment. As a guideline, in accordance with Article 3(6), second subparagraph, of this Directive, monitoring should take place every three years, unless technical knowledge and expert judgment justify another interval.

Or. en

Justification

The purpose of the amendment is to ensure no less stringent monitoring is applied to the ubiquitous PBTs in comparison to other priority substances, with the exemption of those PBTs, which are no longer authorized and used in the Union.

Amendment 28

Proposal for a directive

Article 3 – paragraph 1 – point 6

Directive 2008/105/EC

Article 8 a – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The Commission shall, within six months of the two-year period referred to in paragraph 3, using effect-based monitoring methods as defined in that paragraph, publish an evaluation report on the reliability of those methods by comparing the effect-based results with the results obtained using the conventional methods for monitoring the three estrogenic substances listed in paragraph 3.

Once effect-based methods are ready to use also for other substances, the Commission shall be empowered to adopt delegated acts in accordance with Article 9a to supplement this Directive by adding

a requirement for the Member States to use the effect-based methods, in parallel with conventional monitoring methods, to carry out monitoring to assess the presence of those substances in water bodies, in anticipation of a possible setting of effect-based trigger values in the future.

Or. en

Justification

The amendment brings forward specific provisions that will enable, once effect-based methods also for other substances are ready to use, a faster extension and application by the Member States of the EBM also to other groups of priority substances in order to be able to assess their combined effects of toxicants.

Amendment 29

Proposal for a directive

Article 3 – paragraph 1 – point 7

Directive 2008/105/EC

Article 8b – paragraph 1 – subparagraph 2

Text proposed by the Commission

The watch list shall contain ***a maximum of 10*** substances or groups of substances ***at any one time***, and shall indicate the monitoring matrices and the possible methods of analysis for each substance. Those monitoring matrices and methods shall not entail excessive costs for the competent authorities. ***The substances to be included in the watch list shall be selected from amongst the substances for which the information available indicates that they may pose a significant risk at Union level to, or via, the aquatic environment and for which monitoring data are insufficient. The watch list shall include substances of emerging concern.***

Amendment

The watch list shall contain substances or groups of substances ***selected from amongst those substances for which the information available 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***, and shall indicate the monitoring matrices and the possible methods of analysis for each substance. Those monitoring matrices and methods shall not entail excessive costs for the competent authorities. The watch list shall include substances of emerging concern.

Or. en

Justification

The purpose of this amendment is to have a non-capped watch list of new and emerging substances that can be found in surface water. The selection of substances to be inserted on the watch list should just correspond to the criteria listed in the provision concerned. Taking into consideration the amount of new and emerging substances appearing in the natural environment having potential harmful effects for humans and the aquatic ecosystems it would not be appropriate to limit the range of these substances that should be monitored.

Amendment 30

Proposal for a directive

Article 3 – paragraph 1 – point 7

Directive 2008/105/EC

Article 8b – paragraph 1 – subparagraph 3

Text proposed by the Commission

As soon as suitable monitoring methods for micro-plastics and selected antimicrobial resistance genes **have been** identified, those **substances** shall be included in the watch list.

Amendment

Suitable monitoring methods for micro-plastics and selected antimicrobial resistance genes **shall be identified as soon as possible and no later than [the first day of the month following 18 months after the date of entry into force of this amending Directive]. As soon as those monitoring methods are established, micro-plastics and selected antimicrobial resistance genes** shall be included in the watch list.

Or. en

Justification

A clear deadline should be set in order to identify suitable monitoring methodologies for micro-plastics and antimicrobial resistance genes found in surface water and start monitor and control those substances under the watch lists as soon as possible.

Amendment 31

Proposal for a directive

Article 3 – paragraph 1 – point 7 a (new)

Directive 2008/105/EC

Article 8b a (new)

(7a) The following Article 8ba is inserted :

'Article 8ba

Extended producer responsibility

1. Member States shall take measures to ensure that producers that place on the market products containing any of the substances or compounds listed in Annex I to Directive 2008/105/EC, as well as substances of emerging concern included in the watch list under that Directive have extended producer responsibility.

Such measures shall ensure that those producers contribute to the costs for monitoring programmes designed under Article 8 of Directive 2000/60/EC.

2. Member States shall ensure that producers referred to in paragraph 1 fulfil their extended producer responsibility collectively by becoming a member of a producer responsibility organisation.

Member States shall ensure that:

(a) the producers referred to in paragraph 1 are required to provide, once every year, the producer responsibility organisations with the following information:

(i) the annual quantities of the products containing any of the substances or compounds listed in Annex I to Directive 2008/105/EC, as well as substances of emerging concern included in the watch list under that Directive;

(ii) information on the hazardousness of the products referred to in point (i) in the surface water and groundwater;

(b) the producers referred to in paragraph 1 are required to contribute financially to the producer responsibility organisations in order to cover the costs

arising from their extended producer responsibility;

(c) each producer's contribution, as referred to in point (b), is determined based on the quantities and hazardousness in the surface water and groundwater of the products specified in paragraph 1 of this Article that are placed on the market;

(d) producer responsibility organisations are subject to annual independent audits of their financial management, including their capacity to cover the costs referred to in paragraph 4, the quality and adequacy of the information collected under point (a) and the adequacy of the contributions collected under point (b).

3. Member States shall ensure that:

(a) the roles and responsibilities of all relevant actors involved, including producers referred to in paragraph 1, producer responsibility organisations, Member State agencies and other private or public organisations carrying out monitoring programmes designed under Article 8 of Directive 2000/60/EC, and local competent authorities, are clearly defined;

b) a reporting system is in place to gather data on the products referred to in paragraph 1 that are placed on the market of the Member States by producers.'

Or. en

Justification

The provision on extended producer responsibility (EPR) under the EQSD is intended for relieving national budgets and taxpayers from the burden of costs that incur for implementing water monitoring programmes. The Commission's impact assessment foresees increases of expenses at Member State level associated with monitoring pollution due to the increased number and different nature of substances covered by the revised legislation. The EPR should be an appropriate measure to mitigate the increase of these costs.

Amendment 32

Proposal for a directive

Article 3 – paragraph 1 – point 8 a (new)

Directive 2008/105/EC

Article 9 a

Present text

Article 9a

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 3(8) shall be conferred on the Commission for a period of six years from 13 September 2013. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the six-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3. The delegation of power referred to in Article 3(8) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment

(8a) Article 9a is replaced by the following :

'Article 9a

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 3(8) shall be conferred on the Commission for a period of six years from 13 September 2013. ***The power to adopt delegated acts referred to in Article 8a(3a) shall be conferred on the Commission for a period of six years from [18 months after the date of entry into force of this Directive].*** The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the six-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3. The delegation of power referred to in Article 3(8) ***and in Article 8a(3a)*** may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 3(8) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 3(8) *or Article 8a(3a)* shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.'

Or. en

(32008L0105)

Justification

A technical adaptation of Article 9a in Directive 2008/105/EC that corresponds to the power to adopt delegated acts in line with Article 8a(3a).

Amendment 33

Proposal for a directive

Annex III

Directive 2006/118/EC

Annex I – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Where, for a given body of groundwater, in particular a body of groundwater situated in the ecological network of special areas of conservation under Council Directive 92/43/EEC, it is considered that the groundwater quality standards could result in a failure to achieve the environmental objectives specified in Article 4 of Directive 2000/60/EC for associated bodies of

surface water, or in any significant diminution of the ecological or chemical quality of such bodies, or in any significant damage to terrestrial ecosystems which depend directly on the body of groundwater, more stringent threshold values shall be established in accordance with Article 3 and Annex II to this Directive. Programmes and measures required in relation to such threshold values shall also apply to activities falling within the scope of Directive 91/676/EEC.

Or. en

Justification

This amendment reinserts the text of the provision in Annex I of the GWD that the Commission suggested to delete in its proposal for revision, ensuring that in areas and especially in the protected areas like the Natura 2000 where the groundwater quality standards could result in a failure to achieve the environmental objectives under the WFD, more stringent threshold values should be established to ensure better protection for these areas.

Amendment 34

Proposal for a Directive
Annex V – paragraph 1 – point 2
 Directive 2008/105/EC
 Annex I – table – row 60

Text proposed by the Commission

(60)	Gl yp ho sa te	H e r b i c i d e s	107 1- 83-6	2 1 3 - 9 9 7 - 4	0 , 1 (25) 8 6 , 7 (26)	8 , 6 7	3 9 8 , 6	3 9 , 8 6				
------	----------------------------	--	-------------------	---	---	------------------	-----------------------	-----------------------	--	--	--	--

⁽²⁵⁾ For freshwater used for the abstraction and preparation of drinking water.

⁽²⁶⁾ For freshwater not used for the abstraction and preparation of drinking water.

Amendment

(60)	Glyphosate	Herbicides	107 1- 83-6	2 1 3 - 9 9 7 - 4	0 , 1	0 , 0 1	3 9 8 , 6	3 9 , 8 6				
------	------------	------------	-------------------	---	-------------	---------------------------------------	-----------------------	-----------------------	--	--	--	--

Or. enJustification

A single threshold value should be defined for glyphosate in inland surface waters and not having one value for drinking water and the other for water that is not used for the abstraction and preparation of drinking water.

EXPLANATORY STATEMENT

Increasing chemization of the natural environment predominantly due to industrial, chemical, pharmaceutical, agricultural and other market-induced activities can lead to chemical pollution of surface and groundwater. As such, it poses a threat to human health as well as to the aquatic environment seriously affecting loss of habitats and biodiversity. 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. Being an integral part of the Zero Pollution Action Plan, the Rapporteur is confident the revision of the water legislation concerned should contribute to the implementation of the zero pollution ambition for a toxic-free environment in the EU.

The Rapporteur acknowledges the conclusions of the 2019 Fitness Check evaluation of the EU water legislation with an overall assessment that the respective Directives are fit for purpose and have led to a higher level of protection for water bodies, while the fact that the WFD’s environmental objectives have not been achieved even if the deadline has been extended twice in this regard is largely due to insufficient funding, slow implementation and insufficient integration of environmental objectives in sectoral policies, and not due to a deficiency in the legislation. The Rapporteur notes also the findings in the evaluation that point at possible areas of improvement of the legislation especially in terms of enhanced protection of ecosystems and human health from risks posed by chemical pollutants as well as overcoming the implementation deficits, and it thereby welcomes how these have been translated into policy options feeding into the revised legislation text as proposed by the Commission.

The Rapporteur, therefore, sees no need for amending the unchanged parts of the respective basic acts. However, he suggests to supplement further certain segments with the purpose to ensure the legislation lives up to the challenges posed by the new and emerging substances, supports non-conventional monitoring methods to better measure the effects of chemical mixtures, enables measures for cessation of pollution, applies a precautionary principle in setting the environmental quality standards for controversial substances like glyphosate, enhances monitoring programmes in line with the polluter pays principle, and ensures effective access to justice in case of breaches of the WFD.

In this regard, the following elements are of the main concern for the Rapporteur:

Emerging and new substances

The watch lists are established for surface and groundwater pollutants of emerging and new nature as a monitoring pre-phase before those substances are listed as priority substances. Considering the fast evolving pace of chemicals that appear in the natural environment and have the potential, as pollutants, to cause significant risks to human health and the aquatic life, the extent of substances to appear on those watch lists should not be limited. In addition, taking into consideration the potential risks micro-plastics and antimicrobial resistance genes, both as emerging substances, present to human health, a deadline should be determined for identifying suitable monitoring methods for those substances in order to include those

substances on the watch lists.

EBM

The Rapporteur supports the intent to deploy advanced monitoring methods like the effect-based monitoring (EBM) which is more efficient in determining the impact of complex mixtures of chemicals on water quality. However, considering that important advancement have already been made in applying these methods and that under the present revision further comparison between this new methodology and the conventional ones is expected to determine the EBM as a reliable screening method, the Rapporteur suggests specific provisions that will enable extension and application of the EBM also to additional groups of substances whose combined effects of toxicants co-occurring in the environment shall be assessed and trigger values established using the effect-based monitoring methods.

EQS for glyphosate

Glyphosate is the most frequently used herbicide within the Union for agricultural use. As an active substance it has raised serious concerns in terms of its impact on human health and aquatic toxicity. The market authorisation for glyphosate has been temporarily extended until December 2023, while the European Food Safety Authority is about to release a complex and thorough reassessment of this active substance in July 2023. Various recent scientific studies emphasize the introduction of an EQS that is considerably lower than the threshold value determined in the amending Directive. Taking into consideration these circumstances and with the purpose to ensure the good chemical status of the majority of Union waters, the following EQS for glyphosate should be adopted based on a precautionary principle: a common and unified AA-EQS of 0,1 µg/L for inland surface waters; AA-EQS of 0,01 µg/L for other surface waters.

Phase-out of priority hazardous substances

The Rapporteur sees revoking the current provision in the Article 16(6) WFD on the 20-year deadline for the phase-out of priority hazardous substances as an unnecessary backtrack. The Rapporteur is confident that the phasing out obligation is one of the main objectives of the WFD and it is only enforceable if it is linked to a clear deadline. The provision as such should therefore remain intact.

Extended producer responsibility

Introducing the provision on extended producer responsibility would, similarly to the one included already in the Urban Waste Water Directive, ensure the respective legislation lives up to the polluter pays principle particularly when it comes to financing of monitoring programmes, which, for the time being, rest solely on the national budgets. The application of such a provision is relevant furthermore, when it comes to providing monitoring for emerging and new pollutants as well as in deploying more advanced and non-conventional monitoring methods.

Access to justice

The Rapporteur 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 WFD. Such an endeavour would contribute to the actual implementation of the Commission's commitments, under its communication from 14 October 2020 on improving

access to justice in environmental matters, to take action to improve access to justice before national courts in all Member States for citizens and environmental NGOs who have specific concerns about the compatibility with environmental law of administrative acts with effects on the environment.

ANNEX: LIST OF ENTITIES OR PERSONS FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT

The following list is drawn up on a purely voluntary basis under the exclusive responsibility of the Rapporteur. The Rapporteur has received input from the following entities or persons in the preparation of the draft report:

Entity
Commission DG ENV
Covestro AG
EPPA SA
Environmental Agency of the Republic of Slovenia
European Environmental Bureau
ClientEarth AISBL
Slovenski komite mednarodnega združenja hidrologov Slovenije
Društvo vodarjev Slovenije
Geological Survey Of Slovenia
Slovensko društvo za zaščito voda
Global Water Partnership Slovenia
Institute REVIVO
Legal-Informational Centre for NGOs
Permanent representation of the Republic of Slovenia to the European Union