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WK 12596/2024 ADD 5

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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 Luxembourg.

LUXEMBOURG

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	Scrutiny reservation	
2	Recital -1a new	Scrutiny reservation	
3	Recital 1	Scrutiny reservation	
4	Recital 1a new	Scrutiny reservation	
5	Recital 1b new	Scrutiny reservation	
6	Recital 1c new	Scrutiny reservation	
7	Recital 1d new	Scrutiny reservation	
8	Recital 1e new	Scrutiny reservation	
9	Recital 1d new	Scrutiny reservation	
10	Recital 1g new	Scrutiny reservation	
11	Recital 1h new	Scrutiny reservation	
12	Recital 1i new	Scrutiny reservation	
13	Recital 1j new	Scrutiny reservation	
14	Recital 1k new	Scrutiny reservation	
15	Recital 2a new	Scrutiny reservation	
16	Recital 3a new	Scrutiny reservation	
17	Recital 3b new	Scrutiny reservation	

EP amendment	Reference in the text	MS position	MS comment
18	Recital 4	Scrutiny reservation	
19	Recital 4a	Scrutiny reservation	Not realistic, neither the pushing out of p.ex. PFOS as long as they are allowed to be produced, and also timeline of 20 years, esp. when substances are ubiquitous
20	Recital 5	Scrutiny reservation	
21	Recital 7	Scrutiny reservation	Not sure about “could/should”.
22	Recital 7a new	Support	
23	Recital 7b new	Scrutiny reservation	
24	Recital 8	Scrutiny reservation	How to measure PFAS total, with >10 000 substances? it would be more logical to ban all PFAS, instead of constantly adding specific PFAS to parameter PFAS total
25	Recital 8a new	Not support	
26	Recital 8b new	Scrutiny reservation	
27	Recital 8c new	Scrutiny reservation	
28	Recital 8d new	Not support	Too late for adding a total bisphenol EQS. What about analytical methods to make sure to be able to measure the other bisphenols?
29	Recital 8d new	Scrutiny reservation	
30	Recital 9a new	Scrutiny reservation	
31	Recital 10	Scrutiny reservation	
32	Recital 10a new	Scrutiny reservation	
33	Recital 10b new	Scrutiny reservation	
34	Recital 10c new	Support	
35	Recital 11	Support	
36	Recital 11a new	Partially support	Support for surface water
37	Recital 12	Scrutiny reservation	
38	Recital 12a new	Scrutiny reservation	
39	Recital 13a new	Choose an option ↓	

EP amendment	Reference in the text	MS position	MS comment
40	Recital 13b new	Scrutiny reservation	
41	Recital 15	Scrutiny reservation	
42	Recital 20a new	Scrutiny reservation	
43	Recital 21	Scrutiny reservation	
44	Recital 23	Not support	
45	Recital 31	Support	
46	Recital 31new	Scrutiny reservation	
47	Recital 31b new	Scrutiny reservation	
48	Recital 31c new	Scrutiny reservation	
49	Recital 32	Scrutiny reservation	
50	Recital 32a new	Scrutiny reservation	
51	Recital 32b new	Not support	
52	Recital 32c new	Scrutiny reservation	
53	Recital 32d new	Scrutiny reservation	
54	Recital 34a new	Scrutiny reservation	
55	Recital 34b new	Scrutiny reservation	
Directive 2000/60/EC			
56	Article 1 paragraph 1 point 1 introductory part	Scrutiny reservation	
57	Article 1 paragraph 1 point 2 point c	Neutral	
58	Article 1 paragraph 1 point 2 d)	Support	
59	Article 1 paragraph 1 point 2 d) a) new	Support	

EP amendment	Reference in the text	MS position	MS comment
60	Article 1 paragraph 1 point 2 d) b) new	Not support	
61	Article 1 paragraph 1 point 3	Support	
62	Article 1 paragraph 1 point 4 point 1	Not support	
63	Article 1 paragraph 1 point 4 point ba	Partially support	Support except for quality standards which are set EU wide and not within a Member State
64	Article 1 paragraph 1 point 6 point a	Support	
65	Article 1 paragraph 1 point 6 point a) a) new	Support	
66	Article 1 paragraph 1 point 6 b)	Partially support	Only for validated data
67	Article 1 paragraph 1 point 7 a new	Support	
68	Article 1 paragraph 1 point 7 b) new	Support	
69	Article 1 paragraph 1 point 8 a new	Support	
70	Article 1 paragraph 1 point 9	Support	
71	Article 1 paragraph 1 point 9	Not support	Deadline is not realistic concerning the administrative procedures
72	Article 1 paragraph 1 point 9 a	Not support	
73	Article 1 paragraph	Neutral	

EP amendment	Reference in the text	MS position	MS comment
	1 point 9 a new		
74	Article 1 paragraph 1 point 10	Neutral	
75	Article 1 paragraph 1 point 10 a new	Partially support	To be specified how the guidelines will be adopted
76	Article 1 paragraph 1 point 12 point b	Neutral	
77	Article 1 paragraph 1 point 18a new	Not support	
78	Article 1 paragraph 1 point 20	Choose an option ↓	
Directive 2006/118/EC			
79	Article 2 paragraph 1 point 2	Scrutiny reservation	
80	Article 2 paragraph 1 point 2	Scrutiny reservation	
81	Article 2 paragraph 1 point 4 point a) a) new	Scrutiny reservation	
82	Article 2 paragraph 1 point 4 point c)	Scrutiny reservation	
83	Article 2 paragraph 1 point 4 point d)	Scrutiny reservation	
84	Article 2 paragraph 1 point 4 a new	Scrutiny reservation	
85	Article 2 paragraph 1 point 6	Partially support	Support except of including indicators of pollution which is beyond the scope of the Watch List. Is in favour for the implementation of indicators of pollution

EP amendment	Reference in the text	MS position	MS comment
86	Article 2 paragraph 1 point 6	Not support	Deadlines are not feasible
87	Article 2 paragraph 1 point 6	Support	
88	Article 2 paragraph 1 point 6	Support	
89	Article 2 paragraph 1 point 6	Support	
90	Article 2 paragraph 1 point 6	Support	EP Proposal acceptable, although very difficult to implement. Should not only be limited to industrial activities. Cumulative small-scale activities (geothermal energy use in urban areas) can also have a significant impact. Responsibilities for these reportings have to be clarified.
91	Article 2 paragraph 1 point 6	Support	
92	Article 2 paragraph 1 point 6 a new	Choose an option ↓	
93	Article 2 paragraph 1 point 6 b) new	Choose an option ↓	
94	Article 2 paragraph 1 point 6 c) new	Choose an option ↓	
95	Article 2 paragraph 1 point 6 d) new	Choose an option ↓	
96	Article 2 paragraph 1 point 7	Not support	Streamlining with frequency (every 6 years) foreseen in the RBMP has to be guaranteed
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	Scrutiny reservation	

EP amendment	Reference in the text	MS position	MS comment
100	Article 2 paragraph 1 point 7	Scrutiny reservation	
101	Article 2 paragraph 1 point 7	Not support	Deadlines are not realistic. Delegated acts have to be prepared either for all parameters or for none of them .
102	Article 2 paragraph 1 point 7	Scrutiny reservation	
103	Article 2 paragraph 1 point 8	Support	
104	Article 2 paragraph 1 point 8	Neutral	
105	Article 2 paragraph 1 point 8	Neutral	
106	Article 2 paragraph 1 point 8	Neutral	
107	Article 2 paragraph 1 point 14	Scrutiny reservation	
Directive 2008/105/EC			
108	Article 3 paragraph 1 point 1a new	Neutral	
109	Article 3 paragraph 1 point 3 point a	Neutral	
110	Article 3 paragraph 1 point 3 point a	Neutral	
111	Article 3 paragraph 1 point 3 point a	Neutral	
112	Article 3 paragraph 1 point 3 point c)	Support	
113	Article 3 paragraph 1 point 3 point c)	Not support	

EP amendment	Reference in the text	MS position	MS comment
114	Article 3 paragraph 1 point 4	Scrutiny reservation	
115	Article 3 paragraph 1 point 4	Support	
116	Article 3 paragraph 1 point 4 a new	Scrutiny reservation	
117	Article 3 paragraph 1 point 5	Not support	Streamlining with frequency (every 6 years) foreseen in the RBMP has to be guaranteed
118	Article 3 paragraph 1 point 5	Not support	Doubt of added value of this point
119	Article 3 paragraph 1 point 5	Scrutiny reservation	
120	Article 3 paragraph 1 point 5	Not support	Deadlines are not realistic. Delegated acts have to be prepared either for all parameters or for none of them.
121	Article 3 paragraph 1 point 5	Not support	Deadlines are not realistic. Delegated acts have to be prepared either for all parameters or for none of them.
122	Article 3 paragraph 1 point 5	Not support	Streamlining with frequency (every 6 years) foreseen in the RBMP has to be guaranteed
123	Article 3 paragraph 1 point 6	Not support	
124	Article 3 paragraph 1 point 6	Scrutiny reservation	
125	Article 3 paragraph 1 point 6	Scrutiny reservation	
126	Article 3 paragraph 1 point 7	Partially support	Support except for including indicators of pollution which is beyond the scope of the Watch List.
127	Article 3 paragraph 1 point 7	Not support	Deadlines are not realistic. Approach beyond the scope of the watch list. Support the idea of consolidating data for NrMs
128	Article 3 paragraph 1 point 7	Not support	Approach beyond the scope of the watch list. But ECHA could help establishing indicators of pollution and progress in another context
129	Article 3 paragraph 1 point 7	Support	

EP amendment	Reference in the text	MS position	MS comment
130	Article 3 paragraph 1 point 7	Partially support	EP Proposal acceptable, although very difficult to implement. Should not only be limited to industrial activities. Cumulative small-scale activities (eg hydropower use at local level such as mills) can also have a significant impact. Responsibilities for these reportings must be clarified.
131	Article 3 paragraph 1 point 7	Support	
132	Article 3 paragraph 1 point 7 a)	Scrutiny reservation	
133	Article 3 paragraph 1 point 7 b)	Scrutiny reservation	
134	Article 3 paragraph 1 point 8	Not support	LU adapts the interpretation during evaluation using bioavailability, which changes depending on conditions.
135	Article 3 paragraph 1 point 8a new	Scrutiny reservation	
136	Article 3 paragraph 1 point 8 b new	Scrutiny reservation	
137	Article 3 paragraph 1 point 8 c new	Support	
138	Article 3 paragraph 1 point 8 d new	Scrutiny reservation	
Annexes			
139	Annex I paragraph 1 point 10 a new	Not support	
140	Annex I paragraph 1 point 18	Scrutiny reservation	
141	Annex II paragraph 1 point 1	Scrutiny reservation	
142	Annex III	Support	
143	Annex III	Scrutiny reservation	

EP amendment	Reference in the text	MS position	MS comment
144	Annex III	Not support	Scientific criteria? Initial COM proposal is a good compromise
145	Annex III	Not support	Delegated acts have to be prepared either for all parameters or for none of them.
146	Annex III	Not support	Scientific criteria? Initial COM proposal is a good compromise.
147	Annex III	Not support	Scientific criteria? Initial COM proposal is a good compromise
148	Annex III	Support	
149	Annex IV	Scrutiny reservation	
150	Annex V paragraph 1 point 2	Not support	Scientific criteria? Initial COM proposal is a good compromise
151	Annex V paragraph 1 point 2	Not support	Scientific criteria? Initial COM proposal is a good compromise
152	Annex V paragraph 1 point 2	Not support	Delegated acts have to be prepared either for all parameters or for none of them.
153	Annex V paragraph 1 point 2	Not support	Delegated acts have to prepared either for all parameters or for none of them.
154	Annex V paragraph 1 point 2	Not support	Scientific criteria? Initial COM proposal is a good compromise
155	Annex VI	Not support	
156	Annex VI	Not support	