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WK 12596/2024 ADD 4

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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 Malta.

MALTA

Table for comments – Priority substances

Table for MS comments reflecting on the amendments proposed by the EP

Notes: When completing the table, please keep the following rules:

- do not modify the table format by adding/removing/adjusting/merging/splitting cells and rows
- do not use active track-changes
- use the drop-down list in Column 3 to indicate the national position.
- please fill in and send the table in word format

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	Neutral	
7	Recital 1d new	Support	MT suggests placing a reference to aridity in this amendment – since the Mediterranean region is not only facing droughts (temporary unavailability of water), but permanent scarcity (aridity). <i>(1d) NEW - Many territories in the Union are subject to large and increasing water constraints. The significant and persistent droughts of recent years have exacerbated water scarcity conditions, especially in the Mediterranean regions where semi-arid climatic conditions are increasingly becoming the norm. These conditions are putting agricultural production at risk and causing a serious decline in surface and groundwater reserves.</i>
8	Recital 1e new	Neutral	
9	Recital 1f new	Neutral	
10	Recital 1g new	Neutral	
11	Recital 1h new	Scrutiny reservation	Whilst the amendment introduces a positive concept – that of using/considering environmental and resource benefits – the application of this concept would need to

EP amendment	Reference in the text	MS position	MS comment
			be spelled out clearly – particularly in relation to Article 9 WFD requirements.
12	Recital 1i new	Neutral	
13	Recital 1j new	Neutral	
14	Recital 1k new	Neutral	
15	Recital 2a new	Neutral	
16	Recital 3a new	Support	
17	Recital 3b new	Neutral	
18	Recital 4	Not support	MT does not support EP suggestion to change ‘<i>consider establishing</i>’ to ‘<i>establish</i>’ in view of the need to confirm relevance of such pollutants at national scale. Current GWD text uses “<i>consider establishing</i>” and therefore the amendment goes beyond the requirements of the current Directive. The intention of the Annex II list is for the threshold values to be established when any of the listed parameters are identified through surveillance and/or operational monitoring – and hence the term “<i>consider</i>” should be maintained.
19	Recital 4a	Not support	
20	Recital 5	Not support	
21	Recital 7	Not support	EP text: <i>“they should ensure, when establishing their programmes of measures, that source-control measures are prioritized over end-of-pipe measures and that those measures are in accordance with relevant Union sectoral legislation on pollution. When there is a risk of source-control measures failing to achieve good status of the water bodies, end-of-pipe measures should be applied. The Commission should develop guidance on best practices for source-control measures and the complementarity of end-of-pipe measures”</i> Malta would prefer if the the term ‘should’ in the following statement as included by the EP should remain ‘could’ as per GA text Moreover, the EP text is implying that types of measures should be prioritised - this shouldn’t be the case, since measures need to be fit for purpose. Hence, MT objects

EP amendment	Reference in the text	MS position	MS comment
			to the establishment of a “hierarchy of measures” since the conjunctive use of different measures presents a more practical, effective and pragmatic approach.
22	Recital 7a new	Neutral	
23	Recital 7b new	Not support	MT objects to an unlimited watch-list.
24	Recital 8	Not support	Text of recital should reflect the General Approach. MT objects to delegation of powers on the amendments to Annex I.
25	Recital 8a new	Neutral	Glyphosate is already included – added value of proposed recital unclear.
26	Recital 8b new	Not support	The substance Atrazine has been moved to Part C of Annex II for surface waters and will be addressed as necessary.
27	Recital 8c new	Partially support	Whilst agreeing on the need of updating the pesticide QS to reflect safety, the updating process should be undertaken through the Ordinary Legislative Procedure
28	Recital 8d new	Neutral	BPA is already included – added value of proposed recital unclear).
29	Recital 8d new	Not support	Approach under GA of focusing on stricter standards where groundwater ecosystems are identified is preferred.
30	Recital 9a new	Not support	Concept can be considered only where this pertains to anthropogenic pollutants.
31	Recital 10	Not support	Concern that EP position is based only on a single scientific publication.
32	Recital 10a new	Neutral	
33	Recital 10b new	Not support	To note that sulphates are already included under the GWD (Annex II).
34	Recital 10c new	Neutral	
35	Recital 11	Not support	
36	Recital 11a new	Not support	
37	Recital 12	Not support	Concerning delegation powers the GA is preferred.
38	Recital 12a new	Neutral	
39	Recital 13a new	Neutral	
40	Recital 13b new	Neutral	
41	Recital 15	Not support	The term “ <i>consider establishing</i> ” should be retained as it reflects the text of the Directive.

EP amendment	Reference in the text	MS position	MS comment
42	Recital 20a new	Scrutiny reservation	
43	Recital 21	Not support	The Commission and ECHA consult effectively with Member States during the drafting of delegated and implementing acts to ensure that the eventual acts reflect the high natural hydrogeological diversity in Europe and hence their requirements are implementable across the whole Union, without negatively impacting Member States on the basis of their diverse natural hydrogeological conditions. In this regard, it would be highly recommended for ECHA to directly attend the meetings of the CIS Working Group of interest.
44	Recital 23	Not support	
45	Recital 31	Support	
46	Recital 31new	Not support	
47	Recital 31b new	Not support	Malta believes that additional references to 'Access to Justice' should form part of the overall review of the Water Framework Directive. An addition at this stage is considered to be beyond the scope of the revision process.
48	Recital 31c new	Not support	Malta believes that additional references to 'Access to Justice' should form part of the overall review of the Water Framework Directive. An addition at this stage is considered to be beyond the scope of the revision process.
49	Recital 32	Neutral	
50	Recital 32a new	Not support	
51	Recital 32b new	Not support	
52	Recital 32c new	Neutral	MT notes that this is already covered by GA text.
53	Recital 32d new	Not support	
54	Recital 34a new	Neutral	
55	Recital 34b new	Neutral	
Directive 2000/60/EC			
56	Article 1 paragraph 1 point 1	Neutral	

EP amendment	Reference in the text	MS position	MS comment
	introductory part		
57	Article 1 paragraph 1 point 2 point c	Not support	
58	Article 1 paragraph 1 point 2 d)	Support	
59	Article 1 paragraph 1 point 2 d) a) new	Neutral	
60	Article 1 paragraph 1 point 2 d) b) new	Neutral	
61	Article 1 paragraph 1 point 3	Neutral	
62	Article 1 paragraph 1 point 4 point 1	Not support	
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 point a) a) new	Scrutiny reservation	
66	Article 1 paragraph 1 point 6 b)	Not support	
67	Article 1 paragraph 1 point 7 a new	Not support	Prioritisation of measures (hierarchy of measures) should be avoided, as this restricts flexibility in implementation.
68	Article 1 paragraph 1 point 7 b) new	Not support	Why is reference only made to agriculture? Efficient use should be relevant to all water using sectors. GA is preferred.
69	Article 1 paragraph	Not support	

EP amendment	Reference in the text	MS position	MS comment
	1 point 8 a new		
70	Article 1 paragraph 1 point 9	Neutral	
71	Article 1 paragraph 1 point 9	Not support	
72	Article 1 paragraph 1 point 9 a	Not support	
73	Article 1 paragraph 1 point 9 a new	Not support	Malta believes that additional references to 'Access to Justice' should form part of the overall review of the Water Framework Directive. An addition at this stage is considered to be beyond the scope of the revision process.
74	Article 1 paragraph 1 point 10	Neutral	
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	Not support	
78	Article 1 paragraph 1 point 20	Neutral	
Directive 2006/118/EC			
79	Article 2 paragraph 1 point 2	Not support	The establishment of " <i>hierarchy of measures</i> " should be avoided. Instead the WFD approach which allows MS to develop the most suited approach to the characteristics of the river basin should be strengthened.
80	Article 2 paragraph 1 point 2	Not support	Malta is not supportive of the introduction of new terms such as ' <i>Ecological Status of Groundwater</i> ' - Directive only requires an assessment of the Chemical and Quantitative status. Thus, we want to avoid additional requirements.
81	Article 2 paragraph 1 point 4	Not support	Position achieved in the GA which requires that additional focus on stricter standards be applicable where gw-ecosystems are identified is preferred.

EP amendment	Reference in the text	MS position	MS comment
	point a) a) new		
82	Article 2 paragraph 1 point 4 point c)	Neutral	
83	Article 2 paragraph 1 point 4 point d)	Not support	
84	Article 2 paragraph 1 point 4 a new	Not support	GA position preferred.
85	Article 2 paragraph 1 point 6	Not support	GA position preferred. Establishing a maximum number of substances in the watchlist is required due to practical and logistical reasons related to the implementation.
86	Article 2 paragraph 1 point 6	Scrutiny reservation	Clarification on sulphates – which are already included under Annex II GWD. Concern with the EP proposed timeline for Microplastics.
87	Article 2 paragraph 1 point 6	Neutral	
88	Article 2 paragraph 1 point 6	Not support	GA position preferred.
89	Article 2 paragraph 1 point 6	Not support	MT highlights concerns with timing of watchlist amendments – practical issues such as public procurement may limit responsiveness in application.
90	Article 2 paragraph 1 point 6	Scrutiny reservation	
91	Article 2 paragraph 1 point 6	Not support	GA position preferred.
92	Article 2 paragraph 1 point 6 a new	Not support	GA position preferred.
93	Article 2 paragraph 1 point 6 b) new	Not support	GA position preferred.
94	Article 2 paragraph 1 point 6 c) new	Not support	

EP amendment	Reference in the text	MS position	MS comment
95	Article 2 paragraph 1 point 6 d) new	Neutral	
96	Article 2 paragraph 1 point 7	Not support	GA position preferred.
97	Article 2 paragraph 1 point 7	Not support	MT objects on the basis that Annexes are an integral part of the Directive should be retained, and use of OLP required.
98	Article 2 paragraph 1 point 7	Neutral	
99	Article 2 paragraph 1 point 7	Neutral	
100	Article 2 paragraph 1 point 7	Neutral	
101	Article 2 paragraph 1 point 7	Not support	Position in GA to be preferred. OLP to be retained for the reviewing of Groundwater Standards.
102	Article 2 paragraph 1 point 7	Neutral	
103	Article 2 paragraph 1 point 8	Scrutiny reservation	
104	Article 2 paragraph 1 point 8	Not support	
105	Article 2 paragraph 1 point 8	Not support	
106	Article 2 paragraph 1 point 8	Not support	
107	Article 2 paragraph 1 point 14	Not support	
Directive 2008/105/EC			
108	Article 3 paragraph 1 point 1a new	Neutral	
109	Article 3 paragraph	Neutral	

EP amendment	Reference in the text	MS position	MS comment
	1 point 3 point a		
110	Article 3 paragraph 1 point 3 point a	Not support	
111	Article 3 paragraph 1 point 3 point a	Neutral	
112	Article 3 paragraph 1 point 3 point c)	Neutral	
113	Article 3 paragraph 1 point 3 point c)	Neutral	
114	Article 3 paragraph 1 point 4	Not support	
115	Article 3 paragraph 1 point 4	Not support	
116	Article 3 paragraph 1 point 4 a new	Neutral	
117	Article 3 paragraph 1 point 5	Not support	
118	Article 3 paragraph 1 point 5	Not support	
119	Article 3 paragraph 1 point 5	Neutral	
120	Article 3 paragraph 1 point 5	Not support	
121	Article 3 paragraph 1 point 5	Not support	
122	Article 3 paragraph 1 point 5	Neutral	
123	Article 3 paragraph 1 point 6	Neutral	

EP amendment	Reference in the text	MS position	MS comment
124	Article 3 paragraph 1 point 6	Not support	
125	Article 3 paragraph 1 point 6	Not support	
126	Article 3 paragraph 1 point 7	Not support	
127	Article 3 paragraph 1 point 7	Not support	
128	Article 3 paragraph 1 point 7	Not support	
129	Article 3 paragraph 1 point 7	Neutral	
130	Article 3 paragraph 1 point 7	Not support	
131	Article 3 paragraph 1 point 7	Not support	
132	Article 3 paragraph 1 point 7 a)	Not support	EP amendment includes a proposal for establishing an EPR on pharmaceuticals, pesticides, personal care products or industrial pollutants. MT object on inclusion. This is beyond the scope of the Directive.
133	Article 3 paragraph 1 point 7 b)	Neutral	
134	Article 3 paragraph 1 point 8	Neutral	
135	Article 3 paragraph 1 point 8a new	Not support	
136	Article 3 paragraph 1 point 8 b new	Not support	
137	Article 3 paragraph 1 point 8 c new	Not support	
138	Article 3 paragraph	Not support	

EP amendment	Reference in the text	MS position	MS comment
	1 point 8 d new		
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	Scrutiny reservation	
144	Annex III	Not support	
145	Annex III	Not support	
146	Annex III	Not support	
147	Annex III	Not support	
148	Annex III	Not support	
149	Annex IV	Not support	The term “ <i>consider establishing</i> ” should be maintained for Threshold Values.
150	Annex V paragraph 1 point 2	Not support	
151	Annex V paragraph 1 point 2	Not support	
152	Annex V paragraph 1 point 2	Not support	
153	Annex V paragraph 1 point 2	Not support	
154	Annex V paragraph 1 point 2	Not support	
155	Annex VI	Not support	
156	Annex VI	Not support	