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## **DRAFT STATEMENT OF THE COUNCIL'S REASONS**

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Subject: Position of the Council at first reading with a view to the adoption of a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2000/60/EC establishing a framework for Community action in the field of water policy, Directive 2006/118/EC on the protection of groundwater against pollution and deterioration and Directive 2008/105/EC on environmental quality standards in the field of water policy – Draft Statement of the Council's reasons

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## **I. INTRODUCTION**

1. On 22 of June 2022, the Commission adopted a proposal for a Directive amending Directive 2000/60/EC establishing a framework for Community action in the field of water policy (WFD), Directive 2006/118/EC on the protection of groundwater against pollution and deterioration (GWD) and Directive 2008/105/EC on environmental quality standards in the field of water policy (EQSD)<sup>1</sup>.
2. On 24 January 2023, the Committee of the Regions and the Economic and Social Committee were consulted. The Economic and Social Committee adopted its opinion on the proposal on 22 February 2023.<sup>2</sup>
3. On 19 June 2024, Coreper adopted a mandate for negotiations with the European Parliament.<sup>3</sup>
4. The European Parliament adopted its position at first reading on 24 April 2024, with 452 votes in favour, 43 votes against and 83 abstentions.<sup>4</sup>
5. Four trilogues took place, on 28 January, 20 May, 17 June 2025 and 23 September 2025. The Presidency proposed revised mandates to Coreper at its meetings on 14 May, 13 June and 17 September 2025. In addition to the political trilogues, 34 technical meetings were held.

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<sup>1</sup> ST 14265/22 + ADD 1-3.

<sup>2</sup> OJ C 146, 27.4.2023, pp. 41–45.

<sup>3</sup> ST 11383/24.

<sup>4</sup> ST 10562/24.

6. On 8 October 2025, the Committee of Permanent Representatives conducted an analysis of the text with a view to agreement and endorsed the final compromise resulting from the trilogues <sup>5</sup>. The endorsed text was distributed as an Annex to document 13706/25.
7. On 21 October 2025, the ENVI Committee of the European Parliament gave its endorsement to the text. Subsequently, on same day, the Chair of the ENVI Committee sent a letter to the Chair of the Permanent Representatives Committee indicating that, subject to lawyer-linguist verification, he would recommend to the ENVI Committee and the Plenary to adopt Council's position without amendments.

## II. OBJECTIVE

8. In 2019, the Commission conducted a fitness check evaluation of EU water legislation, covering the Water Framework Directive, the Environment Quality Standards Directive, the Ground Water Directive and the Floods Directive.<sup>6</sup> The fitness check concluded that, although the legislation is largely fit for purpose, there was room for improvement in relation to tackling chemical pollution.
9. This proposal amending the WFD, the GWD and the EQSD, aims to update the Annexes of these Directives containing the lists of pollutants and quality standards, to improve monitoring of chemical mixtures, streamline future updates according to scientific findings, improve access to, transparency and re-use of data and set new standards for a series of substances of emerging concern.

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<sup>5</sup> ST 13321/25.

<sup>6</sup> ST 15101/2019 + ADD1.

### III. ANALYSIS OF THE COUNCIL'S POSITION AT FIRST READING

10. On the basis of the Commission proposal, the Parliament and the Council conducted negotiations with a view to concluding an agreement at the stage of the Council's position at first reading. The text of the draft Council's position fully reflects the compromise reached between the two co-legislators.
11. To facilitate negotiations, the political issues were grouped into five clusters: a) watchlists, b) monitoring, c) reporting d) substances and e) horizontal issues. The agreement reached at the trilogue on 23 September 2025, reflected in the Council's position at first reading, contains the following **key political issues**:
  - a) **Watchlists cluster**
12. The watchlists for both groundwater and surface water are to be established by implementing act within 2 years, and revised every three years, thereafter. Member States are to monitor each substance or group of substances in the watch list at selected representative monitoring stations over a 24-month period. The monitoring period shall commence within six months of the establishment of the watch lists, but sampling and analysis need not commence at the start of that period. Substances on the list for groundwater are to be monitored at least once per year. Substances on the list for surface water should be monitored at least twice per year, and at least once per year for biota and sediment.

13. The **watchlists are capped** at a maximum of five substances or groups of substances for groundwater and of ten substances or groups of substances for surface water. Microplastics and antimicrobial resistance genes will only be included provided that reliable methods of sampling and analysis are available. The Commission is tasked with developing such methods within 18 months.
14. ECHA is to prepare scientific reports to assist the Commission in selecting the substances for inclusion in the watch list, taking into account a wide range of scientific information, including the recommendations from the Common Implementation Strategy under the WFD.

**b) Monitoring cluster**

15. In relation to the **monitoring frequency** of substances behaving like ubiquitous PBTs, Member States may monitor these substances less intensively than is required for priority substances, but such monitoring should take place at least every three years, unless the use or emission of the substance, or technical knowledge and expert judgment, justify another interval.
16. Regarding **seasonal variations** in monitoring, Member States are to consider peaks of substance use when planning their monitoring. A voluntary encouragement for digitalisation of monitoring is also foreseen.

17. **Effect-based monitoring** is mandatory for estrogenic substances in surface water during a 2-year period, in order to allow the Commission to collect data. The Commission shall set out the technical specifications for this monitoring by implementing act. In order to guarantee that Member States have sufficient time for preparations, the number of monitoring sites is limited and data collected through this method is excluded from the status assessment at the end of the 6 years cycle, during which this 2-year monitoring will take place.
18. On the **Joint Monitoring Facility**, a provision is included in the WFD that follows a graduated approach, that is, first the Commission is to assess the feasibility and then the possible establishment of the Facility. The use of the facility by Member States is voluntary.

c) **Reporting cluster**

19. On reporting, the Council's position at first reading contains the following elements:
- reporting of status will continue to take place within the six-yearly river basin management plans (RBMP),
  - the existing provision on the interim report on the programme of measures is deleted;
  - monitoring data related to biological quality elements in surface waters is to be reported every 3 years,
  - monitoring data related to chemical quality elements in surface water and groundwater is to be reported every two years. Member States are encouraged, on a voluntary basis, to report it annually;
  - new reporting obligations should be fully aligned with existing electronic data delivery mechanisms;
  - Member States may provide additional maps that present the information on the status.

**d) Substances cluster**

20. On **substances**, the Council's position at first reading comprises the following main elements:

- On **PFAS**: The sum of PFAS for groundwater is aligned with the Drinking Water Directive (DWD), which sets a quality standard (QS) for the sum of 20 PFAS. The alignment with the DWD is dynamic and any updates done for drinking water will automatically apply to groundwater. In addition, to take into account new scientific knowledge and better understanding of the harmfulness of these substances, a QS for the sum of 4 PFAS which are recognised as posing a significant risk to human health and the environment is included for groundwater. For surface water, TFA is added to the sum of 24 PFAS. At the next review, for both groundwater and surface water, the Commission is to consider whether TFA should have its own separate quality standard or continue to be a part of the sum of PFAS. The Commission should also consider setting quality standards for PFAS total.
- On **pesticides**: For groundwater, a QS for non-relevant metabolites of pesticides is simplified. In addition, the Commission is to establish by implementing act a list of known pesticide metabolites, indicating if they are relevant or not. This list should be adopted within 24 months of the entry into force of this amending Directive and should be updated thereafter in line with the RBMP cycle. For surface water, the total pesticides environmental quality standard (EQS) initially proposed by the Commission is replaced by an EQS for the sum of the pesticides that are already included in the list of priority substances to be monitored (except the four pesticides to be monitored in biota or sediment and glyphosate) with a value of 0.2 µg/l for freshwater.

- On **Bisphenols**: Bisphenol-A is designated as a priority hazardous substance, therefore, added to the list of substances in Annex I to the EQSD.
- On the **deselection of substances**: Atrazine is deselected.
- On **sums and totals**, in GWD, an Annex V is reintroduced containing “Substances for Review”, listing the sum(s) of selected pharmaceuticals by mode of action and the sum of bisphenols to be considered at a next review. Likewise, a new Annex III containing “Substances for Review” is added to the EQSD listing the sum of bisphenols, the sum(s) of selected pesticides by mode of action and the sum(s) of selected pharmaceuticals by mode of action to be considered at a next review. For the next review, the Commission should also consider setting EQS in surface water for a pesticides total, a pharmaceuticals total and a bisphenols total, and setting QS in groundwater for a pharmaceuticals total and a bisphenols total, supported by appropriate monitoring methods, though these are not included in the new Annex III and Annex V.

e) **Horizontal issues cluster: Measures at source; transboundary cooperation; groundwater ecosystems; non-deterioration and related exemptions; extended producer responsibility; access to justice; and deadlines, compliance, transposition and review**

21. In relation to **measures at source**, Member States, when preparing their programme of measures, are required to first consider source-control measures, in accordance with the relevant Union sectoral legislation, and then, where necessary, measures to reduce the risk from existing pollution. This is also related to the reintroduction of Article 16 and the requirement put on the Commission to submit proposals for controls to achieve the cessation or phasing-out of discharges, emissions and losses of the priority hazardous substances within 20 years of the designation of the substances as priority hazardous substances.

22. On provisions **transboundary cooperation** are streamlined. The text also precises that when faced with exceptional circumstances, in particular extreme floods, prolonged droughts or significant pollution incidents, in addition to informing other affected Member States and international river-basin coordination authorities, a Member State must also inform the Commission.
23. In relation to **groundwater ecosystems**, the need to gather more knowledge about the presence, importance and sensitivity of groundwater ecosystems is recognised, with a view to ensure their protection in the future. The Commission should work with Member States, under the CIS to develop a methodology for identifying the presence of groundwater ecosystems. Once a reliable methodology is available, Member States are to assess the presence of groundwater ecosystems in groundwater bodies whose characteristics could support their existence. If presence is verified, Member States should set stricter standards to protect those ecosystems, unless the standards that were previously set to protect human health are already sufficiently strict.
24. a definition of **deterioration** is introduced, corresponding to existing jurisprudence, as are two **additional exemptions** under Article 4 of the WFD, whereby temporary deterioration and deterioration through relocation are not to be considered a breach of the WFD. The exemptions contain certain safeguards so as to ensure that the objectives of the WFD are not jeopardized, in particular related to drinking water.

25. In relation to **extended producer responsibility**, the Commission is to prepare a report, within 3 years of the entry into force of this amending Directive, to evaluate, in particular, the feasibility of imposing the obligation on producers that place products containing priority substances and priority hazardous substances on the EU market to contribute to the costs of monitoring programmes established in accordance with the WFD.
26. In relation to **access to justice**, new recitals and a new Article are inserted in the Water Framework Directive.
27. In relation to **deadlines and compliance**, the Council’s position at first reading introduces considerable flexibility for Member States with the so called “**mutatis mutandis clause**”, as follows:
- compliance with achieving good groundwater chemical status in relation to the newly introduced substances can be extended until 2039, and in certain circumstances, to one further update of the RBMP, i.e. 2045,
  - for surface water, the same extensions are proposed for the newly introduced priority substances, and compliance for priority substances with revised EQS can be extended until 2033, with an additional possible extension until 2039,
  - for both groundwater and surface water, Member States may apply the time extensions beyond one cycle in cases where natural conditions are such that the objectives cannot be achieved within this period,

- in relation to threshold values and river basin specific pollutants, with an EQS set either at EU level or at national level, Member States are to achieve good groundwater and good surface water chemical status by the end of the following RBMP from when the values or the EQS was set, with a possible extension by one further update of the RBMP,
- a preliminary programme of measures is introduced for newly identified substances in groundwater and surface water, copying the approach taken for newly identified substances in surface water in the 2013 revision of the EQSD,
- the transposition date is fixed for 21 December 2027, to ensure that the requirements related to the revised standards can be taken into account in the fourth RBMP.

28. Finally, **annexes** listing pollutants will be updated every six years. This cycle will be the same for the publication of the European Chemicals Agency (ECHA) reports, except for the first ECHA report which is to be published after four years. Articles 16 and 17 of the WFD are reintroduced, thereby ensuring that the revision of the Annexes will be through the ordinary legislative procedure.

#### **IV. CONCLUSION**

29. The Council's Position at first reading on this amending directive reflects the compromise reached in the negotiations between the Council and the European Parliament, facilitated by the Commission. Once adopted, the proposed modifications to the existing Directives will address the shortcoming identified in its REFIT Evaluation and increase the level of protection of the environment and of human health from the adverse effects of chemical pollution.