

Opinion of the European Economic and Social Committee on the 'Proposal for a Directive of the European Parliament and of the Council amending Directives 2000/60/EC and 2008/105/EC as regards priority substances in the field of water policy'

COM(2011) 876 final — 2011/0429 (COD)

(2012/C 229/22)

Rapporteur: **Ms LE NOUAIL MARLIÈRE**

On 14 February and 22 February 2012, the European Parliament and the Council decided to consult the European Economic and Social Committee, under Article 192(1) of the Treaty on the Functioning of the European Union (TFEU), on the:

Proposal for a Directive of the European Parliament and of the Council amending Directives 2000/60/EC and 2008/105/EC as regards priority substances in the field of water policy

COM(2011) 876 final — 2011/0429 (COD).

The Section for Agriculture, Rural Development and the Environment, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 11 May 2012.

At its 481st plenary session, held on 23 and 24 May 2012 (meeting of 23 May), the European Economic and Social Committee adopted the following opinion by 135 votes to 15 with 14 abstentions.

1. Conclusions and recommendations

1.1 The EESC welcomes the current draft directive inasmuch as it extends the list of priority substances and priority hazardous substances, applying the most comprehensive option proposed in the impact analysis ⁽¹⁾.

1.2 The EESC welcomes the new mechanism proposed by the Commission to supply it with targeted, high-quality monitoring information on the concentration of substances in the aquatic environment, with a focus on emerging pollutants and substances for which available monitoring data are not of sufficient quality for the purpose of risk assessment. The EESC considers that the new mechanism should facilitate the gathering of that information across EU river basins and maintain monitoring costs at reasonable levels.

1.3 The EESC nevertheless recommends that the draft directive include, if only on a trial basis, specific analyses of the following areas that are not yet fully understood:

i. nanoparticles and, more specifically, their interaction with the priority substances, as there are an increasing number of questions surrounding this subject – raised by the European Environment Agency ⁽²⁾;

ii. the effects of chemical combinations of substances present in inland waters, as these combinations can have a significant

impact on the aquatic environment even in very weak concentrations.

1.4 The EESC suggests that, in the interests of implementing the Water Framework Directive effectively, the draft directive should refer to best practice regarding river basin management.

1.5 The EESC considers that lead and nickel, being persistent and bioaccumulative substances, should be classified as priority hazardous substances (PHS) with the aim of eliminating all releases within 20 years, even if it is estimated that this will be very costly.

1.6 The EESC believes that public support and involvement are a precondition for the protection of water resources, and for the identification of both the problems and the most appropriate solutions, not least regarding costs. Without popular backing, regulatory measures will not succeed. Civil society has a key role to play in the implementation of a proper water framework directive (WFD), and in helping governments to balance the social, environmental and economic dimensions to be taken into account ⁽³⁾.

1.7 The EESC insists that a sound ecological and chemical state must be achieved for water resources, so as to protect human health, water supply, natural ecosystems and biodiversity ⁽⁴⁾.

⁽¹⁾ SEC(2011) 1547 final.

⁽²⁾ European Environment Agency, EEA Technical Report No 8/2011 – Hazardous substances in Europe's fresh and marine waters - An overview.

⁽³⁾ OJ C 224, 30.8.2008, p. 67 and OJ C 97, 28/4/2007, p. 3.

⁽⁴⁾ OJ C 248, 25.08.2011, p. 1.

1.8 The EESC notes that the new directive should simplify and streamline reporting obligations for the Member States.

2. Introduction

2.1 The draft directive under discussion aims to amend Directives 2000/60/EC and 2008/105/EC regarding priority substances in the field of water (excluding the marine environment), in accordance with the provisions of the Water Framework Directive:

- i. establishing a review of the list of priority substances at least every four years, listing new priority substances (PS) and new priority hazardous substances (PHS) if necessary;
- ii. setting environmental quality standards (EQS) for surface water, sediment or biota as appropriate, on the basis of the latest information.

2.2 The review was conducted with the assistance of a study group and following a broad consultation among European Commission and Member State experts, stakeholders (industry associations and NGOs) and the Scientific Committee on Health and Environmental Risks (SCHER).

2.3 As a result of that work and the impact analysis (SEC(2011) 1547 final) conducted for the purpose, the current draft directive extends the list of 33 priority substances to 48, applying the most comprehensive option proposed by the impact analysis.

2.4 The draft directive's aim is to ensure that inland waters are brought to a sound chemical state, i.e. into line with the environmental quality standards set out in the annex to the draft directive:

- i. by reducing the concentration of priority substances;
- ii. and by eliminating the release of priority hazardous substances within 20 years of the adoption of the daughter directive.

3. General comments

3.1 The EESC firmly believes that water is not merely a consumer product but also a precious natural resource, vital to future generations as well as our own. Because of this and because many substances that cause pollution are used across the EU, harmonised environmental quality standards (EQS) for these substances must be set at EU level.

3.2 Persistent, bioaccumulative and toxic substances (PBTs) pose a particular problem owing to their ubiquitous nature, their capacity to be carried over long distances, their near omnipresence in the environment and their persistence. These

substances are generally classified as priority hazardous substances (PHS). Since their presence can mask improvements in water quality obtained for other substances, Member States are allowed to present their impact on the chemical state of water separately.

3.3 The implementation of the directive is based on river basin management plans and falls, ultimately, to the Member States. In this context, although the Commission provides examples and notes a general improvement in monitoring and the sharing of information, it is also clear that not all Member States are at the same level⁽⁵⁾. The directive could be more effective in this respect.

4. Specific comments

4.1 The European Commission bases the legislative framework on the notion of hazard rather than on that of risk; as a result, the directive includes substances with set concentration limits, but not the risks of interaction between substances present in the aquatic environment even at low concentration levels.

- i. These risks of interaction may concern combinations of chemicals or of nanoparticles.
- ii. Little is yet known about these phenomena from a scientific point of view, but the suspicions of toxicity are sufficiently strong to have led the European Environment Agency to produce a report on the subject recently⁽⁶⁾.
- iii. Although it may seem difficult to legislate on areas in which there is still much to learn, it would nevertheless seem essential for the future of aquatic ecosystems that a European directive on priority substances in the field of water prepare Member States to examine these phenomena.

4.2 Nickel and lead are on the list of priority substances but have not been included as priority hazardous substances (PHS).

- i. These substances are, however, persistent (nickel in particular shows ubiquitous persistence) and bioaccumulative, which makes them eligible to be on this list according to the European Commission's definition of priority hazardous substances.
- ii. The REACH regulation refers to these substances as being of very high concern and subject to authorisation given that they can be carcinogenic, toxic to reproduction (CMR 1 and 2) and/or persistent and bioaccumulative.

⁽⁵⁾ Communication from the Commission to the European Parliament and to the Council – Towards sustainable water management in the European Union, COM(2007) 128 final; Report from the Commission to the European Parliament and the Council, COM(2009) 156 final.

⁽⁶⁾ EEA Technical report, No 8/2011.

- iii. To be consistent with the definition given for PHS and with the REACH regulation, these substances should be classified as PHS, with the objective of stemming their release into water within 20 years.

Brussels, 23 May 2012.

The President
of the European Economic and Social Committee
Staffan NILSSON
