

European Parliament (EP) & Online

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*The European River and Groundwater Memorandums (ERM, EGM),  
how important is the Polluter Pays Principle?*

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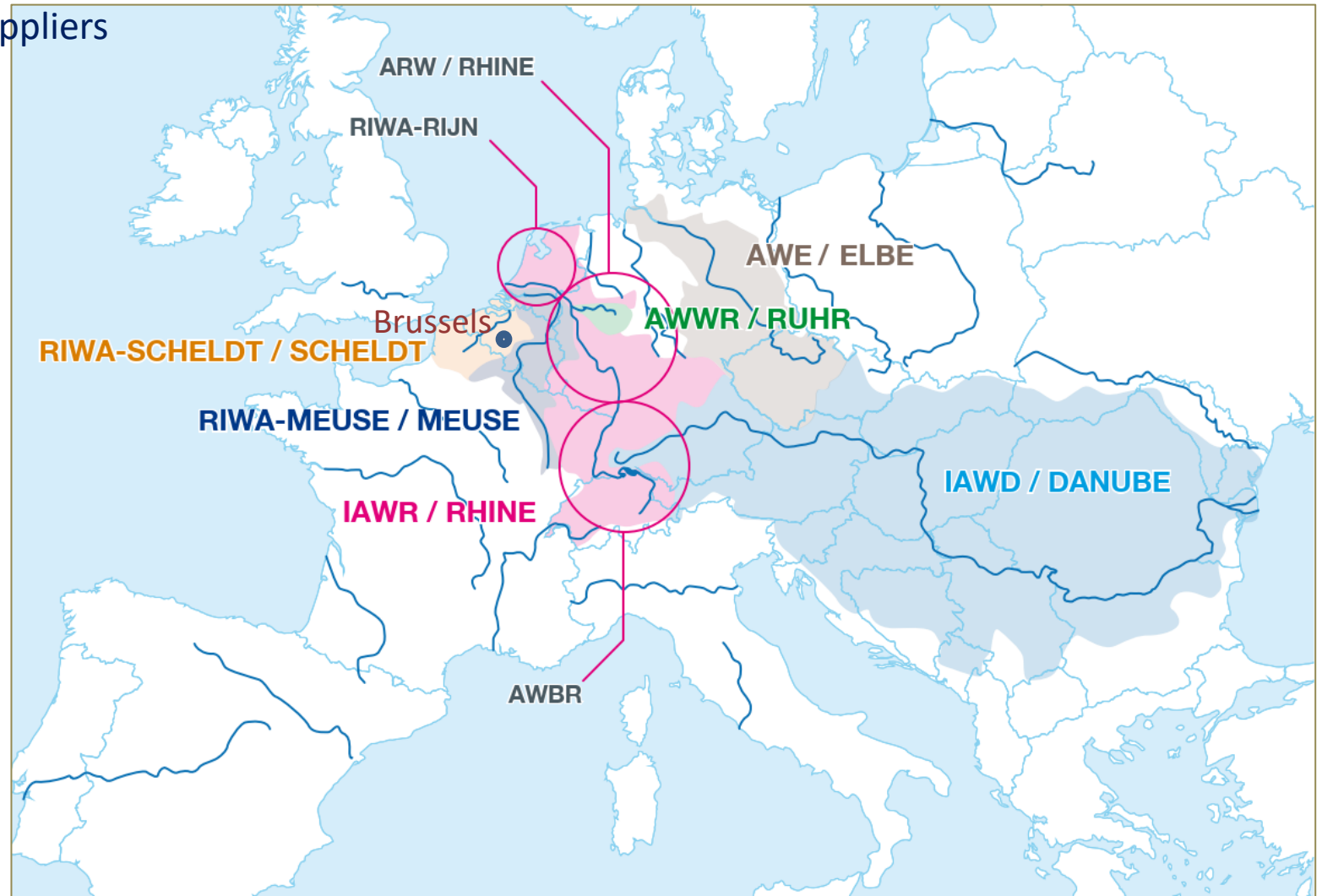
- 1) The European River and Groundwater Memorandums (ERM, EGM)
- 2) How important is the Polluter Pays Principle?

## ERM Coalition – Coalition of the European River Memorandum (ERM)

- ERM Coalition: 170 drinking water suppliers
- Goal: Protection of  
 drinking water resources

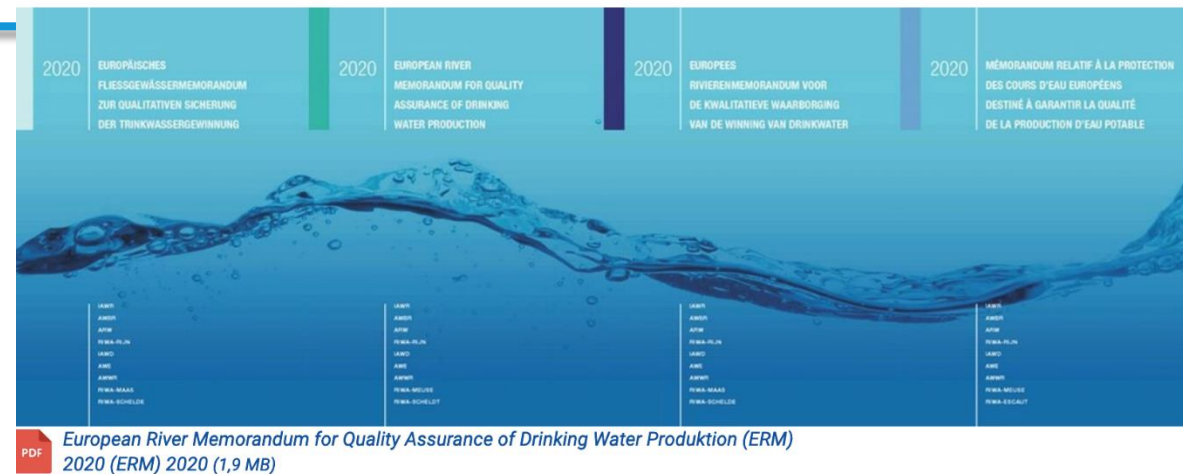


- River basins: Rhine, Danube, Elbe, Meuse, Scheldt
- 188m in river basins
- In 18 States (13 EU Member States)



## 1) The European River and Groundwater Memorandums (ERM, EGM)

### European River Memorandum 2020 (ERM)



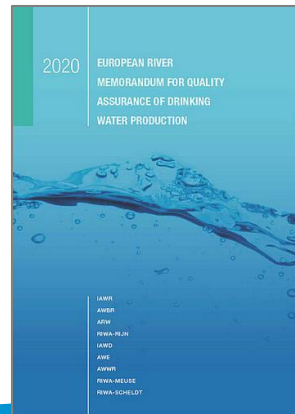
### European Groundwater Memorandum 2022



## 1) The European River and Groundwater Memorandums (ERM, EGM)

### European River Memorandum (ERM)

1. Priority of public water supply
2. Precaution-driven protection of water bodies
3. Sustainable management of water resources
4. Prohibition of deterioration /  
requirement of minimisation
1. Monitoring of water bodies by authorities
2. Taking responsibility of discharged substances
3. Industrial plant safety and incident prevention
4. Regulation of particularly critical substances
5. Application of stricter hygiene standards
6. Shared responsibility



### European Groundwater Memorandum

1. Groundwater must be available naturally and in sufficient quantities
2. Groundwater is to be preserved as a precious common resource
3. Public drinking water supply has priority in use
4. „Zero pollution“ is the protection goal for groundwater
5. Polluters and policy-makers have to act



<https://en.iawr.org/publication/memorandum/>

## 1) The European River and Groundwater Memorandums (ERM, EGM)

ERM target values (maximum values) for non-natural substances, per individual substance:

0.1 µg/L Non-evaluated substances that form non-evaluated degradation/transformation products;

0.1 µg/L Evaluated substances with known effects on biological systems

except if toxicological findings require an even lower value, e.g. for genotoxic substances;

0.1 µg/L Non-evaluated substances that cannot be removed sufficiently by natural procedures;

1.0 µg/L Evaluated substances without known effects on biological systems.

- EGM intervention values are at 50 % of the corresponding target values set in the ERM for surface water bodies
- WFD Art. 17 (5): trend reversal at 75 % of Groundwater Quality Standard

**Position: Set ERM target values as Environmental/Groundwater Quality Standards**  
in revision of WFD, EQS Directive and GW Directive

! + Review required every 3 years (emerging pollutants!)

! + Standards groundwater/surface ≤ standards for  drinking water





(1) ( )	(2)	(3)	(4)	(5)	Groundwater Quality Standard
[E ntr y] N°	Name of substance	Category of substances	CAS number ( <sup>1</sup> )	EU number ( <sup>2</sup> )	Quality Standard ( <sup>3</sup> ) [µg/l unless otherwise indicated]
6	Pharmaceutical active substances – total ( <sup>8</sup> )	Pharmaceuticals	not applicable	not applicable	0,25
7	Non-relevant metabolites of	Pesticides	not applicable	not applicable	0,1 ( <sup>9</sup> ) or 1 ( <sup>10</sup> ) <del>or 2,5 or 5 (<sup>11</sup>)</del> (individual)

(<sup>9</sup>) Applicable to 'data-poor' nrMs, i.e. nrMs for which no reliable experimental data on chronic or acute effects of the nrM are available on the taxonomic group confidently predicted to be the most sensitive.

(<sup>10</sup>) Applicable to 'data-rich' nrMs, i.e. nrMs for which reliable experimental data on chronic or acute effects of the nrM are available on the taxonomic group confidently predicted to be the most sensitive, but where the data are insufficient to qualify the substances as 'data-rich'.

(<sup>11</sup>) Applicable to 'data-rich' nrMs, i.e. nrMs for which reliable experimental data, or equally reliable data obtained by alternative scientifically validated methods, are available on chronic or acute effects of the nrM on at least one species each of algae, of invertebrates, and of fish, allowing the most-sensitive taxonomic group to be confidently confirmed, and for which a QS can be calculated using a deterministic approach based on reliable chronic experimental toxicity data on that taxonomic group; Member States may apply for this purpose the latest guidance established in the framework of the Common Implementation Strategy for Directive 2000/60/EC (Guidance document No. 27, as updated). The QS of 2,5 for individual nrMs shall apply unless the QS calculated by the deterministic approach is higher, in which case a QS of 5 shall apply.

Negligent legislation:

! Classification of >6 nrM (non-relevant Metabolites) has changed into rM (relevant Metabolite)

! 0.1 µg/L is limit value for relevant Metabolites in drinking water!

✓ SCHEER Committee & CH: nrM 0.1 µg/L nrM 0.1 µg/L essential !

- 1) The European River and Groundwater Memorandums (ERM, EGM)
- 2) How important is the Polluter Pays Principle?



## 2) How important is the Polluter Pays Principle?

([TFEU](#), Art. 191 (2) ):

„**Union policy** on the environment shall aim at a high level of protection taking into account the diversity of situations in the various regions of the Union. It **shall be based on the precautionary principle** and on the principles **that preventive action should be taken, that environmental damage should as a priority be rectified at source** and **that the polluter should pay.**“

### Monitoring costs:

- Commission's proposal: **10** substances for surface water watch list (**down from 14**) and **5** for Groundwater
- ! Non-target Screening (Rhine, ICPR): estimated ~ 6 thsnd. (1 – 10 thsnd.) unidentified substances in the Rhine
- ! More than 15 000 chemical compounds are registered [every day](#) at the CAS (also: Intellectual Property)
- ! [Planetary boundaries](#) for chemical pollution exceeded („to conduct safety related assessments and **monitoring**“)

## 2) How important is the Polluter Pays Principle?

€ Costs may not limit watch lists!!



Future monitoring gaps !

see River Oder catastrophe 2022:  
→ multiple causes



Solution:

Polluter Pays/**Extended Producer Responsibility (EPR)**, [AM: new Art. 6b, new Art. 8b a](#)):

→ Allocate costs of pollution to polluters.

→ (Instead of taxpayer/consumer:) Allocate costs of pollution to profits made by pollution.

(TFEU Art. 191 (2), [WFD Art. 7.3 & 9.1](#))



Ends incentive for pollution.



„Good chemical status“ ([WFD](#)) not given to polluted surface and groundwater bodies.

## 1) New situation: insufficient protection of drinking water supply

### Clean-up costs in Waterworks:

Commission ([summary](#)): the proposal will *“limit or avoid future costs of water treatment by reducing pollution at the source”*

European Parliament ([resolution](#) on pesticide use, 12 Feb 2019)

*„regrets the fact that the deterioration of water resources has increasingly led to additional treatment by drinking water operators in order to ensure that water intended for human consumption complies with the pesticides limits as enshrined in Council Directive 98/83/EC on the quality of water intended for human consumption, with the costs being borne by consumers, not polluters;“*

## 2) How important is the Polluter Pays Principle?

### Accumulation of risks:

+ Technical report of the “Groundwater Watch List” Group of the WFD CIS Working Group, 10/2021:

→ „By assessing the non-relevant Metabolites monitoring data available, the {WFD CIS} Working Group Groundwater stated that **there is enough evidence of a European wide presence of non-relevant Metabolites in groundwater.**“

→ “**Six substances originally classified as non-relevant Metabolites were now classified as relevant Metabolites.**”

+ **analytical gap** + **monitoring gap** (due to intrancparency of emissions) for all **PMT/vPvM substances**<sup>1</sup> ([pps 17-18](#))  
<sup>1</sup> Persistent and mobile and toxic/very persistent and very mobile substances, incl. many of the pesticide metabolites

 [Draft report SUR \(Wiener\)](#), new Art. 19a: **EPR for investment in waterworks** to remove pesticides and metabolites.

**!!** Future clean-up costs of inaction in waterworks for all PMT/vPvM substances ([pps 19](#)): **est. 38 billion EUR per year**

 **Prevention:** ERM target values, esp. Groundwater Quality Standard for nrM : 0.1 µg/L !

## 2) How important is the Polluter Pays Principle?



Short-term **SUR ban**/reduction of chemically synthesized pesticides  
in water protection areas  
(sensitive areas of drinking water supply  
to substances allowed in organic farming  
([SUR proposal](#), Art. 3 16. (f) (i) + Art. 18,  
made coherent with EU Organic Regulation 2018/848)

## How important is the Polluter Pays Principle?

### *Answer:*

*It's key to allocate costs of pollution to polluters (instead of society) in order to*

*→ ensure future monitoring.*

*→ end the existing incentive for pollution.*

***THANK YOU VERY MUCH***  
***FOR SAVING OUR DRINKING WATER.***