



To: Water Directors of the EU Member States and other countries members of the EU

WFD CIS process

CC: Veronica Manfredi, Director, ENV.C and Claudia Olazabal, Head of Unit, ENV.C.1, DG Environment, European Commission

Re: European Commission proposal to update priority substances for surface and groundwater

Dear Water Directors,

On behalf of the undersigning organisations, we are writing to you ahead of the meeting of Water and Marine Directors' where the Commission's proposal to update the lists of priority pollutants of surface and groundwater will be discussed on 14 June. We urge you to instruct your colleagues involved in the negotiations to reject provisions which further weaken the Commission's proposal in particular by making substantial changes to basic principles of the Water Framework Directive (WFD), thus undermining the fitness check evaluation of the WFD and resulting in delayed action on tackling water pollution.

Healthy freshwater and coastal ecosystems are fundamental for life on our planet. They provide home to a wide range of species and are vital for our wellbeing, our society and economic activities, but despite progress made, water pollution remains a significant challenge across the EU. The last Eurobarometer survey on [Attitudes of Europeans towards the Environment](#) show that **78% of Europeans** want the EU to do more to tackle water pollution.

The lists of priority substances and groundwater pollutants need updating urgently since they are **incomplete, out of date** and do not offer adequate protection of ecosystems and human health from risks posed by water pollution.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 current approach is largely focused on individual substances without considering the effect of **chemical mixtures**, and thus misses the actual loads of pollutants impacting aquatic life. The ongoing update of the lists of pollutants against which chemical status under the WFD is

assessed is a legal requirement¹ that must be done at least every six years in order to reflect scientific progress.

However, this update needs to be focused on chemical aspects of the WFD only and must not be misused as a means to change fundamental obligations of the WFD, which was recently evaluated and concluded to be fit for purpose. **We therefore urge you to instruct your colleagues to reject the proposals to amend Art 4 of the WFD that would include two new exemptions from the environmental objectives** as this falls outside of the scope of the mandate of the ongoing update and **would weaken one of the core obligations under the WFD**. Contrary to what is claimed, river restoration or other projects that do not negatively affect the status of a water body are not stopped by the current CJEU jurisprudence (as explained in the Annex). Besides, adding more flexibility to the application of the non-deterioration principle would run against the Fitness Check conclusions that the WFD needs to be better implemented.

We also strongly oppose the Council's proposal to push forward the **compliance date for the new substances** to 2039, with possibility to derogate for another two River Basin Management Cycles, i.e. until 2051. Such a delay fails to respond to the environmental, societal and economic cost resulting from water pollution. We regret that the Commission's proposal seems to be largely viewed as a burden, rather than a tool to ensure good quality of water for generations to come and **we urge you to instruct your colleagues to work within the Council for a more ambitious timeline to tackle water pollution**.

The unhealthy effects of water pollution are becoming an epidemic across Europe and society is paying the price. For example:

- **Water pollution drives water scarcity.** 200,000 people in Spain cannot drink their tap water due to unsafe levels of **nitrates** from agriculture.ⁱ
- **Water pollution is costing us dearly.** In Rastatt, Germany water bills increased around 20% as the water supplier needs to remove Per- and Polyfluorinated Substances (PFAS) resulting from contaminated paper sludge used as fertilizer.ⁱⁱ
- **Fish is becoming inedible.** It is sufficient to consume 16 g of fish from the lower Elbe to reach the maximum tolerable intake of PFAS following the EFSA guidelines.ⁱⁱⁱ
- **Sea foam contains alarming levels of PFAS.**^{iv} In the Netherlands, the authorities advise parents to make sure their kids do not swallow sea foam as it can contain harmful levels of PFAS.^v
- **Water pollution drives biodiversity loss.** In Switzerland, a recent study highlights that insect larvae and other small animals are missing in over 70% of the streams examined due to pesticide pollution.^{vi} This underlines the urgency to improve measures to better protect water.

The costs of addressing water pollution must be weighed against the cost of inaction to our health and wellbeing. The way forward should not be a reduction in monitoring, but efforts must instead be made to implement the Polluter Pays Principle and recover the costs for additional monitoring. While budget allocation for water management is a political decision at national level, **we urge you to consider the proposal from the European Parliament² that calls for producers and importers to contribute to the costs resulting from the pollution they are causing via an Extended Producer Responsibility scheme**.

Finally, it is crucial that the new lists of EU water pollutants and their associated standards are adopted before the Member States start planning measures under the next cycle of River Basin Management Plans

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

² See amendments 51, 53, 94 and 132 in report A9-0238/2023 of the European Parliament https://www.europarl.europa.eu/doceo/document/A-9-2023-0238_EN.html

in 2025. **We believe it is in the interest of Member States to conclude the limited revision of the chemical aspects of the WFD to ensure proper planning of the 4th river basin management cycle.**

We urge you to not be led astray by short-term thinking but to prioritise the long-term health of our citizens and freshwater, and coastal ecosystems.

Yours sincerely,



Sergiy Moroz, Policy Manager for Biodiversity and Water, European Environmental Bureau (EEB)

On behalf of

European Anglers Alliance Natuurpunt Surfrider Foundation Europe WWF European Policy Office
Healthcare Without Harm PAN Europe Wetlands International Europe

ⁱ <https://www.ecologistasenaccion.org/311970/la-contaminacion-por-nitratos-de-fuentes-agrarias-y-ganaderas-deja-sin-agua-a-mas-de-200-000-personas/>

ⁱⁱ <https://www.bund.net/service/presse/pressemitteilungen/detail/news/bund-und-bdew-pfas-belastung-hersteller-sollen-zahlen/>

ⁱⁱⁱ Semerád et al., (2022), The driving factors of per- and polyfluorinated alkyl substance (PFAS) accumulation in selected fish species, *Sci Total Environ.* 816:151662. DOI: [10.1016/j.scitotenv.2021.151662](https://doi.org/10.1016/j.scitotenv.2021.151662)

^{iv} Bo Sha et al., Constraining global transport of perfluoroalkyl acids on sea spray aerosol using field measurements. *Sci. Adv.* 10, ead11026 (2024). DOI: [10.1126/sciadv.adl1026](https://doi.org/10.1126/sciadv.adl1026)

^v <https://open.overheid.nl/documenten/dpc-dba15b091353edf378aa8cb4de91767767c0ad30/pdf>

^{vi} <https://www.eawag.ch/en/info/portal/news/news-detail/deficits-in-the-ecological-state-of-small-swiss-streams/>

Annex

It is argued e.g. in the non-paper on ‘deterioration’ circulated earlier this year that the outcome of the judgement in the case Case C-525/20 (FNE v France) could stand in the way for sustainable projects such as river restoration.

However, it is clear from the judgment in Case C-525/20 that the rules on temporary deterioration do not affect programmes or projects which, by their nature, have little effect on the water body status (para 45).

In addition, the Court explicitly addressed the concern that the ruling could impact ‘renaturalisation’ or other sustainable projects and found that these are adequately covered by the exemption of Art.4(7)(c) on overriding public interest and/or benefits to environment and society (C-525/20, para 43).

Member States have a broad margin of discretion for determining what constitutes an overriding public interest, as confirmed by the court in Case C-346/14 (EC v Austria). Therefore, restoration or other projects enhancing the status of the water body are not stopped by the current CJEU jurisprudence.