



GREENPEACE



## Priority Substances in Water: NGOs priority recommendations for the triologue

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The EEB, Greenpeace EU Unit, Health Care Without Harm (HCWH) Europe and WWF European Policy Office would like to express high concerns regarding the direction of the discussion in the Council and the positions adopted for the first triologue and **would urge the Parliament to strongly stick to its position on the key issues of the proposed changes to the Priority Substances legislation.**

Our rivers, lakes and wetlands remain at risk from hazardous chemicals with long lasting negative effects on our environment, economy and society according to various research studies. The European Environment Agency (EEA) recently warned that *more* needs to be done to address the water pollution in European ecosystems, including controlling pollution at source. The EEA report also highlighted significant negative impacts on freshwater and marine ecosystems caused by substances with endocrine disrupting properties and other emerging pollutants. It can therefore be concluded that the **EU needs to step up its efforts to meet the objectives of international agreements** such as the OSPAR Convention that include the binding target to stop discharges, emissions and losses of hazardous chemicals by 2020.

The position adopted by the Council presents a huge risk for the EU not to meet these objectives and could significantly weaken the implementation of the Water Framework Directive (2000/60/EC) and thus the quality of surface and groundwater in Europe. **A strong stance from the Parliament is thus crucial.**

This briefing focuses on priority issues being addressed at the triologue, for which we believe the Parliament should maintain its position as agreed in the ENVI Committee.

**The inclusion of the three pharmaceuticals (Diclofenac, 17-beta-estradiol (E2) and 17-ethinylestradiol (EE2)) on the Priority Substances list (Annex I and II; AM 33): SUPPORT MAINTAINING THE THREE PHARMACEUTICAL SUBSTANCES ON THE PRIORITY SUBSTANCES LIST**

It should be pointed out that all of the 15 proposed substances are backed by a solid body of research, and for many of them national standards already exist in different Member States. As with the other 12 new substances proposed, and contrary to claims by certain industries, **there's a solid body of evidence underpinning the proposal for 3 pharmaceuticals to be included as Priority Substances.** They have been included in the list following the full technical consideration of monitoring results and research studies reviewed by the experts which demonstrate that pharmaceuticals pose a significant risk to the aquatic environment in the concentrations observed. In particular, the European Environment Agency report from 2011 provides a summary of numerous studies that document a range of detrimental impacts of pharmaceuticals upon freshwater ecosystems. This is supported by a report from the German Environment Agency which identifies 24 pharmaceuticals for urgent action as they pose significant risk to the health of freshwater ecosystems.

**Experts from Member States and stakeholders have been closely involved throughout the prioritization process and the evidence was considered sufficient to designate them as priority substances** – based essentially on their hazard and their presence in the aquatic environment. It is of high importance that these pharmaceuticals are included in the revised list, so that they can be properly monitored and, where necessary, a cost-effective combination of measures can be developed to meet safe limits for water and human health.

**Deleting the three pharmaceuticals from the Priority Substances all together** and including them on the watch list **should be REJECTED**; even more so the provision on their possible inclusion on the watch list upon the examination by the Commission. Including the three pharmaceuticals on the watch list undermines the whole definition of the watch list (watch list is to be drawn up for substances that there is no evidence warranting their inclusion on the Priority Substances list) and bluntly disregards all the scientific and monitoring evidence collected and presented thus far to designate them as priority substances. Furthermore, it disrespects the scientific integrity of the Commission's proposal. The preparatory work was led by the European Commission (DG ENV) and the Joint Research Centre, with participation of the national experts from all Member States and experts from industry, agriculture associations and NGOs under the Common Implementation Strategy of the WFD. The proposed standards were also submitted and reviewed by the independent Scientific Committee on Health and Environmental Risks (SCHER).

**Specific provisions for pharmaceutical substances (AM 31): SUPPORT A STRONGER LANGUAGE, WHICH WOULD ENSURE THAT ASSESSING ENVIRONMENTAL IMPACTS IS PART OF THE PROCEDURE FOR PLACING MEDICINAL PRODUCTS ON THE MARKET**

This issue should be considered as part of the package on pharmaceutical and thus linked to the question of including the three pharmaceuticals on the list of the priority substances. In addition to maintaining the three pharmaceutical substances on the priority substances list **a specific provision on pharmaceuticals** should be included in the text of the directive. The language of this provision should be strengthened and made clear that the medicinal products legislation needs to be amended, following the Commission's study on the risks posed by medicinal products in the environment and its planned Strategy on pollution of water by pharmaceuticals, in order to adequately address the environmental risks posed to the environment.

**The deadlines for the implementation and achievement of the new standards for reaching the WFD objective (Art 2, point 2, para 1): STRONGLY REJECT THE POSTPONEMENT OF THE APPLICATION OF THE NEW STANDARDS TO THE 3RD RIVER BASIN MANAGEMENT PLANS (RBMP)**

The Council's proposal to postpone the application of the new standards (new priority substances and the new EQS values of existing priority substances) to the third RBMP is extremely worrying and should be strongly rejected. In practice this would provide for a blanket derogation allowing the new standards to be implemented only in 2021 and potentially achieved only in 2027. Moreover, the WFD Article 4 derogation on the postponement of the deadlines for reaching the objective would still be applicable, which could postpone the deadlines for reaching the objectives even further. This would seriously weaken the WFD framework and gravely endanger the ecological and chemical status of our waters.

The Parliament should therefore **maintain its position**, in supporting the Commission's initial proposal, **to apply the new standards in the 2<sup>nd</sup> RBMP cycle and thus require for the objectives to be reached in 2021.**

**Council's proposal of extending the transposition date (24 month instead of 12 months) should also be strongly rejected.**

**Coordination between water and other related legislation (AM 19): MAINTAIN THE PROPOSAL TO INTRODUCE A NEW ARTICLE THAT WOULD STRENGTHEN THE LINK BETWEEN THIS PRIORITY SUBSTANCES LEGISLATION AND KEY EU SOURCE POLICY INSTRUMENTS SUCH AS REACH**

We welcome the proposed amendment 19, which would introduce a **new article that would strengthen the link between water legislation and relevant EU source control legislation**, such as REACH regulation. This will ensure that once a substance is identified under the EQS Directive, action will be triggered to address pollution at source. This amendment should be supported by Member States voicing concerns about the costs of achieving new standards as this will ensure that cost-efficient measures to control emissions at source are taken.

Moreover, it should also be pointed out, that the Environment Ministers in their [Council Conclusions on Blueprint to safeguard EU waters](#) adopted in December 2012, have noted with concern that diffuse and point-source pollution still threaten the status of EU waters, and invited the Commission to consider the need to propose cost-effective EU source-control measures in the framework of the above legislation, as appropriate, as well as to strengthen coherence between relevant legislation. The proposed new wording by the Parliament should thus not be reduced only to mere recital, but instead **a strong provision should be included in the operative part of the directive.**

**Watch list (Art 8b): REJECT COUNCIL'S PROPOSALS ON THE WATCH LIST, WHICH WOULD LEAD TO LESS FREQUENT MONITORING OF TOO FEW SUBSTANCES AT TOO FEW STATIONS**

The proposed watch list mechanism is a good step in the right direction to improve the monitoring base for upcoming regulatory decisions on relevant emerging water pollutants and should be supported. However, in order for it to fulfil its purpose and for reliable data to be obtained the number of chemicals on the watch list should be sufficient and the monitoring frequency raised. Council's proposals, which would **reduce the maximum number of substances** being monitored, **extend the deadlines for monitoring and reporting**, and **reduce the number of stations**, at which monitoring is to be conducted, should be **rejected**.

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