



## NGOs' recommendations for revised lists of priority substances for surface and groundwater

Aquatic ecosystems are home to a wide range of species and are vital for society and economic activities, yet they are under immense pressure from human impact. More than 20 years after agreeing on the EU's main water law, the Water Framework Directive, only one-third of Europe's surface water bodies are in good chemical status. While the reported status of groundwater is slightly better, large regional differences reflect varied levels of monitoring efforts among Member States. **This is a topic that people care deeply about, with the last Eurobarometer survey on the [Attitudes of Europeans towards the Environment](#) showing that 78% of Europeans want the EU to do more to tackle water pollution.**

On 26 October 2022, the European Commission presented its [proposal](#) for a Directive amending the Water Framework Directive (WFD 2000/60/EC), the Groundwater Directive (GWD 2006/118/EC) and the Environmental Quality Standards Directive (EQSD 2008/105/EC). This proposal updates the lists of priority substances for surface and groundwater as well as their associated legal threshold values used to assess chemical status under the WFD. The initiative is long overdue, as updates should take place at least every 6 years<sup>1</sup> and was last done in 2013 (surface water) and 2014 (groundwater).

The lists of priority substances and groundwater pollutants urgently need updating as they are incomplete, out of date and do not offer adequate protection of ecosystems and human health from risks posed by water pollution. Additionally, the quality standards are largely focused on individual substances, overlooking the effects of chemical mixtures, widely underestimating the real loads of pollutants sensed by aquatic life.

The Commission's proposal adds a range of crucial water pollutants such as PFAS, pharmaceuticals and additional pesticide active substances to the EU lists of surface and groundwater pollutants, which will require Member States to monitor their presence in water and ensure that quality standards are not surpassed. The European Parliament adopted [its position](#) in September 2023, and agreed to the proposed new substances, while also strengthening the proposal in several important aspects. However, [the Council mandate](#), adopted in June 2024, weakens gravely not only the Commission's proposal but also the WFD in general.

The EEB, PAN Europe, WWF, HCWH and Surfrider Foundation Europe call on the three European institutions to finalise the negotiations under the Hungarian Presidency, reject the weakening amendments proposed by the Council, especially those going beyond the scope of the proposal, and strengthen the Commission's proposal where needed in line with the following recommendations.

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<sup>1</sup> Water Framework Directive Article 16(4) and 16(7), Environmental Quality Standards Directive Article 8, Groundwater Directive Article 10

## 1. Strengthening governance

- **Reject the European Council’s amendments delaying the deadline to reach compliance with the new pollution standards to 2039 for newly-added priority substances and groundwater pollutants (with the possibility to derogate until 2051), and to 2033 for existing priority substances** for surface water (paragraphs (4)(aa) in GWD 2006/118/EC; paragraphs (2)(a)(iii) and (iv) in EQSD 2008/105/EC). Delaying measures addressing new substances until 2033 means losing a decade to limit the emissions, discharges and losses of these substances and will result in more challenges to remediate their contamination in retrospect. Instead, the following timeline should be adopted:
  - For newly adopted substances:
    - Entry into effect: 6 months after adoption for both groundwater (as proposed by the European Parliament in AM 142) and surface water pollutants
    - Monitoring program: within 6 months of adoption (current timeline to start monitoring of substances on the Watch List)
    - Program of Measures for the new substances: included in next RBMPs (2028-2033)
    - Compliance date for new substances: 2033 (as proposed by the Commission and supported by the European Parliament AM 142 for the new groundwater quality standards). The Council request that the exemptions in WFD Art 4.4 to 4.9 should apply ‘mutatis mutandis’ to the new substances must also be rejected as it would allow derogations from compliance until 2051.
  - For existing substances: the previously agreed timelines must be kept (i.e. good chemical status by 2027 at the latest). Pushing forward existing compliance deadlines is backtracking on previously agreed environmental measures.
- **Reject the Council’s amendments introducing two new exemptions to the environmental objectives of the WFD**, allowing short-term negative impacts and also the deterioration of the quality of a water body by relocating water or sediment (new paragraphs 7a and 7b in Article 4, WFD 2000/60/EC). The ongoing update of the EU water pollution standards should be kept to the chemical aspects of the WFD and must not amend basic principles of the WFD, which has recently undergone a fitness check and was deemed fit for purpose.
- **Reject the Council’s amendment to Article 8(3), WFD 2000/60/EC asking the Commission to come up with new indicators showing progress in the chemical status**, as it could open the door to a review of the Water Framework Directive’s one-out-all-out principle in the future. The use of alternative indicators by Member States is already possible and EEA is already preparing [maps](#) showing chemical status with and without uPBTs .
- **Support the Commission’s proposal that monitoring data and the resulting status should be made available to the public and the EEA at least once a year** (instead of every six years currently) to provide a more up-to-date picture of the state of Europe’s waters (new paragraphs 4 and 5 added to Article 8, WFD 2000/60/EC).

## 2. Addressing the effects of chemicals, including mixtures

The Commission's proposal included limited efforts to regulate substances as groups, including a threshold for 24 PFAS (expressed as PFOA-equivalents using a relative potency factor approach) in surface and groundwater, as well as a limit value for 'total pesticides' in surface water and 'total pharmaceuticals' in groundwater. Unfortunately, most substances were added with individual threshold values, which has several known drawbacks, including i) overlooking the combined effect of chemical mixtures, and ii) risking becoming outdated quickly as substances can be taken off the market and substituted by others with similarly harmful effects. To regulate substances as groups is an effective way to counter these shortcomings.

- **Reject the European Council's amendments deleting the proposed 'Sum of pharmaceuticals' threshold for groundwater (0.25 µg/L), as well as the proposed threshold for 'total pesticides' of 0.5 µg/L for surface water (the same as is currently in place for groundwater).** Deleting these means there will be no upper limit to how much pharmaceuticals and pesticides are legally allowed in groundwater and surface water respectively.
- **Support the European Parliament's amendments harmonising the thresholds of existing pesticide priority substances to meet the requirement of a new 'total pesticides' threshold of 0.5 µg/L for surface water** e.g. glyphosate's thresholds were amended as follows: AA-EQS for inland surface waters of 0,1 µg/L and of 0,01 µg/L for other surface waters.
- **Support the European Parliament's amendment requesting the development of a 'PFAS total' threshold to be used in complement to the 'sum of PFAS' parameter (AM 24).** With the correct methodology, such a parameter could capture e.g. TFA.

A more precise way to address the combined effects would be to deploy a concentration addition approach in the setting of threshold values for groups of substances with similar modes of action, such as what the Commission proposed for PFAS.

- **Support the European Parliament's amendment to develop a group threshold for bisphenols (AM 121 and 152)** and build on that to develop further group thresholds for groups of substances with similar modes of action, such as neonicotinoids, pyrethroid insecticides, photosynthesis-inhibiting herbicides, estrogenic hormones and macrolide antibiotics. In fact, this could be done, already in the existing update by introducing a requirement that the summed risk quotients for substances with the same mode of action should not exceed 1, which has been advised by scientists<sup>2</sup>.

The Commission had proposed that Member States should monitor the combined effects of estrogenic substances using Effect-Based Methods (EBM) for a period of two years. EBM capture the combined effects of substances with similar modes of action. Their inclusion in the WFD monitoring would help improve the picture of water pollution and can be particularly helpful for substances that are active at very low concentrations and that can be challenging to monitor using regular chemical analytics. We support the use of EBM as a complement to chemical analytics.

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<sup>2</sup> See e.g. the response to the feedback consultation on the Commission's proposal by the Swiss Ecotox Centre [https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12662-Integrated-water-management-revised-lists-of-surface-and-groundwater-pollutants/F3388578\\_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12662-Integrated-water-management-revised-lists-of-surface-and-groundwater-pollutants/F3388578_en)

- **Reject the Council's amendment reducing the EBM monitoring to a voluntary measure** (recital 11 and paragraph 3 to Article 8a EQSD). This risks resulting in limited application and not providing an EU-wide picture, while also slowing the progress to curb the presence of these substances in water.

### 3. Improve monitoring

- **Support the European Parliament's amendments (AMs 85 and 126) rejecting the Commission's proposal to limit the number of substances that can be added to the existing surface water Watch List and the proposed new groundwater Watch List.** The Commission reduced the number of substances on the surface water WL from to 10 (paragraph 1 to Article 8b in EQSD 2008/105/EC) down from currently 14, and limited the number of substances on the groundwater WL to maximum five (paragraph 1 and 2 in Article 6a in GWD 2006/118/EC). The European Parliament instead proposed a minimum of five substances for both watch lists.
- **Reject also the Council's proposal to delay the start of the monitoring of Watch list substances** to 9 months after adoption from currently 6 months (recital 14b, paragraph 3 to Article 6a in GWD 2006/118/EC and paragraph 3 to Article 8b in EQSD 2008/105/EC). Sufficient staff, skill and lab capacities should have already been established during previous Watch Lists.
- **Support the European Parliament's amendment (AM 94 and AM 132) requesting the Commission to examine the possibility of including an extended producer mechanism** that ensures that producers cover the monitoring costs resulting from their products. An Extended Producer Responsibility has recently been introduced in the recast Urban Wastewater Treatment Directive, soon to be adopted.
- **Support the Parliament's amendment (AM 124) that requires that existing monitoring practices are kept for ubiquitous PBT substances that are still authorised and in use in the Union.** The Commission proposal would allow Member States to monitor less frequently substances identified as uPBTs (including mercury, PAHs, dioxins and PFAS). However, it is crucial that monitoring is kept for substances that are still emitted to the environment in order to direct measures to the source.

### 4. Improve groundwater protection

- **Reject the European Council's suggestion to align the quality standards for PFAS in groundwater with those in the Drinking Water Directive** (the proposal to have a separate threshold for the four PFAS from the EFSA opinion could however be supported). The PFAS limits in the Drinking Water Directive are not based on the latest science on the dangers of human exposure to PFAS and also excludes many common 'regrettable substitutions' used by the industry (eg. Gen X, ADONA).
- **Reject the Council proposal to weaken groundwater protection by aligning groundwater quality standards for pharmaceuticals with environmental quality standards developed for surface water.** This counters the recommendations by the European Medicines Agency<sup>3</sup> that advises a precautionary approach and the setting of one order of magnitude lower thresholds for veterinary medical products in groundwater compared to surface water.
- **Reject the Council's amendment proposing to set up a separate list for relevant and non-relevant pesticide metabolites.** While it would be welcome to harmonise the legislation on pesticide

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<sup>3</sup><https://www.ema.europa.eu/en/assessing-toxicological-risk-human-health-groundwater-communities-veterinary-pharmaceuticals-groundwater-scientific-guideline>

metabolites, creating another list again relies on the substance-by-substance approach which ignores mixture effects and risks of becoming outdated too quickly to fully address pesticide pollution.

- **Support the European Parliament's amendment aligning the threshold for non-relevant metabolites with existing criteria for pesticides and their metabolites**, i.e. 0,1 µg/L for individual substances and 0,5 µg/L for total concentration (AM 148).
- **Support the European Parliament's call on the Commission to review the groundwater quality standards for individual and total pesticides (AM 27), and as an interim measure apply the stricter thresholds of 0,05 µg/L (individual) and 0,25 µg/L (total) (AM 144)**. The generic pesticide thresholds for pesticides in groundwater were established in the 1990s based on the technical standards of that time. Since then, advances have been made in analytical methods and the quality standards should reflect the latest scientific findings on their effect on health and the environment.
- **Support the European Parliament's amendment 143 to retain existing requirements in GWD Annex 1.3 that stricter quality standards should be set if associated surface water bodies risk failing WFD objectives**. This requirement is stated in the current Groundwater Directive Annex 1 paragraph 3 but was deleted in the Commission's proposal.
- While we welcome the Parliament's call to establish parameters for elements like temperature, oxygenation and pH (expressed in AMs 80 and 92) that could help assess the health of groundwater ecosystems, such criteria need to be developed within the existing legal framework, e.g. by listing these pollution indicators in Annex II of the GWD.

##### 5. Ensure that EU water pollution regulation reflect latest science and lead to action at source

- **Support the position of the Council to maintain the requirement that the Commission should submit proposals to achieve the phase-out of Priority Hazardous Substances within 20 years**. Action at EU level is crucial to curb pollution from substances such as PFAS.
- **Support the Parliament's amendment that the lists of priority substances and groundwater pollutants should be updated at least every 4 years (AM 96 and AM 117)** in order to more swiftly reflect scientific findings. This was the original timeline in the WFD before the 2013 revision.