



To: Coreper I Deputy Permanent Representatives

Cc: Environmental attachés

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

Dear Ambassador,

On behalf of the undersigning organisations, we are writing to you to urge you to reject proposals to further weaken the Commission's proposal to update the lists of priority pollutants of surface and groundwater, and to use the ongoing limited update of the chemical aspects to make 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 The lists of priority substances and groundwater pollutants need updating urgently since they are **incomplete, out of date** and do not offer adequate protection of ecosystems and human health from risks posed by water pollution.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 reject the proposed modifications on non-deterioration obligations (WFD art 4) as these fall outside of the scope of the mandate of the ongoing update and would weaken one of the core obligations under the WFD.**

We 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

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

good quality of water for generations to come. **We urge you 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 it is a political decision at national level how much budget is allocated for water management, **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.**

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 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

PAN Europe

Wetlands International Europe

Healthcare Without Harm

Surfrider Foundation Europe

WWF European Policy Office

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

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/>