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CONTRIBUTION

From:	General Secretariat of the Council
To:	Working Party on the Environment
N° Cion doc.:	14265/22 + ADD 1
Subject:	Priority Substances in Water: Follow-up to the WPE on 3 September 2024 – Comments from a delegation

Following the call for comments (WK 10993/24 INIT) on the above, delegations will find attached comments by Romania.

ROMANIA -
Preliminary comments

EP amendment	Reference in the text	MS position	MS comment
1	Recital -1 new	Neutral	
2	Recital -1a new	Neutral	
3	Recital 1	Neutral	
4	Recital 1a new	Neutral	
5	Recital 1b new	Neutral	
6	Recital 1c new	Not support	
7	Recital 1d new	Not support	
8	Recital 1e new	Partially support	We can accept in principle the recital, without mentioning any sectors.
9	Recital 1d new	Not support	
10	Recital 1g new	Not support	
11	Recital 1h new	Not support	We don't see the relevance in the context of the proposal.
12	Recital 1i new	Not support	
13	Recital 1j new	Not support	
14	Recital 1k new	Not support	
15	Recital 2a new	Neutral	
16	Recital 3a new	Neutral	
17	Recital 3b new	Neutral	
18	Recital 4	Not support	We don't consider that is necessary to set national thresholds, if a substance is not relevant in a MS.
19	Recital 4a	Not support	
20	Recital 5	Neutral	
21	Recital 7	Not support	We agree with the CONS mandate. It would be useful to clarify the two terminologies, i.e. source vs end of pipe, considering that the guidelines under review do not mention/define the terminology - end of pipe.
22	Recital 7a new	Neutral	

EP amendment	Reference in the text	MS position	MS comment
23	Recital 7b new	Not support	
24	Recital 8	Not support	The "PFAS total" should not be included in the list of groundwater pollutants, so we suggest maintaining the CONS proposal as it already includes "Sum of PFAS" (Annex III of the proposal, amending Annex I of GWD).
25	Recital 8a new	Not support	
26	Recital 8b new	Not support	
27	Recital 8c new	Not support	The QS values for pesticides (total and individual) from CONS Mandat are in line with those set in DWD (recast in 2020).
28	Recital 8d new	Not support	We agree to maintain just Bisphenol-A, as already has been in Annexa I a EQSD. (the same approach as in the DWD)
29	Recital 8d new	Not support	Linked with amendment 81. The threshold values should be in line with the values set in DWD (recast). As regards the ratio between SW QS and GW QS (10), although we understand the rationale behind this value, we cannot agree with threshold values 10 times lower than the values applicable to surface waters, as they are not consistent with the values provided in DWD. Moreover, such low values will require the use of analytical methods with lower detection and quantification limits, which would add to the financial burden related to the monitoring of such substances.
30	Recital 9a new	Not support	
31	Recital 10	Not support	Not really necessary
32	Recital 10a new	Not support	Not really necessary
33	Recital 10b new	Not support	Preference for CONS mandate. We do not agree with the inclusion of sulphates in the watch list for groundwater. As stated in recital 4 of Directive 2014-80, the watch list is established to "increase the availability of monitoring data on substances posing a risk or potential risk to bodies of groundwater, and thereby facilitate the identification of substances, including emerging pollutants, for which groundwater quality standards or threshold values should be set".

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			Also, as stated in the CIS WG GW – Voluntary Group “Groundwater Watch List GWWL” technical report, the watch list “is not meant as a ‘blacklist’ of substances which are of proven high concern for groundwater in the EU”. Having these in mind and the fact that sulphates are already included in the minimum list of pollutants for which Member States have to consider establishing threshold values (Annex II – Part B of the GWD), we consider that sulphates should not be included in the watch list for groundwaters.
34	Recital 10c new	Neutral	
35	Recital 11	Not support	We support the CONS mandate. We express our concern related to the increasing monitoring costs due to the fact that effect – based monitoring requires specific know-how and equipment, and is not within the reach of all routine laboratories.
36	Recital 11a new	Not support	Support for the CONS mandate. The provision regarding more stringent threshold values for groundwater quality standards that could result in a failure to achieve the environmental objectives for associated water bodies is already included in the GWD.
37	Recital 12	Not support	
38	Recital 12a new	Not support	We don't see the relevance.
39	Recital 13a new	Neutral	
40	Recital 13b new	Not support	We don't see the relevance.
41	Recital 15	Not support	We don't see the relevance.
42	Recital 20a new	Neutral	
43	Recital 21	Support	
44	Recital 23	Not support	
45	Recital 31	Support	
46	Recital 31new	Scrutiny reservation	
47	Recital 31b new	Not support	
48	Recital 31c new	Not support	
49	Recital 32	Neutral	
50	Recital 32a new	Neutral	

EP amendment	Reference in the text	MS position	MS comment
51	Recital 32b new	Scrutiny reservation	
52	Recital 32c new	Support	
53	Recital 32d new	Neutral	
54	Recital 34a new	Support	
55	Recital 34b new	Support	
Directive 2000/60/EC			
56	Article 1 paragraph 1 point 1 introductory part	Not support	
57	Article 1 paragraph 1 point 2 point c	Not support	Preference for the Council position
58	Article 1 paragraph 1 point 2 d)	Neutral	
59	Article 1 paragraph 1 point 2 d) a) new	Support	We support the definition from Directive (UE) 2020/2184 (recast)
60	Article 1 paragraph 1 point 2 d) b) new	Not support	
61	Article 1 paragraph 1 point 3	Not support	We support the CONS mandate.
62	Article 1 paragraph 1 point 4 point 1	Not support	We support the CONS mandate.
63	Article 1 paragraph 1 point 4 point ba	Not support	
64	Article 1 paragraph 1 point 6 point a	Not support	
65	Article 1 paragraph 1 point 6	Scrutiny reservation	We need more clarifications from the EP in terms of implications including costs (possible application of continuous, precise and real-time (online) pollution

EP amendment	Reference in the text	MS position	MS comment
	point a) a) new		monitoring systems of water quality measurements).
66	Article 1 paragraph 1 point 6 b)	Partially support	We can accept the idea proposed by EP, of making the monitoring data easily accessible to the public. Regarding the timeline for making available the data, we strongly support the Council mandate at every 3 years.
67	Article 1 paragraph 1 point 7 a new	Not support	Not really necessary.
68	Article 1 paragraph 1 point 7 b) new	Not support	
69	Article 1 paragraph 1 point 8 a new	Neutral	
70	Article 1 paragraph 1 point 9	Neutral	
71	Article 1 paragraph 1 point 9	Not support	We prefer CONS mandate - Member States shall respond to each other no later than 3 months.
72	Article 1 paragraph 1 point 9 a	Not support	
73	Article 1 paragraph 1 point 9 a new	Not support	
74	Article 1 paragraph 1 point 10	Not support	
75	Article 1 paragraph 1 point 10 a new	Not support	
76	Article 1 paragraph 1 point 12 point b	Not support	
77	Article 1 paragraph 1 point 18a new	Scrutiny reservation	Linked with amendment 65.
78	Article 1 paragraph 1 point 20	Neutral	

EP amendment	Reference in the text	MS position	MS comment
Directive 2006/118/EC			
79	Article 2 paragraph 1 point 2	Not support	Linked with amendment 21.
80	Article 2 paragraph 1 point 2	Not support	Is not in line with Directive 2000/60. The EP amendment introduces the notion of ecological status of groundwater; however, this is not defined either in Directive 2000/60 or in Directive 2006/118.
81	Article 2 paragraph 1 point 4-point a) new	Not support	The proposed thresholds are too restrictive and not scientifically justified
82	Article 2 paragraph 1 point 4 point c)	Not support	We support the CONS mandate; we don't see the need to add such a provision as the residents already have access to the threshold values, which are publicly available (article 3, paragraph 5, subparagraph 2 states that "all threshold values shall be published in the river basin management plans").
83	Article 2 paragraph 1 point 4 point d)	Partially support	Can support the addition of the precautionary principle (even we don't consider that is really necessary), but combined with the Council position.
84	Article 2 paragraph 1 point 4 a new	Neutral	
85	Article 2 paragraph 1 point 6	Not support	Preference for the CONS mandate (maximum 5 substances or group of substances).
86	Article 2 paragraph 1 point 6	Scrutiny reservation	We are open to find a compromise. As regards the inclusion of sulphates in the watch list for groundwater, these sulphates are already included in the minimum list of pollutants for which Member States have to consider establishing threshold values (Annex II – Part B of the GWD) and, thus, their monitoring would become mandatory and voluntary at the same time.
87	Article 2 paragraph 1 point 6	Not support	We prefer the CONS mandate for the introductory part. Related to subparagraph 5 (new)we agree with the CONS mandate with the proposal from ECHA but considering that the provision related to the criteria for maximum acceptable LoQ exists already in art. 4 of the 2009/90/EC Directive (30%relevant EQS).

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88	Article 2 paragraph 1 point 6	Not support	Keep the lit. (f) as it is in the CONS mandate and adding letter recommendations from the working groups established under the Common Implementation Strategy for Directive 2000/60/EC.
89	Article 2 paragraph 1 point 6	Not support	We support the CONS mandate. Not very supportive of updating the watch list in the interim period between individual review.
90	Article 2 paragraph 1 point 6	Not support	We show our reserve regarding the evaluation of the impact of industrial activities related to the energy transition every two years; the impact on water quality is performed every 6 years as a mandatory part of the River basin management plans.
91	Article 2 paragraph 1 point 6	Not support	We express our concerns regarding the increase in monitoring stations (practically, their number will be double) and the related increase in monitoring costs.
92	Article 2 paragraph 1 point 6 a new	Not support	Neither WFD nor GWD defines groundwater ecosystems. Please consider also our comments for AM 80.
93	Article 2 paragraph 1 point 6 b) new	Not support	We do not support the EP amendment as it adds a supplementary burden to the authorities as the Member States would have to perform an interim assessment of the chemical status of groundwater bodies located in such areas, additional to the assessment performed within the River basin management plan.
94	Article 2 paragraph 1 point 6 c) new	Neutral	We are open to include such a mechanism (EPR).
95	Article 2 paragraph 1 point 6 d) new	Scrutiny reservation	We are open to find a compromise with EP on the issue of Joint monitoring Facility.
96	Article 2 paragraph 1 point 7	Not support	Strong preference to keep 6 years for the review of the list of pollutants and the corresponding quality standards.
97	Article 2 paragraph 1 point 7	Not support	
98	Article 2 paragraph 1 point 7	Not support	
99	Article 2 paragraph 1 point 7	Not support	
100	Article 2 paragraph 1 point 7	Not support	

EP amendment	Reference in the text	MS position	MS comment
101	Article 2 paragraph 1 point 7	Not support	Preference for the CONS mandate
102	Article 2 paragraph 1 point 7	Not support	
103	Article 2 paragraph 1 point 8	Scrutiny reservation	Linked with the DA.
104	Article 2 paragraph 1 point 8	Scrutiny reservation	Linked with the DA.
105	Article 2 paragraph 1 point 8	Support	
106	Article 2 paragraph 1 point 8	Scrutiny reservation	Linked with the DA.
107	Article 2 paragraph 1 point 14	Not support	This is not feasible.
Directive 2008/105/EC			
108	Article 3 paragraph 1-point 1a new	Support	
109	Article 3 paragraph 1 point 3 point a	Not support	Maintain the CONS mandate
110	Article 3 paragraph 1 point 3 point a	Not support	Maintain the CONS mandate, without introducing subparagraph 1a, which is the same with COM
111	Article 3 paragraph 1 point 3 point a	Not support	Maintain the CONS mandate
112	Article 3 paragraph 1 point 3 point c)	Not support	
113	Article 3 paragraph 1 point 3 point c)	Not support	Maintain the CONS mandate
114	Article 3 paragraph 1 point 4	Not support	Maintain the CONS mandate

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115	Article 3 paragraph 1 point 4	Not support	
116	Article 3 paragraph 1 point 4 a new	Not support	
117	Article 3 paragraph 1 point 5	Not support	We strongly support to keep the WFD cycle of 6 years.
118	Article 3 paragraph 1 point 5	Not support	We strongly prefer the CONS mandate.
119	Article 3 paragraph 1 point 5	Not support	Preference for the CONS mandate
120	Article 3 paragraph 1 point 5	Not support	
121	Article 3 paragraph 1 point 5	Not support	The EP amendment implies the changing of the list of priority of substance.
122	Article 3 paragraph 1 point 5	Not support	
123	Article 3 paragraph 1 point 6	Not support	We support the CONS mandate.
124	Article 3 paragraph 1 point 6	Not support	
125	Article 3 paragraph 1 point 6	Not support	We prefer the CONS mandate.
126	Article 3 paragraph 1 point 7	Not support	We prefer the CONS mandate.
127	Article 3 paragraph 1 point 7	Not support	We prefer the CONS mandate.
128	Article 3 paragraph 1 point 7	Not support	
129	Article 3 paragraph 1 point 7	Not support	
130	Article 3 paragraph 1 point 7	Not support	Please maintain the CONS mandate approach

EP amendment	Reference in the text	MS position	MS comment
131	Article 3 paragraph 1 point 7	Not support	We support the CONS mandate
132	Article 3 paragraph 1 point 7 a)	Neutral	We are open to include such a mechanism (EPR).
133	Article 3 paragraph 1 point 7 b)	Scrutiny reservation	We are open to find a compromise with EP on the issue of Joint monitoring Facility.
134	Article 3 paragraph 1 point 8	Not support	We support CONS mandate
135	Article 3 paragraph 1 point 8a new	Scrutiny reservation	Linked with the DA.
136	Article 3 paragraph 1 point 8 b new	Scrutiny reservation	Linked with the DA.
137	Article 3 paragraph 1 point 8 c new	Scrutiny reservation	Linked with the DA.
138	Article 3 paragraph 1 point 8 d new	Scrutiny reservation	Linked with the DA.
Annexes			
139	Annex I paragraph 1 point 10 a new	Not support	
140	Annex I paragraph 1 point 18	Not support	
141	Annex II paragraph 1 point 1	Not support	
142	Annex III	Not support	
143	Annex III	Not support	
144	Annex III	Not support	
145	Annex III	Not support	Strong preference for the CONS mandate. We don't agree with setting the new quality standards via delegated act. We reiterate our comments regarding to the including of "PFAS Total" and a subset of PFAS in Annex I of the Directive 2006/118/EC. The "PFAS

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			total” should not be included in the list of groundwater pollutants and maintain the CONS proposal as it already includes “Sum of PFAS” (Annex III of the proposal, amending Annex I of GWD). If “PFAS Total” is to be kept on the list of groundwater pollutants, we propose to use the same approach as in the DWD and the MS shall be granted the option to decide whether they monitor “PFAS Total” or “Sum of PFAS”. As regards the proposal of adding a subset of specific PFAS to the list of groundwater pollutants, we reiterate our standpoint regarding the maintaining of a single standard for substances pertaining to the same main class of substances and the fact that the mentioned subset is not included in the DWD. RO is aware of EFSA’s assessment and proposal; however, we agree with aligning the quality standards for groundwater pollutants with the values from the DWD (recast).
146	Annex III	Not support	We cannot agree with stricter quality standard for Carbamazepine if is not justified and scientifically proved. Preference for the CONS approach. Linked to the comments for AM 29 regarding the setting of threshold values for groundwater as 10 times lower than the values set for surface water.
147	Annex III	Not support	We cannot agree with stricter quality standards for pharmaceuticals active substances if are not justified and scientifically proved. Preference for the CONS approach.
148	Annex III	Not support	Preference for the CONS approach.
149	Annex IV	Not support	Preference for the COM approach.
150	Annex V paragraph 1 point 2	Not support	
151	Annex V paragraph 1 point 2	Not support	We support the EQS provided in the CONS mandate
152	Annex V paragraph 1 point 2	Not support	We support the CONS mandate provisions only for Bisphenol A
153	Annex V paragraph 1 point 2	Not support	We support the CONS mandate provisions only for Sum of PFAS
154	Annex V paragraph 1 point 2	Not support	We support the CONS mandate
155	Annex VI	Not support	

EP amendment	Reference in the text	MS position	MS comment
156	Annex VI	Not support	We support CONS mandate