

International Association of Waterworks in the Rhine river basin (IAWR)

concerning 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 (EQSD in short) [COM(2011) 876 final]

The **Key Points** of our position are:

- IAWR supports the proposal of the European Commission in general and appreciates the overall efforts concerning the protection of the aquatic environment against the pollution by hazardous substances.
- IAWR regrets that the substances listed and the Environmental Quality Standards (EQSs) derived are only based on ecological criteria. As such the EQSD does not provide any water quality standards related to the use of surface water as resource for drinking water supply and the implications this has on water quality requirements. Therefore, it should be considered that the precautionary principle is the most important basis for environmental policy in the European Union as has been implemented in the Drinking Water Directive (98/83/EC). Hence, IAWR advocates consistency between the EQSD and the Drinking Water Directive.
- IAWR would like to point out that EQSs for surface waters still need to be developed further, taking the principle of precautionary drinking water protection strongly into account.
 - With regards to the pesticides alachlor, atrazine, simazine, diuron, isoproturon and pentachlorophenol there is a discrepancy between the requirements of the EQSD and the parametric value for pesticides given in the Drinking Water Directive of 0.1 µg/L based on the precautionary principle.
 - As it is in line with the precautionary principle IAWR supports the EQS for diclofenac of 0.1 µg/L, which is in conformity with the target value set in the Danube, Meuse and Rhine Memorandum¹.
 - IAWR suggests that it is necessary to add a number of substances, relevant from the perspective of drinking water supply, to the proposed EU-watch list.
- IAWR has significant concerns that specific EQSs cannot be achieved due to a lack of adequate and cost effective measures (e.g. PFOS) or because they are immeasurable in the foreseeable future. We emphasize that unachievable EQSs should not lead to restrictions on the production of drinking water from surface water.
 - Well-established and necessary drinking water production methods, e.g. artificial groundwater recharge or direct intake from pristine lakes, should not be restricted because EQSs are set so low that they cannot be achieved.
- IAWR agrees that emissions of priority hazardous substances to surface waters need to be ceased by the determination of their use and production within the European Union.
- IAWR would like to put the focus on the fact that the reduction of emissions of priority substances to drinking water resources, such as the Rhine, should be carried out by measures mainly focused on source control, strict control of the authorization process and by the optimised use patterns of these substances.

The proposal of the European Commission is welcomed in general

IAWR supports the efforts of the European Commission concerning the protection of the aquatic environment against hazardous substances and its intention to reduce the emissions of the listed substances through control at the source. The current proposal would lead to a significant step forward in preventive water protection and the protection of water resources for drinking water supply as the central task of public interest. We emphasize to determine the major users (industries, agriculture, hospitals, etc. as well as domestic users) to adapt to the use of source control measures and to restrict the use of these substances as the most sustainable and cost effective solution.

The EQSD does not reflect the use of surface water as drinking water resource

IAWR regrets that the proposal still only focuses on ecological quality standards and does not provide water quality standards for drinking water resources. There is a discrepancy between the requirements of the EQSD and the provisions of the Drinking Water Directive (98/83/EC). Therefore harmonisation and a consistency check between these regulations are strongly recommended. Currently, in a river basin like the Rhine,

¹ http://www.iawr.org/docs/publikation_sonstige/memo2008.pdf

individual Member States have implemented their own requirements for drinking water resources in national legislation which is not consistent with point 35 of the WFD: *“Within a river basin where use of water may have trans-boundary effects, the requirements for the achievement of the environmental objectives established under this Directive, and in particular all programmes of measures, should be coordinated for the whole of the river basin district.”* As long as there are no specific water quality standards related to drinking water resources in the EQSD, IAWR proposes to lay down a requirement for Member States to set quality standards for surface water from which drinking water is produced based on the Danube, Meuse and Rhine Memorandum.

EQSs need to take precautionary drinking water protection into account

IAWR would like to point out that article 191 of the EU Treaty² and the considerations made under point 11 of the Water Framework Directive 2000/60/EC (WFD), the common environmental policy should *“(…) be based on the precautionary principle and on the principles that preventive action should be taken, environmental damage should, as a priority, be rectified at source and that the polluter should pay (…)*”. In the proposal of the Commission, however, EQSs are proposed for some priority substances at such levels that the precautionary principle seems to be out of focus. The pesticides alachlor, atrazine, simazine, diuron, isoproturon and pentachlorophenol have higher EQSs than the parametric value for pesticides given in the Drinking Water Directive of 0.1 µg/L, which is based on the precautionary principle. As it is in line with the precautionary principle IAWR supports the proposed EQS for diclofenac of 0.1 µg/L, which is in conformity with the target value set in the Danube, Meuse and Rhine Memorandum.

‘No deterioration’ or ‘room for some deterioration’?

Current measurements of water quality in the European Union, e.g. in the river Rhine, show values for several substances which are a factor 10 to 100 lower than the proposed environmental quality standards. In the view of IAWR this allows too much room for deterioration of water quality and seems to be contradictive with the consideration under point 25 of the WFD *“that deterioration in the status of waters is prevented at Community level”*.

Add drinking water relevant substances to EU-watch list

IAWR supports the introduction of a watch list of substances for which Union wide monitoring data shall be gathered for the purpose of supporting future prioritisation exercises (Article 8b in the current proposal). However, this watch list should not only be based on available information which indicates that they may pose a significant risk at Union level to or via the aquatic environment, but should also concern relevance to drinking water production. Some water bodies, like the Rhine, carry artificial chemical substances which are generally very soluble in water and, at the same time, are very persistent. Humans and aquatic life communities are exposed to these chemical compounds, which are not yet regulated in the field of water policy, and would otherwise fall outside the assessment criteria (e.g. breakdown products of plant protection products and biocides, complexing agents, artificial sweeteners and iodinated X-ray contrast media).

Source control through authorization and strict control on use of priority substances, cessation of emissions of priority hazardous substances

IAWR agrees that, in order to ensure an adequate level of protection of the environment and human health, the ultimate aim for the priority hazardous substances should be the termination or phasing out of emissions, discharges and losses. IAWR thinks that the reduction of emissions of priority substances to drinking water resources, such as the Rhine, should be mainly focused on source control and strict control on the authorization process and optimized use patterns of these substances. We believe there are possibilities for (new) EU-wide source control measures and efforts are needed to identify the sources, consider potential measures and implement them. Especially new control measures are to be required for pharmaceutical substances (including iodinated X-ray contrast media) and other substances which are emitted to water as a result of everyday use in households, hospitals etc.

Closing remarks

IAWR recommends that further legislation must consider that there needs to be a balance between the efforts to achieve water quality standards and the significance of benefits, taking into account the use of energy, chemicals and other raw materials. IAWR would like to stress that the overall quality of water in the Rhine river basin has been improved mainly because of the advanced biological and chemical treatment of waste water, both at communal and industrial sites.

² The Treaty on the Functioning of the European Union, Official Journal of the European Union, C 83/47, 30-3-2010