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From: Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director

date of receipt: 18 February 2026

To: Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

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Subject: COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT pursuant to Article 294(6) of the Treaty on the Functioning of the European Union concerning the position of the Council on the adoption of 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

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Delegations will find attached document COM(2026) 39 final.

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Encl.: COM(2026) 39 final



Brussels, 18.2.2026  
COM(2026) 39 final

2022/0344 (COD)

**COMMUNICATION FROM THE COMMISSION  
TO THE EUROPEAN PARLIAMENT**

**pursuant to Article 294(6) of the Treaty on the Functioning of the European Union**

**concerning the**

**position of the Council on the adoption of 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**

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**1. BACKGROUND**

Date of transmission of the proposal to the European Parliament and to the Council 22 October 2022  
(document COM(2022)0540 – 2022/0344 COD)

Date of the opinion of the European Economic and Social Committee: 22 February 2023

Date of the position of the European Parliament, first reading: 24 April 2024

Date of transmission of the amended proposal: N.A.

Date of adoption of the position of the Council: 17 February 2026

**2. OBJECTIVE OF THE PROPOSAL FROM THE COMMISSION**

Taking into account the overarching objective of EU water policy, the proposal aimed to:

- increase the protection of EU citizens and natural ecosystems by proposing additional pollutants and related environmental quality standards to be complied with in groundwater and surface water bodies;
- increase the effectiveness and reduce the administrative burden of the legislation, to enable the EU to respond more quickly to emerging risks.

**3. COMMENTS ON THE POSITION OF THE COUNCIL**

The position of the Council as adopted at first reading fully reflects the political agreement reached between the European Parliament and the Council on 23 September 2025. The Commission supports this agreement, the main points of which are set out below.

(a) Revised list of substances and related quality standards

On the core of the Commission proposal, the political agreement keeps the majority of the revisions proposed by the Commission. Co-legislators have however agreed a few significant changes:

- **‘De-classification’ of two additional substances** (*atrazine* and *trichlorobenzene*) in addition to the four priority substances delisted in the Commission proposal. *Trichlorobenzene*’s use has been largely restricted, and latest data shows a downward trend, while *Atrazine* has been banned in the EU since 2004. These substances are hence moved from the list of surface water pollutants in Annex I (substances of EU wide concern) to Annex II (pollutants of national concern) to Directive 2008/105/EC. As a result, they will only need to be monitored and complied with in Member States where the substances are still of concern.
  - **Postponing to a future review** consideration of setting quality standards for sums of and/or totals for complex families of substances such as pharmaceuticals, pesticides, bisphenols, and PFAS and tasking the Commission to carry out additional methodological work on suitable monitoring methods and approaches to the setting of quality standards for the next legislative review.
  - **Pharmaceuticals in groundwater:** instead of the quality standard for ‘total pharmaceuticals’ proposed by the Commission, a uniform quality standard is set for individual pharmaceutical substances of national concern in groundwater. Member States are however required to set a stricter standard where sensitive groundwater ecosystems have been identified. The substance *Primidone* (anti-epileptic medication) is included in Annex I of the GWD as a pollutant of EU-wide concern.
  - **Groundwater ecosystems:** The co-legislators agreed to insert a footnote requiring Member States to set stricter threshold values for groundwater pollutants where so justified based on scientific evidence and subject to a reliable method being in place to identify the presence of groundwater ecosystems. Co-legislators also task the Commission to develop, in cooperation with Member States, a methodology to identify the presence of groundwater ecosystems.
  - **Non-relevant metabolites (nrMs) of pesticides in groundwater:** The agreement retains the ‘middle value’ of 1 µg/l and a total of 5 µg/l of from the original proposal, while allowing Member States to set a more or less strict individual standard if justified based on available data on the toxicity of the substance. It also requires the Commission to adopt an implementing act to set out a (non-exhaustive) list of nrMs within 24 months of the entry into force, to be regularly revised.
  - **Pesticides in surface water:** The co-legislators agreed to a quality standard of 0,2 µg/l for a sum of a subset of pesticides (around 30) that are already listed in Annex I to the Environmental Quality Standards Directive.
  - **Quality Standards for a sum of selected PFAS in groundwater and surface water:** For surface water, the co-legislators agreed to the Commission proposal setting a strict standard of 0,0044 µg/l for a sum of 24 PFAS and **to add also TFA (trifluoroacetic acid) to the sum of 24 PFAS, making it a sum of 25 PFAS**. For groundwater, the co-legislators did not retain the Commission proposal to include the same sum of 24 PFAS as in surface water but agreed on applying the strict quality standard of 0,0044 µg/l for the sum of 4 of the most hazardous PFAS. In addition, co-legislators agreed on the inclusion – with a dynamic alignment clause – of a less strict quality standard for a sum of 20 PFAS, which is aligned to the value foreseen under the Drinking Water Directive (DWD). It was also agreed to consider setting a quality standard for TFA in groundwater (either separately or as part of a sum) in a future review.
- (b) Monitoring and reporting

- **More frequent reporting of monitoring data and deletion of reporting on progress of programmes of measures:** The co-legislators have accepted the Commission proposal to ensure a more regular reporting, through automated data submission mechanisms, of monitoring data. The co-legislators have also accepted to simplify reporting by deleting the obligation for Member States to submit an interim report on progress in the implementation programmes of measures, considering such reporting non effective and burdensome.
  - **Enhanced roles for EEA and ECHA:** The co-legislators welcomed the proposal of the Commission to clarify and enhance the roles of the European Environment Agency (EEA) in terms of one-stop-shop for collecting monitoring data, and of the European Chemicals Agency (ECHA), in terms of supporting the Commission in future revisions of the watch lists and of the lists of pollutants.
  - **Groundwater and surface water watch lists:** The co-legislators agreed to most elements of the Commission proposal, making ‘watch list’ monitoring in groundwater mandatory and streamlining the procedure for both surface water and groundwater watch-list monitoring to make it more effective and manageable. The co-legislators also agreed to adding microplastics and antimicrobial resistance genes to future watch lists once suitable methods have been developed, so that data on their concentration in water can be collected in order to facilitate the development of a risk assessment methodology.
  - **Mandatory effect-based monitoring of endocrine disruptors:** The co-legislators agreed to introduce mandatory testing of effect-based monitoring of certain endocrine disruptors for a period of two years, while tasking the Commission to adopt an implementing act to set out the necessary technical specifications. The co-legislators also tasked the Commission to consider proposing, in the context of the next update of the lists of pollutants, the use of such methods and related trigger values, also for other groups of substances.
  - **Inventories of emissions:** building on the Commission proposal, the co-legislators agreed to ensure completely streamlined reporting of emissions of pollutants, including diffuse emissions, to the Industrial Emissions Portal, thereby avoiding any duplication of reporting since the information will no longer be required to be reported as part of the river basin management plans.
  - **Reporting of monitoring results in maps; the use of indicators of progress:** the co-legislators agreed to the Council amendments to include several additional maps to cover various combinations of quality elements and for the Commission to work together with Member States and the European Environment Agency on the development of uniform ‘progress indicators’.
  - **Joint Monitoring Facility:** the co-legislators agreed to task the Commission with an assessment of the feasibility of setting up a Joint Monitoring Facility to support Member States on a voluntary basis to manage the monitoring requirements, thereby easing Member States’ financial and administrative burdens.
  - **Extended Producer Responsibility (EPR):** The co-legislators agreed to task the Commission to perform an assessment of the feasibility of requiring producers that place on the EU market products containing any of the substances listed in Annexes I to Directives 2006/118/EC and 2008/105/EC to contribute to the costs of monitoring programmes.
- (c) Transboundary cooperation

The co-legislators agreed to increased transboundary cooperation, ensuring that affected Member States and the Commission would be informed immediately of exceptional circumstances of extreme floods, prolonged droughts or accidental transboundary pollution and that adequate cooperation is established.

(d) Access to justice

While this topic was not covered in the Commission proposal, the co-legislators agreed to introduce specific access to justice provisions in line with the Aarhus Convention similarly to those introduced in recently agreed legislation such as the revised urban wastewater treatment directive, in relation to acts and omissions subject to Articles 4, 11 and 13 (i.e. the good status objectives, the programmes of measures and the river basin management plans).

(e) Reintroduction of the ordinary legislative procedure for updating the lists of pollutants for groundwater and surface water

The co-legislators did not follow the Commission proposal to move from legislative acts to delegated acts for future amendments to the list of pollutants and related quality standards in surface and groundwater, keeping the ordinary legislative procedure for future amendments. They also maintained the current obligation for the Commission to make legislative proposals for Member States to progressively phase out emissions of hazardous priority substances within a timetable not exceeding 20 years from the listing of the substance.

(f) Use of delegated acts v use of implementing acts

On the conversion of comitology related provisions to adapt to the Lisbon Treaty, the co-legislators could agree on all Commission proposals, except for the adoption of harmonised reference values for the purpose of determining the status of biological quality elements in surface water (resulting from the so-called “intercalibration exercise”), where the co-legislators agreed to implementing acts.

(g) Non-deterioration clause and exemptions

The issue was not covered by the Commission proposal. The co-legislators agreed, based on a Council proposal, to include a **definition of ‘deterioration of status’** in line with the jurisprudence of the European Court of Justice in its Weser ruling<sup>1</sup> to enhance legal clarity. They also agreed to introduce **two new exemptions to the principle of non-deterioration**: one to simplify procedures for authorising new projects which only cause temporary deterioration and another allowing new projects or activities even if they would deteriorate the chemical status, provided that this deterioration would be the result of a mere relocation of pollutants from one water body to another, with no net increase in pollution and subject to the receiving water body already being in less-than-good chemical status. The exemptions foresee a number of **additional safeguards** as compared to the initial Council mandate. In particular, in the case of projects leading to temporary deterioration, there should be an ex-ante assessment and ex post verification of the fact that the deterioration would not be detectable after one year or, for biological quality elements, after three years. As regards, relocation of pollutants, the project/activity should be subject to prior regulation or authorisation to ascertain that: all possible steps to treat the water are applied prior to relocation; the receiving water body is already in bad chemical status for most of the relocated pollutants (and in particular the most persistent and bioaccumulative substances) and not expected to deteriorate its ecological status as a result of the relocation; bodies of water used for drinking water are not affected; no better environmental options are available, for reasons of technical feasibility or disproportionate cost.

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<sup>1</sup> [Case C-461/13](#)

(h) Compliance and transposition deadlines

The co-legislators have agreed on a **transposition deadline of 21 December 2027** which will ensure that Member States integrate the new provisions as part of the next river basin management planning cycle. As regards, **compliance deadline for newly identified substances**, the agreement foresees for both surface and groundwater compliance by the end of 2039, with a possibility to apply time-related exemptions for one more cycle, i.e. up to end 2045.

**4. CONCLUSION**

The Commission supports the results of the inter-institutional negotiations and can therefore accept the Council's position at first reading