



Council of the European Union
General Secretariat

**Interinstitutional files:
2022/0344 (COD)**

Brussels, 28 May 2025

WK 7085/2025 INIT

LIMITE

**ENV
CLIMA
AGRI
FORETS
ENER
TRANS
CODEC**

This is a paper intended for a specific community of recipients. Handling and further distribution are under the sole responsibility of community members.

MEETING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on the Environment
N° Cion doc.:	ST 14265/22 + ADD 1
Subject:	Priority Substances in Water Directive: WPE on 2 June 2025 – Presidency Steering Note

With a view to the WPE on 2 June 2025, delegations will find attached a Presidency Steering Note on Priority Substances in Water Directive.

WK 7085/2025 INIT

LIMITE

EN

PRESIDENCY STEERING NOTE

WORKING PARTY ON THE ENVIRONMENT (WPE) – 2 June 2025 (pm) PRIORITY SUBSTANCES IN WATER DIRECTIVE 2022/0344(COD)

At the meeting of the Working Party on the Environment on 2 June 2025, the Presidency will inform delegations about the state of play of the interinstitutional negotiations concerning the Priority Substances in Water Directive.

During the meeting, delegations will also have the opportunity to **exchange views** on the topic and discuss possible compromise proposals with a view to guide further work, including possible change of the Council mandate in order to prepare for the next trilogue.

The discussion during the WPE will be based on this steering note. The scope of proposed changes does not concern the entire text of the Amending Directive and reflects the progress made at the technical level.

1. Monitoring cluster:

Effect based Monitoring	21, 305-307
-------------------------	-------------

2. Horizontal issues:

Definitions	52, 57a, 59
GW ecosystems / ecological status of GW and Areas of special concern and high ecological values	67a-b, 149a, 154a-b, 176, 195b-g
Non – deterioration clause & exemptions	57b, 63a-d, 65c-e, 67c-u
Access to justice	106d – 106k
Extended producer responsibility	195h–j, 195q, 329a-c, 329j

3. Substances cluster:

Synthetic substances (Repository)	GWD, Annex II, part D,
Deselection of substances	EQSD, Annex I and II
Pharmaceuticals	18, 18a-h, 21, 211c, 212a, 292a-b
Pesticides	
Bisphenols	
PFAS	

1. Monitoring cluster:

For the **monitoring** cluster, one issue was discussed and prepared as a compromise proposal, namely the **Effect based monitoring (EBM)**. The Presidency proposes to show flexibility towards the Parliament in this regard and accept the mandatory EBM in order to allow the Commission to collect sufficient data, but at the same time to introduce several safeguards, including: guaranteeing necessary time for the preparations and the excluding data collected through this method during the 2 years period from the assessment of status at the end of the 6 years cycle during which this 2 years monitoring will take place. In addition, a follow up clause was added. (See annex 1).

2. Horizontal issues:

- a) A package on **definitions** is proposed (see annex 2).
- b) **GW ecosystems** (ecological status of GW and Areas of special concern and high ecological values).

The Presidency proposes a compromise based on the Council mandate, tasking the Commission to develop a methodology to assess the presence of groundwater ecosystems, adding a precision that such ecosystems should be looked for in the areas where their presence can be expected. Once found, stricter standards should be applied for their protection. Presidency compromise text (see annex 3) **does not** include Parliament's request that the **stricter standards should be a factor 10 multiplication**. The Presidency would, however, appreciate to hear the Member States position on this particular issue as guidance for further negotiations, as it is an important element for the Parliament.

c) Non – deterioration clause & exemptions

The compromise proposal is based on the Council's mandate, however several additional safeguards have been added (see annex 4). The Presidency is still working on adding additional precisions to the text, at the request of the Parliament.

d) Access to justice

The Presidency suggests some flexibility towards the Parliament on the access to justice provision, as a part of the overall compromise package and depending on the outcome of negotiations on other elements in this package. The Presidency, however, maintains its position, that it is a horizontal issue and should be therefore maximally harmonised with existing law.

In the compromise proposal we suggest therefore, to base the provisions in this Directive on already adopted provisions included in the Urban water waste treatment Directive, and partly in the Drinking Water Directive (see annex 5).

e) Extended producer responsibility

The Presidency suggests some flexibility towards the Parliament on the Extended Producer Responsibility and to include a part of the Parliament's amendment to the final compromise text, tasking the Commission to assess the feasibility of including the EPR mechanism to this Directive and to prepare a report on that issue (see annex 6).

3. Substances cluster:

a) Synthetic substances (Repository)

Several changes, including an addition of a footnote, have been made to the annex II parts B & D of the Groundwater Directive (see annex 7). The content of the table is not a part of the pre-agreed text at the technical level and should be discussed separately.

b) Deselection of substances

After the exchange at technical level, it is proposed to keep as deselected substances nr 4 (atrazine) and 31 (Trichlorobenzene) but to reinsert:

- Benzene (5) – as it is a genotoxic carcinogen, still in widespread use.
- Cyclodiene pesticides (9A) – Covered by Stockholm Convention on POPs.
- DDT and para-para DDT (9b) - Covered by Stockholm Convention on POPs.
- 1,2 Dichloroethane (10) - as it is carcinogenic, there is no safe threshold, and substance is still in use. It is problematic for drinking water.
- Dichloromethane (11) - as it is carcinogenic and still in use, and still causing failures.

- Isoproturon (19) - as still causing several failures; need to be sure that downward trend occurs following EU non-renewal, in case of illegal use/emergency use.

c) Pharmaceuticals

Pharmaceutical substances for both surface- and ground waters are part of the compromise **proposal of total/sums**.

In **groundwater**, the cumulative risk from pharmaceuticals should be addressed by setting a quality standard **for the sum of a larger number of selected pharmaceuticals** identified during that watch-list monitoring. The sum shall apply to the sum of the following active substances: *carbamazepine, sulfamethoxazole, ibuprofen, paracetamol (acetaminophen), diatrizoic acid, primidone, phenazone and iopamidol*. **The QS for the sum of pharmaceuticals** is still to be discussed, but in the recent Commission's compromise proposal it is suggested to be **2,5**, as it is proposed by the Council for the **individual pharmaceutical active substances** in annex II part D.

In **surface water**, estrogenic pharmaceuticals should be addressed by effect-based monitoring. The Commission should also **consider setting standards for the sum(s) of selected pharmaceuticals, preferably based on mode of action, at the next review**. The compromise foresees therefore **a placeholder for this sum in Annex III** to the Directive 2008/105/EC that is to be re-established.

For the future review, the Commission shall also assess the **possibility to set a standard for the pharmaceutical total for the surface and ground water**, supported by an appropriate monitoring method.

d) Pesticides

Pesticides are part of the compromise **proposal of total/sums**.

To try address the cumulative risk in the **EQSD**, as the total pesticides attempts to do so in the GWD, an **EQS should be set for the sum of the pesticides** that are already included in the list of priority substances to be monitored in water, and that EQS should be taken into account when assessing chemical status. To take better account of mixture risk in the future, the Commission will consider setting standards for the sum(s) of a larger selection of selected pesticides than those currently included in Annex I, preferably based on mode of action, at the next review; for this reason **'sum(s) of selected pesticides by mode of action'** should be **added to Annex III** to Directive 2008/105/EC. For the next review, the Commission will also consider setting a total pesticides EQS in surface waters, supported by an appropriate monitoring method.

Another issue concerning the pesticides is the request for the Commission to establish a **list of non-relevant metabolites of pesticides** for the Groundwater Directive. The Presidency asks Member states to show some flexibility regarding this issue in terms of deadline put on the Commission in the Council mandate, as the deadline of 6 months has been considered as non-feasible given the need to take into account also the coherence with pesticides and drinking water legislation.

e) **PFAS**

PFAS are part of the compromise **proposal of total/sums**.

A subset of specific PFAS should be added to the list of groundwater pollutants and to the list of priority substances in surface waters. Member States are **encouraged to monitor PFAS Total in groundwater and surface water** using the guidance adopted under the DWD (2020/2184). The Commission shall consider establishing quality standards for **PFAS Total in surface waters and groundwater at the next review** and aim to **complement the guidance on monitoring PFAS Total in drinking water** to make it applicable to monitoring PFAS Total in GW and SW.

f) **Bisphenols**

Bisphenols are part of the compromise **proposal of total/sums**.

Bisphenol-A should be added to the list of substances in Annex I to Directive 2008/105/EC and designated as a priority hazardous substance. The Commission should review the listing of bisphenols in general at the next review, **and consider to establish an EQS for 'Bisphenols Total' or at least for the 'Sum of Bisphenols'**, including at least Bisphenol-B and Bisphenol-S. **The 'Sum of Bisphenols' should be therefore listed in Annex III** to Directive 2008/105/EC. Furthermore, Member States should give particular consideration whether **to identify and monitor at least Bisphenol B and Bisphenol S as river basin specific pollutants**, where potentially relevant, and to report the data in line with Article 8(4) of Directive 2000/60/EC to ensure that the risk from the sum of those bisphenols and Bisphenol A can be properly assessed at the next review. During the next review, the Commission should also consider listing Bisphenols in GWD, including as a sum and/or total. For both ground and surface waters, it should be supported by an appropriate monitoring method.

g) **Summary of the Total/ Sum compromise proposal:**

The main element of the proposed compromise is the **re-establishment of Annex III to the EQSD** as a “holding place” for substances which should be considered for inclusion in the priority substances list at the next review. Annex to the EQSD would include:

- **‘sum of bisphenols’**,
- **‘sum(s) of selected pesticides by mode of action’**,
- **‘sum(s) of selected pharmaceuticals by mode of action’**.

Other elements of the compromise, as described above in points 3 c-f, consist of including sums (pharmaceuticals for GW), pesticides for SW and PFAS for both GW and SW **already during the current revision**.

There is also an encouragement for MS to use PFAS total methodology following the guidance published for the Drinking Water Directive and to consider monitoring Bisphenol B and S as River Basin Specific Pollutants.

The compromise consists as well of strong encouragement for the Commission to consider **adding “total” standards** for PFAS, Bisphenols, pesticides and pharmaceuticals, as well as the sum of Bisphenols for GW **during the next review**, supported by appropriate monitoring methods.

Delegations are kindly invited to indicate their positions, **flexibilities and red lines** regarding the issues listed in this note. Presidency would appreciate if the Delegations could group their comments following above mentioned clusters. The outcome of the discussion will serve as a guidance for further negotiations, with the possibility of adopting the revised Council mandate.

ANNEX 1 (Effect based monitoring)

row	COM	EP	Council	Compromise proposal
Recital 11				
21	<p>(11) Considering the growing awareness of the relevance of mixtures and therefore of effect-based monitoring for determining chemical status, and considering that sufficiently robust effect-based monitoring methods already exist for estrogenic substances, Member States should apply such methods to assess the cumulative effects of estrogenic substances in surface waters over a period of at least two years. This will allow the comparison of effect-based results with the results obtained using the conventional methods for monitoring the three estrogenic substances listed in Annex I to Directive 2008/105/EC. That comparison will be used to assess whether effect-based monitoring methods may be used as reliable screening methods. Using such screening methods would have the advantage of allowing the effects of all estrogenic substances having similar effects to be covered, and not only those listed in Annex I to Directive 2008/105/EC. The definition of EQS in Directive 2000/60/EC should be modified to ensure that it may, in the future, also cover trigger values that might be set for assessing the results of effect-based monitoring.</p>	<p>(11) <u>The current and conventional monitoring methods for the chemical status of water bodies cannot, in general, determine the impact of complex mixtures of chemicals on water quality.</u> Considering the growing awareness of the relevance of mixtures and therefore of effect-based monitoring for determining chemical status, and considering that sufficiently robust effect-based monitoring methods already exist for estrogenic substances, Member States should apply such methods to assess the cumulative effects of estrogenic substances in surface waters over a period of at least two years. This will allow the comparison of effect-based results with the results obtained using the conventional methods for monitoring the three estrogenic substances listed in Annex I to Directive 2008/105/EC. That comparison will be used to assess <u>should be included in an evaluation report published by the Commission in which it assesses</u> whether effect-based monitoring methods <u>deliver robust and accurate data and</u> may be used as reliable screening methods. Using such screening methods would have the advantage of allowing the effects of all estrogenic substances</p>	<p>(11) Considering the growing awareness of the relevance of mixtures and therefore of effect-based monitoring for determining chemical status, and considering that sufficiently robust effect-based monitoring methods already exist for estrogenic substances, Member States are encouraged to should are encouraged to should apply such methods on a voluntary basis to assess the cumulative effects of estrogenic substances in surface waters over a period of at least two years. This will allow the comparison of effect-based results with the results obtained using the conventional methods for monitoring the three estrogenic substances listed in Annex I to Directive 2008/105/EC. That comparison will be used to assess whether effect-based monitoring methods may be used as reliable screening methods. Using such screening methods would have the advantage of allowing the effects of all estrogenic substances having similar effects to be covered, and not only those listed in Annex I to Directive 2008/105/EC and could also replace substance-by-substance monitoring. The concept of effect based trigger values should be defined. The definition of EQS in Directive 2000/60/EC and the</p>	<p>The conventional chemical analytical methods used for monitoring substances under this Directive cannot, in general, determine cumulative (or mixture) risk. Considering the growing awareness of the relevance of mixtures and therefore of effect-based monitoring for determining chemical status, and considering that sufficiently robust effect-based monitoring methods already exist for estrogenic substances, Member States should apply such methods to assess the cumulative effects of estrogenic substances in surface waters over a period of at least two years. This will allow the comparison of effect-based results with the results obtained using the conventional methods for monitoring the three estrogenic substances listed in Annex I to Directive 2008/105/EC. The Commission should publish a report on That comparison and an analysis of will be used to assess whether effect-based monitoring methods deliver data robust and accurate enough to allow them to may be used as reliable screening methods. Using such screening methods would have the advantage of allowing the effects of all estrogenic substances having similar effects to be covered, and not only</p>

		<p>having similar effects to be covered, and not only those listed in Annex I to Directive 2008/105/EC. The <u>Commission should be empowered to adopt delegated acts to supplement Directive 2008/105/EC to set out modalities for the Member States to use the effect-based methods for monitoring to assess the presence also of other substances in water bodies, in anticipation of a possible setting of effect-based trigger values in the future. The</u></p> <p>definition of EQS in Directive 2000/60/EC should be modified to ensure that it may, in the future, also cover trigger values that might be set for assessing the results of effect-based monitoring.</p>	<p>definition of good chemical status should be modified to ensure that it may, in the future, also cover– trigger values that might be set for assessing the results of effect-based monitoring.</p>	<p>those listed in Annex I to Directive 2008/105/EC, and could also replace substance-by-substance monitoring at many locations. The concept of effect based trigger values should be defined. The definition of EQS in Directive 2000/60/EC and the definition of good chemical status should be modified to ensure that it may, in the future, also cover trigger values that might be set for assessing the results of effect-based monitoring.</p>
--	--	---	--	--

Article 3, first paragraph, point (6), amending provision, numbered paragraph (3)				
305	<p>3. Member States shall, from ... [OP please insert the date = the first day of the month following 18 months after the date of entry into force of this Directive], for a period of two years, monitor the presence of estrogenic substances in water bodies, using effect-based monitoring methods. They shall conduct the monitoring at least four times during each of the two years at locations where the three estrogenic hormones 7-Beta estradiol (E2), Estrone (E1) and Alpha-Ethinyl estradiol (EE2) listed in Part A to Annex I to this Directive, are being monitored using conventional analytical</p>	<p>3. Member States shall, from ... [OP please insert the date = the first day of the month following 18 months after the date of entry into force of this Directive], for a period of two years, monitor the presence of estrogenic substances in water bodies, using effect-based monitoring methods. They shall conduct the monitoring at least four times during each of the two years at locations where the three estrogenic hormones 7-Beta estradiol (E2), Estrone (E1) and Alpha-Ethinyl estradiol (EE2) listed in Part A to Annex I to this Directive, are being monitored using conventional analytical</p>	<p>3. Member States may, , from-shall, from ... [OP please insert the date= the first day of the month following 18 months after the date of entry into force of this Directive] publication of the technical guidelines referred to in paragraph 4 , for a period of two years, monitor the presence of estrogenic substances– in water bodies, using effect-based monitoring methods. Where Member States decide to do so, they shall conduct the monitoring at least four times during each of the two years at locations where the three estrogenic hormones 717-Beta estradiol (E2), Estrone (E1) and 17-a lpha-</p>	<p>Member States shall, over a period of two years from 1 January 2030, and providing that the publication of the technical guidelines referred to in paragraph 4 have been published at least 18 months before this date, monitor the presence of estrogenic substances in water bodies, using effect-based monitoring methods as explained in the guidelines. The sampling and analysis need not commence at the start of that two-year period, but shall be conducted at least four times during each year. Member States shall conduct the monitoring at locations a</p>

	<p>methods in accordance with Article 8 of Directive 2000/60/EC and Annex V to that Directive. Member States may use the network of monitoring sites identified for the surveillance monitoring of representative surface water bodies in accordance with point 1.3.1 of Annex V to Directive 2000/60/EC.</p>	<p>methods in accordance with Article 8 of Directive 2000/60/EC and Annex V to that Directive. Member States may use the network of monitoring sites identified for the surveillance monitoring of representative surface water bodies in accordance with point 1.3.1 of Annex V to Directive 2000/60/EC.</p>	<p>ethinyl Alpha-Ethinyl estradiol (EE2) listed in Part A to Annex I to this Directive, are being monitored using conventional analytical methods in accordance with Article 8 of Directive 2000/60/EC and Annex V to that Directive. Member States may use the network of monitoring sites identified for the surveillance monitoring of in representative surface water bodies in accordance with point 1.3.1 of Annex V to Directive 2000/60/EC. order to obtain comparative results at a range of concentrations.</p>	<p>selection of the sites where the three estrogenic hormones 17-Bb beta estradiol (E2), Estrone (E1) and 17-Aa alpha-Ethinyl-estradiol (EE2) listed in Part A to Annex I to this Directive, are being monitored using conventional analytical methods in accordance with Article 8 of Directive 2000/60/EC and Annex V to that Directive in order to obtain comparative results at range of concentrations, and report the data together and in line with Article 8(4) of Directive 2000/60/EC.-The number of sites shall be no less than that specified in paragraph 3 of Article 8b of this Directive for monitoring substances on the watch list. Member States, may use the network of monitoring sites identified for the surveillance monitoring of representative surface water bodies in accordance with point 1.3.1 of Annex V to Directive 2000/60/EC. Where possible, Member States may start the monitoring period before the indicated date as long as the technical guidelines have been published.</p>
Article 3, first paragraph, point (6), amending provision, numbered paragraph (3a)				
305 a			<p>4. The Commission shall by [OP please insert the date = the first day of the month following 12 months after the date of entry into force of this Directive] adopt technical guidelines regarding methods for chemical analysis of the</p>	<p>4. The Commission shall by [OP please insert the date = the first day of the month following 18 months after the date of entry into force of this Directive] publish technical guidelines for the</p>

			estrogenic substances and regarding effect-based monitoring methods, interpretation and assessment of the results and trigger values as defined in Article 2 (35b) of Directive 2000/60/EC.”;	monitoring of estrogenic substances using effect-based monitoring methods.
Article 3, first paragraph, point (6), amending provision, numbered paragraph (3b), first and second subparagraphs				
305 b		<u>3a. The Commission shall, within 12 months of the two-year period referred to in paragraph 3, publish a report on the reliability of the effect-based methods by comparing the effect-based results with the results obtained using the conventional methods for monitoring the three estrogenic substances listed in paragraph 3 in anticipation of a possible setting of effect-based trigger values in the future.</u>		The Commission shall, within 18 months of the data being reported by the Member States, publish a report comparing the results from the conventional analytical and the effect-based methods and analyse the possibility of using effect-based monitoring methods in conjunction with an effect-based trigger value for estrogens as defined in Article 2(35b) of Directive 2000/60/EC for screening purposes to support the assessment of chemical status. However, Member States shall not use the effect-based results from the two-year comparative monitoring period referred to in paragraph 3 for the purpose of classifying the chemical status of the monitored water bodies, as described in point 1.4.3 of Annex V to Directive 2000/60/EC, at the end of that period.

Article 3, first paragraph, point (6), amending provision, numbered paragraph (3b), third subparagraph				
305 c		<u>Once effect-based methods are ready to use also for other substances, the Commission shall be empowered to adopt delegated acts in accordance with Article 9a to supplement this Directive by adding a requirement for the Member States to use the effect-based methods, in parallel with conventional monitoring methods, to carry out monitoring to assess the presence of those substances in water bodies.</u>		Taking into account the analysis in the report referred to in the first subparagraph, the Commission shall consider setting a trigger value for estrogens for screening purposes and for the assessment of chemical status. Once effect-based methods are ready to use also for other substances, the Commission shall consider requiring Member States to use them, if necessary at least initially in parallel with conventional analytical methods, and consider setting corresponding trigger values.
Article 3, first paragraph, point (6), amending provision, sixth paragraph				
306	* Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE), OJ L 108, 25.4.2007, p. 1).	deleted	deleted	
Article 3, first paragraph, point (6), amending provision, seventh paragraph				
307	** Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information, OJ L 172, 26.6.2019, p. 56).;	deleted	deleted	

ANNEX 2 (Definitions)

Description of the compromise: accept the suggestion from Council to add a definition for Effect Based Trigger Values; which then triggers the need to change the definition of good chemical status accordingly

- Revert back to existing definition of EQS in Art 2(35) WFD (slightly reformulated language but content is the same).
- Add the new definition for Effect based Trigger Values proposed by Council;
- Change definition of good chemical status accordingly, i.e. referring to both EQS and EBTV, but the latter only where '**available**', i.e. where verifiable on the basis of a scientifically validated effect-based monitoring method;
- Small change to EC proposal in Art 2(24) to take out the reference to Art 8(2), point (c) (this was an error); and replace it with Art 8d(1), which refers to MS setting and implementing EQS for all RBSPs of concern in their country
- Take out the reference proposed by Council to Art 16(4a) of WFD: irrespective of the final decision on keeping Art 16 or not, it seems more appropriate in any case to refer to Art 8d(1) EQSD which relates to MS setting and implementing EQS for their RBSPs;

TEXT PROPOSAL

Art 2(24) 'Good surface water chemical status' means the chemical status required to meet the environmental objectives for surface waters set out in Article 4(1), point (a), of this Directive, that is the chemical status achieved by a body of surface water in which concentrations of pollutants do not exceed the **following: the** environmental quality standards for priority substances listed in Part A of Annex I to Directive 2008/105/EC of the European Parliament and of the Council* ~~and, the environmental quality standards for river basin specific pollutants set and applied in accordance with Article 8(2), point (c), and 16 (4a) of this Directive or~~ or Article **8d(1) and not 8d(2) of that of Directive 2008/105/EC, and if available, standardised effect-based trigger values, where available.**

Art 2 (35) 'Environmental quality standard' means the concentration of a particular pollutant or group of pollutants in water, sediment or biota not to be exceeded in order to protect human health and the environment.

Art 2 (35b) 'Effect-based **trigger** value' means a threshold for the effects of a pollutant or group of pollutants in water, sediment or biota, where those effects are measured by an appropriate and scientifically **validated**-effect-based monitoring method, above which adverse effects on human health or the environment from that pollutant or group of pollutants in water, sediment or biota, could occur.

EC proposal	EP	Council	Comments - Compromise
Art 2 (24) 'Good surface water chemical status' means the chemical status required to meet the environmental objectives for surface waters set out in Article 4(1), point (a), of this Directive, that is the chemical status achieved by a body of surface water in which concentrations of pollutants do not exceed the environmental quality standards for priority substances listed in Part A of Annex I to Directive 2008/105/EC of the European Parliament and of the Council* and the environmental quality standards for river basin specific pollutants set in accordance with Article 8(2), point (c), and Article 8d(1) of that Directive.	unchanged	Art 2(24) 'Good surface water chemical status' means the chemical status required to meet the environmental objectives for surface waters set out in Article 4(1), point (a), of this Directive, that is the chemical status achieved by a body of surface water in which concentrations of pollutants do not exceed the following : the environmental quality standards for priority substances listed in Part A of Annex I to Directive 2008/105/EC of the European Parliament and of the Council* and , the environmental quality standards for river basin specific pollutants set in accordance with Article 8(2), point (c), and 16 (4a) of this Directive or Article 8d(1) and 8d(2) of that Directive and 2008/105/EC, and if available, standardised effect based trigger values. ;	Art 2(24) 'Good surface water chemical status' means the chemical status required to meet the environmental objectives for surface waters set out in Article 4(1), point (a), of this Directive, that is the chemical status achieved by a body of surface water in which concentrations of pollutants do not exceed the following : the environmental quality standards for priority substances listed in Part A of Annex I to Directive 2008/105/EC of the European Parliament and of the Council* and , the environmental quality standards for river basin specific pollutants set and applied in accordance with Article 8(2), point (c), and 16 (4a) of this Directive or Article 8d(1) and 8d(2) of that Directive 2008/105/EC, and if available, standardised effect-based trigger values, where available. ;
Art 2 (35) 'Environmental quality standard' means the concentration of a particular pollutant or group of pollutants in water, sediment or biota not to be exceeded in order to protect human health and the environment or a trigger value for the adverse effect on human health or the environment of such a pollutant or group of pollutants measured using an appropriate effect-based method.';	Art 2(35) 'Environmental quality standard' means the concentration of a particular pollutant or group of pollutants in water, sediment or biota not to be exceeded in order to protect human health and the environment or a trigger value for the adverse effect on human health or the environment of such a pollutant or group of pollutants measured using an appropriate and scientifically established effect-based method.'	deleted	Art 2 (35) 'Environmental quality standard' means the concentration of a particular pollutant or group of pollutants in water, sediment or biota not to be exceeded in order to protect human health and the environment.
		Art 2 (35b) 'Effect-based Trigger value' means a threshold for the effects of a pollutant or group of pollutants in water, sediment or biota, where those effects are measured by an appropriate and scientifically validated effect-based monitoring method, above which adverse effects on human health or the environment from that pollutant or group of pollutants in water, sediment or biota, could occur.	Art 2 (35b) 'Effect-based Trigger value' means a threshold for the effects of a pollutant or group of pollutants in water, sediment or biota, where those effects are measured by an appropriate and scientifically validated effect-based monitoring method, above which adverse effects on human health or the environment from that pollutant or group of pollutants in water, sediment or biota, could occur.

ANNEX 3 (Ground water ecosystems – Presidency compromise proposal):

	ORG Directive text	EP Proposal	Council proposal	COMPROMISE PROPOSAL
Recital	<p>(20)</p> <p>Research should be conducted in order to provide better criteria for ensuring groundwater ecosystem quality and protection. Where necessary, the findings obtained should be taken into account when implementing or revising this Directive. Such research, as well as dissemination of knowledge, experience and research findings, needs to be encouraged and funded.</p>		<p>(new 8c)</p> <p>Pharmaceutical active substances are of great concern for ecosystems. Groundwater quality standards for pharmaceuticals should therefore be aligned, for the substances most frequently encountered in groundwater bodies, with the values adopted or proposed as environmental quality standards to be achieved in surface waters. This should ensure the protection of associated aquatic ecosystems and dependent terrestrial ecosystems. Stricter standards are needed to protect sensitive groundwater ecosystems. Member States should work with the Commission under the Common Implementation Strategy for Directive 2000/60/EC to establish a methodology for identifying such ecosystems. As soon as a reliable method is available, Member States should, where relevant, apply that method. If a Member State identifies the presence of such</p>	<p>(20 - redrafted)</p> <p>There is a need to gather more knowledge about the presence, importance and sensitivity of groundwater ecosystems in order to properly protect them. Additional scientific research should therefore be encouraged, funded and conducted, and the findings should be disseminated, and, where necessary, taken into account, along with existing knowledge, when implementing or revising this Directive.</p> <p><u>The Commission should work with Member States under the Common Implementation Strategy for Directive 2000/60/EC to establish a methodology for identifying groundwater ecosystems.</u></p> <p><u>As soon as a reliable methodology is available, Member States should, where relevant, apply that methodology, and set stricter standards where necessary to</u></p>

			ecosystems, it should set stricter quality standards or threshold values accordingly, unless the standard has been set to protect human health and is already sufficiently strict to protect the sensitive ecosystems.	<u>protect those ecosystems</u>
Annex I point 3	Where, for a given body of groundwater, it is considered that the groundwater quality standards could result in failure to achieve the environmental objectives specified in Article 4 of Directive 2000/60/EC for associated bodies of surface water, or in any significant diminution of the ecological or chemical quality of such bodies, or in any significant damage to terrestrial ecosystems which depend directly on the body of groundwater, more stringent threshold values will be established in accordance with Article 3 and Annex II to this Directive. Programmes and measures required in relation to such a threshold value will also apply to activities falling within the scope of Directive 91/676/EEC.	Where, for a given body of groundwater, in particular one situated in the ecological network of special areas of conservation under Council Directive 92/43/EEC, it is considered that the groundwater quality standards could result in a failure to achieve the environmental objectives specified in Article 4 of Directive 2000/60/EC for associated bodies of surface water, or in any significant deterioration of the ecological or chemical quality of such bodies, or in any significant damage to groundwater or terrestrial ecosystems which depend directly on that body of groundwater, more stringent threshold values shall be established in accordance with Article 3 and Annex II to this Directive. Programmes and measures required in relation to such threshold values shall also apply to activities falling within the	No changes	Where, for a given body of groundwater, it is considered that the groundwater quality standards could result in failure to achieve the environmental objectives specified in Article 4 of Directive 2000/60/EC for associated bodies of surface water, or in any significant deterioration of the ecological or chemical quality of such bodies, or in any significant damage to terrestrial ecosystems which depend directly on that body of groundwater, <u>more stringent threshold values shall be established in accordance with Article 3 and Annex II to this Directive.</u> Provided that a reliable methodology is available to assess the presence of groundwater ecosystems, more stringent quality standards shall also be established for groundwater bodies where such ecosystems are present, unless the standards have been

		scope of Directive 91/676/EEC.		set to protect human health and are already sufficiently strict to protect those ecosystems.
Footnote Annex I	<p>COM COMPROMISE PROPOSAL</p> <p>When a reliable methodology is available, Member States shall assess the presence of groundwater ecosystems in their groundwater bodies and set, if such ecosystems are present, a 10-times stricter threshold value for this substance in order to preserve these ecosystems, unless consideration of available and relevant ecotoxicity data provides a sound scientific basis for an intermediate or even stricter value."</p>		<p>Council mandate</p> <p>When a reliable methodology is available, Member States shall assess the presence of groundwater ecosystems in their groundwater bodies and set, if necessary following a risk assessment, a stricter threshold value for this product in line with article 3 (1b) - in order to preserve these ecosystems.</p>	<p>When a reliable methodology is available, Member States shall assess the presence of groundwater ecosystems in their groundwater bodies <u>whose characteristics could support their existence</u> and set, if such ecosystems are present, and in line with Article 3 (1)(b) if necessary following a risk assessment, a 10-times stricter threshold value for this substance in order to that is adequate to protect those ecosystems; unless consideration of available and relevant ecotoxicity data provides a sound scientific basis for an intermediate or even stricter value.</p>
Footnote annex II (part D)	<p>COM COMPROMISE PROPOSAL</p> <p>Wherever an individual pharmaceutical active substance poses a risk to one or more groundwater bodies in a Member State, that Member State shall apply this threshold value unless a stricter standard or threshold value applies at Union</p>		<p>Council mandate</p> <p>Member States shall apply this threshold value unless a stricter standard or threshold value has been specifically set for the substance concerned at Union or national level. When a reliable</p>	<p>Member States shall apply this threshold value unless a stricter standard or threshold value has been specifically set for the substance concerned at Union or national level for either</p>

	<p>or Member State level, for either surface or groundwater. When a reliable methodology is available, Member States shall assess the presence of groundwater ecosystems in their groundwater bodies and, if such ecosystems are present, set a threshold value of 0.25 µg/l or a value 10 times stricter than the corresponding surface or groundwater standard or threshold value, where applicable, in order to preserve these ecosystems, unless consideration of available and relevant ecotoxicity data provides a sound scientific basis for a different value,</p>		<p>methodology is available, Member States shall assess, the presence of groundwater ecosystems in their groundwater bodies and set, if necessary following a risk assessment, a stricter threshold value for this product in line with article 3 (1b) - in order to preserve these ecosystems.</p>	<p>surface or groundwater.</p> <p>When a reliable methodology is available, Member States shall assess the presence of groundwater ecosystems in their groundwater bodies whose characteristics could support their existence and set, if such ecosystems are present, and in line with Article 3 (1)(b), if necessary following a risk assessment, a stricter threshold value of 0.25 µg/l or a value 10 times stricter than the corresponding surface or groundwater standard or threshold value, where applicable, in order if necessary to protect those ecosystems, unless consideration of available and relevant ecotoxicity data provides a sound scientific basis for a different value.</p>
--	--	--	--	--

ANNEX 4 (Non-deterioration)

Preamble 14 d is amended as follows (highlighted in blue proposed changes to the Council mandate)

(14d) The judgements of the Court of Justice of the European Union, combined with additions to the lists of substances as well as stricter standards for existing pollutants, have highlighted the difficulty for Member States of complying with the non-deterioration objective of Directive 2000/60/EC, may hamper the implementation of certain activities and entail a considerable administrative burden for Member States. This is especially the case if short-term effects of activities occur or if pollutants are relocated within or between waterbodies without however causing an overall increase in pollution. As a result of the relocation, the pollution in the source-water body might be reduced and the pollution in the receiving water body might increase whilst the overall pollution mass balance is null. **When relocating groundwater or sediment containing ubiquitous PTB substances, other substances present are also relocated. It is therefore not possible to focus solely on uPBT substances.** As far as possible, remediation measures should be taken to mitigate the adverse effects. Activities such as discharge of PFAS contaminated drainage water from construction works or the displacement of dredged sediments for flood safety or navigation should be allowed, provided the necessary and proportionate safeguards are in place and their compliance can be verified so as to avoid a lowering of the level of ambition of the Directive 2000/60/EC. Activities like dumping of contaminants into the water body, including sewage sludge, should not be allowed.

Preamble 28a is amended as follows:

(28a) Member States experts should be involved in the regular cooperation facilitated by the Common Implementation Strategy for Directive 2000/60/EC and in particular in the working groups established under it, and thus closely involved especially in the revision of the watch lists, the updates of the lists of pollutants, **and the establishment of the reporting formats and the exchange on good practices on the application of exemptions.**

Article 4.7.a is amended as follows (highlighted in blue proposed changes to the Council mandate):

"7a. Member States will not be in breach of this Directive if any negative short-term impacts on ~~one or more quality elements~~ **the chemical status** of a water body or water bodies caused by a new project or a modification to an existing project in that or those water bodies is no longer detectable after one year, **or maximum three years for the biological quality elements**, beyond initiation of the execution of the project,

and all the following conditions are met:

- a) the negative impacts are not the result of direct discharges, emissions or losses of a pollutant;
- b) there are no significantly better environmental options for reasons of technical feasibility or disproportionate cost;**
- c) all practicable **measures steps** are taken to mitigate the negative impacts on **the status of** the water body or water bodies;
- d) the potential impacts are assessed ex ante, **on the basis of scientific evidence** and **on this basis** it is concluded that there will be no negative impact for the concerned

water body beyond one year, or beyond maximum three years for the biological quality elements;

- e) ex post verification is carried out;
- f) a summary of the main activities carried out in line with the provisions of this paragraph and the measures taken to mitigate negative impacts is included in the river basin management plans required under Article 13 of this Directive.

Article 4.7.b is amended as follows (highlighted in blue proposed changes to the Council mandate):

“7b. Member States will not be in breach of this Directive when deterioration occurs in the status of a surface water body as a result of relocating water or sediment by human activity within or between surface water bodies, or from a groundwater body to a surface water body, without causing a net increase in pollution, and all the following conditions are met:

- a) all practicable measures steps, including in particular the treatment of the water or sediment if relevant and feasible, are taken to mitigate adverse impacts on the status of the water body or water bodies;
- b) the composition of the relocated water or sediments is established, and the relocation does not significantly increase the overall risk to human health and the environment compared to the existing risk prior to the relocation;
- c) the receiving water body is confirmed as already not being in a good ecological status or potential, neither in good chemical status, with respect to a large proportion of the pollutants relocated; and the ecological status or potential of the receiving water body cannot be classified is not expected to fall into a lower class as a result of the relocation of those pollutants;
- d) bodies of water identified for the abstraction of water intended for human consumption, as well as those bodies of water intended for such future use, as referred to in Article 7(1), are excluded from this exemption;
- e) the details, including the reasons, for the relocation are set out and explained in the river basin management plan required under Article 13;
- f) there are no significantly better environmental options for reasons of technical feasibility or disproportionate cost;
- g) the relocation is subject to prior regulation or authorisation.”;

ANNEX 5 (Access to justice):

	EP amendment	Compromise proposal
41c	<p><u>(31c) As confirmed by the case law of the CJEU¹, environmental non-governmental organisations and directly concerned individuals should be provided legal standing in order to challenge a decision taken by a public authority, which is in breach of the environmental objectives referred to in Article 4 of Directive 2000/60/EC. With the purpose of enhancing access to justice in the matters concerned before national courts across the Union and for environmental non-governmental organisations and directly concerned individuals to be able to rely on national laws when challenging decisions that are in breach of Directive 2000/60/EC, provisions to ensure access to justice should be established in Directive 2000/60/EC.</u></p> <p><u>1. Case C-535/18, Judgment of the Court (First Chamber) of 28 May 2020; IL and Others v Land Nordrhein Westfalen. Case C-664/15, Judgment of the Court (Second Chamber) of 20 December 2017; Protect Natur-, Arten- und Landschaftsschutz Umweltorganisation v Bezirkshauptmannschaft Gmünd.</u></p>	<p>(31 c) Directive 2003/4/EC of the European Parliament and of the Council is aimed at guaranteeing the right of access to environmental information in the Member States in line with the 1998 Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters ('Aarhus Convention'). The Aarhus Convention encompasses broad obligations related both to making environmental information available upon request and actively disseminating such information. Directive 2007/2/EC of the European Parliament and of the Council is also of broad scope, covering the sharing of spatial information, including data sets on different environmental topics. It is important that provisions of this Directive related to access to information and data-sharing arrangements complement those Directives and do not create a separate legal regime. Therefore, the provisions of this Directive regarding information to the public and information on monitoring of implementation should be without prejudice to Directives 2003/4/EC and 2007/2/EC.</p> <p>(31 d) The effectiveness of this Directive and its aim of protecting human health and aquatic environment in the context of the Union's environment policy require that natural or legal persons, or where appropriate their duly constituted organisations, be able to rely on it in legal proceedings and that the national courts be able to take this Directive into consideration as an element of Union law in order, inter alia, to review decisions of a national authority where appropriate.</p> <p>In addition, according to settled case law of the Court of Justice, under the principle of sincere cooperation laid down in Article 4(3) of the Treaty on European Union (TEU), it is for the courts of the Member States to ensure judicial protection of a person's rights under Union law. Furthermore, Article 19(1) TEU requires Member States to provide remedies sufficient to ensure effective judicial protection in the fields covered by Union law.</p> <p>This should be done in accordance with national rules. In addition, in accordance with the Aarhus Convention, members of the public concerned are to have access to justice in order to contribute to the protection of the right to live in an environment which is adequate for personal health and well-being.</p>

106d	<u>(9b) The following Article is inserted :</u>	<u>(9b) The following Article is inserted :</u>
106e	<p><u>Article 14a</u></p> <p><u>Access to justice</u></p>	<p><u>Article 14a</u></p> <p><u>Access to justice</u></p>

106f – k	<p><u>1. Member States shall ensure that members of the public, in accordance with national law, that have a sufficient interest or that allege the impairment of a right, have access to a review procedure before a court of law, or another independent and impartial body established by law, to challenge the substantive or procedural legality of all decisions, acts or omissions under this Directive concerning, inter alia:</u></p> <p><u>(a) plans and projects which may be contrary to the requirements of Article 4, including to prevent the deterioration of the status of bodies of water and to achieve good water status, good ecological potential and/or good water chemical status, to the extent that those requirements are not already provided for under Article 11 of Directive 2011/92/EU;</u></p> <p><u>(b) programmes of measures referred to in Article 11, Member State river basin management plans referred to in Article 13(1) and supplementary Member State programmes or management plans referred to in Article 13(5).</u></p> <p><u>2. Member States shall determine what constitutes a sufficient interest and the impairment of a right, in a manner that is consistent with the objective of providing the public with wide access to justice. For the purposes of paragraph 1, any non-governmental organisation that promotes environmental protection and meets the relevant requirements under national law shall be deemed to have rights capable of being impaired and their interest shall be deemed sufficient.</u></p> <p><u>3. The review procedures referred to in paragraph 1 shall be fair, equitable, and completed in a timely manner, and shall not be prohibitively expensive. Those procedures shall also involve the provision of adequate and effective redress, including injunctive relief where appropriate.</u></p> <p><u>4. Member States shall ensure that practical information is made available to the public on access to the administrative and judicial review procedures referred to in this Article."</u></p>	<p>1. Member States shall ensure that, in accordance with the relevant national legal system, members of the public concerned have access to a review procedure before a court of law, or another independent and impartial body established by law, to challenge the substantive or procedural legality of decisions, acts or omissions subject to Article 4 and 11 of this Directive, where at least one of the following conditions is met:</p> <p>(a) they have a sufficient interest;</p> <p>(b) they maintain the impairment of a right, where administrative procedural law of a Member State requires this as a precondition.</p> <p>The review procedure shall be fair, equitable, timely and not prohibitively expensive, and shall provide for adequate and effective redress mechanisms, including injunctive relief where appropriate.</p> <p>2. Standing in the review procedure shall not be conditional on the role that the member of the public concerned played during a participatory phase of the decision-making procedures under this Directive.</p> <p>3. Member States shall determine at what stage the decisions, acts or omissions referred to in paragraph 1 may be challenged.</p> <p>4. Member States shall ensure that practical information is made available to the public on access to administrative and judicial review procedures referred to in this Article.</p>
----------	---	--

ANNEX 6 (Extended Producer's Responsibility):

Article 8 is amended as follows:

the following paragraphs 4,5, 6 and **7** are added:

7. The Commission shall by [36 months after the date of entry into force of this Directive], publish a report on possibility to include in this Directive an extended producer responsibility mechanism. The report shall evaluate in particular 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 designed under Article 8 of Directive 2000/60/EC.

ANNEX 7 (Synthetic substances):

TEXT PROPOSALS [yellow text proposed by the Commission; in blue text from the Council]

- Article 3 is amended as follows:
- (a) in paragraph 1, first subparagraph, the following point (c) is added:
'(c) threshold values established at Union level in accordance with Article 8(3) and listed in Part D of annex II to this Directive'

(b) paragraph 2 is replaced by the following:

2. Threshold values referred to in paragraph 1, point (b), may be established at the national level, at the level of the river basin district or the part of the international river basin district falling within the territory of a Member State, or at the level of a body or a group of bodies of groundwater.

Threshold values referred to in paragraph 1, points (b) and (c), shall be applied at the level relevant to the occurrence of the pollutant.

- Part B, point 2
'Man-made synthetic substances
[Primidone]
Trichloroethylene
Tetrachloroethylene'
- Part D - Repository of harmonised threshold values for **man-made synthetic substances** (*) of national, regional or local concern in groundwater

(*) including synthetic substances with identical natural counterparts which may occur in groundwater, but where any natural background level is at most low.

Commission proposal	EP	Council	Compromise
Line 152 to 154 Article 3 is amended as follows: in paragraph 1, first subparagraph, the following point (c) is added: (c) threshold values established at Union level in accordance with Article 8(3) and listed in Part D of Annex II to this Directive.;	No changes proposed by EP	Article 3 is amended as follows: in paragraph 1, first subparagraph, the following point (c) is added (c) threshold values for synthetic substances established at Union level in accordance with Article 8(3) and listed in Part D of Annex II to this Directive.;	Article 3 is amended as follows: in paragraph 1, first subparagraph, the following point (c) is added '(c) threshold values for synthetic substances established at Union level in accordance with Article 8(3) and listed in Part D of Annex II to this Directive.'

Line 156	No changes proposed	2. Threshold values referred to in paragraph 1, point (b) points (b) and (c) , may be established or applied, respectively , at the national level, at the level of the river basin district or the part of the international river basin district falling within the territory of a Member State, or at the level of a body or a group of bodies of groundwater.’;	Threshold values referred to in paragraph 1, point (b), may be established at the national level, at the level of the river basin district or the part of the international river basin district falling within the territory of a Member State, or at the level of a body or a group of bodies of groundwater. Threshold values referred to in paragraph 1, points (b) and (c), shall be applied at the level relevant to the occurrence of the pollutant
Part B point 2	No changes proposed	No changes proposed	‘Man-made synthetic substances Primidone Trichloroethylene Tetrachloroethylene’
Part D Repository of harmonised threshold values for groundwater pollutants of national, regional or local concern		the following Part D is added: ‘Part D Repository of harmonised threshold values for <u>synthetic substances in groundwater pollutants</u> of national, regional or local concern	Compromise proposal: Part D Repository of harmonised threshold values for man-made synthetic substances (*) of national, regional or local concern in groundwater (*) (*) including synthetic substances with identical natural counterparts which may occur in groundwater, but where any natural background level is at most low.