



Council of the European Union
General Secretariat

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2022/0344 (COD)**

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MEETING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on the Environment
N° Cion doc.:	14265/22 + ADD 1
Subject:	Priority Substances in Water Directive: WPE on 4 March 2025 – Presidency Steering Note

With a view to the WPE on 4 March 2025, delegations will find attached a Presidency Steering Note on Priority Substances in Water Directive.

PRESIDENCY STEERING NOTE

WORKING PARTY ON THE ENVIRONMENT (WPE) – 4 March 2025 PRIORITY SUBSTANCES IN WATER DIRECTIVE 2022/0344(COD)

At the meeting of the Working Party on the Environment on 4 March 2025, the Presidency will inform the delegations about the **state of play of the interinstitutional negotiations** concerning the **Priority Substances in Water Directive**.

During the meeting, delegations will have the opportunity to briefly signal their flexibilities on the EP amendments, based on the 4 column document, in order to help guide the Presidency's work in the technical negotiations.

In addition, after the meeting, delegations will be invited to submit their written comments in accordance with the table attached to this steering note, which sets out the main issues of the legislative proposal, grouped in 5 sections (the table does not cover recitals):

- Revision and content of priority substances lists
- Monitoring
- Reporting
- Watchlists
- Horizontal issues

Delegations are kindly invited to indicate their **flexibilities and most important red lines** regarding the main issues of the file. In case of red lines, Presidency would appreciate **additional explanations, arguments or evidence** that would support the Council's position.

Based on the input from the delegations, the Presidency will continue technical discussions with the European Parliament and the Commission in the view of preparation of the second trilogue scheduled for 7 April 2025.

Delegations are kindly asked to send their written contributions **by March 17 at noon**.

Priority Substances in Water

Issue	Lines (4 columns)	Article	PRES Comments / Questions	Flexibilities/ Red lines	MS Comments
Revision and content of priority substances lists (including annexes)					
Article 16 & 17	52, 54, 56, 67, 69, 91, 99, 108 –108ah , 109-111, 136, 138-139, 147, 311, 316	WFD, GWD, EQSD	<i>Why is it necessary to reintroduce art. 16 & 17, beside the OLP?</i>		
Procedure of revision of the priority substances lists	108d, 108j, 154a-b; 199, 200, 202, 211b, 271-275	WFD, GWD, EQSD	<i>We identify 2 issues: 1) OLP: EP supports OLP for the EQS in GWD and EQSD; 2) EP proposes introducing additional criteria for GW EQS (10x stricter for GW than SW (154ab) [it is wrongly called „thresholds” in EP amendment].</i>		
Frequency of revision of the lists of substances	199, 271	GWD, EQSD			
Procedure of revision of national thresholds for GWD	161, 200	GWD	<i>Council proposes OLP but COM & EP propose delegated acts.</i>		

Procedure of revision of harmonizes threshold values at EU level	151, 153-154, 201, 211b	GWD	<i>We identify 2 issues:</i> <ol style="list-style-type: none"> 1) Council proposes OLP, but COM & EP propose delegated acts; 2) COM suggests to use alternative wording for “synthetic pollutions” for the repository title. 		
Procedure of revision of River Basin Specific Pollutants	108q, 271, 276, 334, 336a	WFD, EQSD, Annex VI p. A&B	<i>Council proposes OLP but COM & EP propose delegated acts.</i>		
Procedure of revision of EU Repository for River Basin Specific Pollutants	108k-p, 280-281, 335	WFD, EQSD Annex VI p. C	<i>Council proposes OLP but COM & EP propose delegated acts.</i>		
Timeline of compliance (and link to 6 years cycle)	154c-e, 241-242b	GWD, EQSD			
Mutatis mutandis clauses	154f, 242c	GWD, EQSD	<i>This is very sensitive topic for the EP.</i>		
EQS Values	154a-b, Annexes: III, V	GWD, EQSD			
PFAS Total	211c, 212a, 292a, Annex III & V	GWD, EQSD			
Pesticides	163a-c, 241, 242a, Annex III & V	GWD, EQSD	<i>We identify 2 issues:</i> <ol style="list-style-type: none"> 1) List of NrMs; 2) „Total pesticides”. 		
Pharmaceuticals	Annex III, IV, V	GWD, EQSD	<i>The EP proposes to add “Pharmaceuticals total”.</i>		

Bisphenols	292b, Annex V	EQSD,			
ECHA Report for Review list of priority substances, hazardous substances national thresholds, & RBSP	108 r – ab, 202, 212, 285-292, 293	WFD, EQSD, GWD	We identify 2 issues: 1. Deadline for the first report; 2. Frequency.		
Monitoring					
Frequency of monitoring	304	EQSD			
Seasonal monitoring	235, 324, 473a-b:, 501	WFD, GWD, EQSD, Annex I	COM was asked to propose a compromise amendment.		
Real-time online monitoring / digitization of monitoring	73a-c; 139a-b	WFD	Could we accept references to encouragement for digitalisation elsewhere? What could be the possible options for MS to introduce the real-time online monitoring in the future?		
Effect based monitoring	52, 57a, 59, 305-305c, 336c-i	WFD, GWD, EQSD			
Joint Monitoring Facility	76a, 195k-q, 329d-j	WFD, GWD, EQSD	Both institutions agree for the voluntary nature of the JMF. COM suggested that a clearer mandate on scope would be needed to assess the steps and costs for establishment of JMF?		

Reporting					
Reporting of monitoring and status data	75, 76, 118	WFD	<i>We identify 2 issues:</i> <ol style="list-style-type: none"> 1) Frequency (1/3 years); 2) Reporting of status. 		
Reporting of national threshold values & EQS for RBSP	159-161b, 334	GWD, EQS	<i>We identify 2 issues:</i> <ol style="list-style-type: none"> 1) To whom MS should report (COM or ECHA)? 2) When MS should report? Could MS be more flexible with deadline for informing the COM? 		
Maps & Indicators of progress	73, 118, 299-303, 480a-f, 482a-g, 500a-d	WFD, EQSD, Annex I	<i>We identify 2 issues:</i> <ol style="list-style-type: none"> 1) Why MS need introduction of indicators in the WFD if they can already develop voluntary indicators at national level? 2) How should we address concerns that the indicators will undermine the „one out all out” principle? 		
Interim reports on Programmes of measures	107-107b, 112				
IED and energy transition related reporting	179a, 253-254, 257-261, 321a	GWD, EQSD			

Watchlists					
The „cap” on the watchlist & number of substances	168– 168b, 180, 312-312b	GWD, EQSD	<i>EP proposes open list, including also indicators of pollutants.</i>		
Frequency of updating watchlists	179, 321	GWD, EQSD	<i>EP proposes a possibility for more frequent watchlists review.</i>		
Procedure of updating watchlists	177b, 179a, 180, 319b, 321b	GWD, EQSD			
Watchlist monitoring	181-182, 322, 324	GWD, EQSD	<i>We identify 2 issues:</i> <ol style="list-style-type: none"> 1. <i>Could MS be more flexible for monitoring starting date (shorter than 9 months)?</i> 2. <i>Number of stations for GW.</i> 		
Microplastics & antimicrobial resistance genes	169, 313, 506	GWD, EQSD			
Horizontal issues					
Non-deterioration clause	57b, 63a-d, 65c-e, 67c-u	WFD	<i>If possible – provide us with examples of projects that will fall under new exemptions but cannot be authorized under existing exemptions.</i>		
GW ecosystems / ecological status of GW	149a, 176, 195b-d	GWD	<i>We identify 2 issues:</i> <ol style="list-style-type: none"> 1) <i>Introduction of concept of GW Ecosystem / tasking COM to evaluate possibilities;</i> 2) <i>Introducing criteria for good ecological status.</i> 		

Areas of special concern and high ecological values	67a-b 195e-g	WFD, GWD			
Pollution at source / end of pipeline	17-17a, 65a-b, 97 a-b, 146 – 147, 264a	WFD, GWD, EQSD			
Extended producer responsibility	195h-j, 195q, 329a-c, 329j	GWD, EQSD			
Access to justice	106d – 106k	WFD			
Transboundary cooperation	62-62b; 103-103a, 105-106a	WFD	<i>How and when the COM should be involved in case of exceptional events and transboundary issues?</i>		
20 years deadline for phasing out hazardous priority substances	65, 108ae	WFD	<i>Linked to provisions from article 16.</i>		
RBMP rejection	106b-c	WFD			
Transposition period	341	Article 4			