To: Mrs. Zakia Khattabi, Minister of Climate, the Environment, Sustainable Development and Green Deal, Belgium
Mr. Alain Maron. Minister of the Government of the Brussels-Capital Region, responsible for Climate Change, Environment, Energy and Participatory Democracy

Cc: Mrs. Veronique Van Den Langenbergh, Flanders Environment Agency, Belgian pilot for Zero Pollution package – WFD
Mr. Vincent Lebrun, Service Publique de Wallonie, Belgian pilot for Zero Pollution package – Groundwater
Mr. Benoît Baelen, Service Publique de Wallonie, Belgian pilot for Zero Pollution package – Surface water

Re: The importance of reaching Council agreement on EC proposal setting regulatory standards for water pollutants during the Belgian Presidency

Brussels, 8 January 2024

Dear Ministers,

I am writing to urge you to prioritise reaching Council agreement on the Commission’s proposal for updated pollutants of surface and groundwater during the Belgian Presidency.\(^1\) This is one of the key tests set for the Belgian Presidency in the [EEB’s memorandum to the Belgian Presidency of the EU].\(^2\)

Clean water is essential for nature, our economy and our society, but despite progress made, water pollution remains a significant challenge across the EU. The assessment of water bodies across the EU for the second River Basin Management cycle reported that not even a third of Europe’s water bodies are in good chemical status.\(^3\) Yet, this does not reveal the full picture, as chemical status under the Water Framework Directive is only assessed against a small, and by now outdated, set of pollutants, and does not take into account the effects of chemical mixtures.

Meanwhile, several critical pollutants go un-surveyed, including PFAS, pharmaceuticals and some of the most commonly used pesticides. Recent revelations of PFAS-polluted water, in Belgium, but also elsewhere in the EU, show the urgent need to improve monitoring and regulations of water pollutants to protect human and environmental health.

\(^2\) https://eeb.org/library/memorandum-to-the-belgian-presidency-of-the-eu/
\(^3\) EEA Report No 9/2021, Drivers of and pressures arising from selected key water management challenges: A European overview
EU water pollution standards should be updated at least every six years\(^4\) to reflect scientific progress, and the ongoing zero-pollution update of EU water pollution acquis based on the Commission’s proposal published in October 2022 is several years overdue since the current lists date from 2013 and 2014 for surface and groundwater respectively.

The European Parliament already adopted their position on the Commission proposal in September 2023. Unfortunately, inaction of the Swedish Presidency has delayed the Council discussions and although several Working Party meetings were arranged during the Spanish Presidency a Council agreement has not yet been reached. Unfortunately, the work program of the Belgian Presidency does not prioritise reaching the Council’s agreement on the file during its term. This risks delaying the action on tackling water pollution even more, which is something we cannot afford.

Freshwater species are among the most vulnerable to biodiversity loss and have seen an 84% decline globally since the 1970s.\(^5\) Scientists and conservation organisations list pollution reduction among the key priorities to halt freshwater biodiversity loss.\(^6\) The ongoing update of water pollutants provides an opportunity to bring EU water pollution standards up to date, to improve monitoring of substances of emerging concern and to help guide measures to tackle water pollution, which will bring benefits in improved water quality and healthier ecosystems.

It is crucial that a Council agreement is reached under the Belgian presidency so that inter-institutional negotiation can be concluded before Member States start planning measures for the next River Basin Management Cycle in 2025. The Belgian Presidency needs to build on the work commenced under the Spanish Presidency and reach the Council agreement at the June Environment Council meeting. The public opinion is clear – water pollution is seen by Europeans as one of the most important environmental challenges\(^7\) where EU is expected to lead action and the Belgian Presidency needs to meet those expectations.

Yours sincerely,

Patrick ten Brink

\(^4\) Water Framework Directive Article 16(4) and 16(7), Environmental Quality Standards Directive Article 8, Groundwater Directive Article 10

\(^5\) WWF, (2020), 84% collapse in Freshwater species populations since 1970


\(^7\) Eurobarometer https://europa.eu/eurobarometer/surveys/browse/all/series/14861
Annex

We call on the Belgian Presidency to prioritise Council negotiations on the Commission’s proposal to update the list of water pollutants of surface and groundwater in order to:

- Adopt the Council’s position before the end of this legislative term to ensure that the standards for new water pollutants are adopted in time for the preparation of the 4th generation of the River Basin Management Plans;

- Keep the scope of the legislative update of the EU water Directives (WFD, EQSD, GD) limited to priority pollutants of surface and groundwater, recognising the conclusions of the fitness check evaluation of the EU water policy that only chemical aspects of the WFD require a legislative update;

- Support listing of the proposed pollutants of surface water and groundwater including PFAS as a group, as well as supporting the proposed environmental quality standards (EQS) for newly added substances and tightening the standards for already listed pollutants;

- Ensure that the final SCHEER opinions inform setting of the final EQS values;

- Introduce threshold values for sub-group of substances with similar mode of actions, to better address combined effects of chemical mixtures and as an interim measure within the scope of this legislative update, introduce mixture risk limit for substances with same mode of action; 14

- Ensure there is no weakening of the existing obligations to address pollution, in particular the phase out obligation of priority hazardous substances;

- Support the proposal from the European Parliament to introduce an Extended Producer Responsibility to cover the monitoring costs of substances of emerging concern and decrease the pressure on public budgets;

- Effectively prevent or reduce pollution at source (for essential activities or uses), reducing the use of hazardous chemicals and plastics, aiming towards zero harm from pollution to people and planet