

Position of the International  
**ERM Coalition**  
 on the Fitness Check of the EU Water Framework Directive  
 and its associated Directives

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**1. The International Coalition of the European River Memorandum (ERM) ...**

- ... is formed by associations of waterworks along the main European rivers that represent the water protection and drinking water interests of **188 million people living in the catchments of the rivers Rhine, Danube, Elbe, Meuse and Scheldt in 17 countries**: Germany, Austria, the Netherlands, Belgium, France, Switzerland, Bosnia-Herzegovina, Croatia, the Czech Republic, Hungary, Liechtenstein, Luxembourg, Montenegro, Romania, Serbia, Slovakia and Slovenia. Around 170 water companies have joined forces in this coalition.
- ... includes **IAWR**, the International Association of Waterworks in the **Rhine** Catchment Area and its member associations (AWBR - the Association of Lake Constance and Rhine Waterworks, ARW - the Association of Rhine Waterworks, RIWA-Rijn - Dutch River Waterworks Association), **IAWD** - International Association of Waterworks in the **Danube** Catchment Area, **AWE** - Association of Water Companies in the **Elbe** Catchment Area, **AWWR** - Association of **Ruhr** Waterworks, **RIWA-Meuse** - Association of **Maas/Meuse** Waterworks and **RIWA-Scheldt** - Association of **Scheldt** Waterworks.
- ... has a common strategy and vision for the sustainable, nature-based and prevention-oriented provision of drinking water. This strategy is set out in the European River Memorandum on Qualitative Protection of Drinking Water Resources (European River Memorandum, ERM). We advocate the precautionary protection of water bodies in order to guarantee that the safe and sustainable provision of drinking water without the need for complicated technical measures and high financial costs will remain possible for future generations. Within the framework of the precautionary protection of resources and the general purity requirements of drinking water, it is essential that the water to be treated is already of such a good quality that natural processes are sufficient during treatment. For guaranteeing the provision of drinking water in the future in accordance with the precautionary approach of the WFD, target values are set in the ERM.



**2. Position**

In this position paper the ERM Coalition reflects on the Fitness Check of the EU Water Framework Directive (WFD) and its associated Directives. The drinking water resources are of highest value for consumers today and particularly for future generations. Climate change is obviously connected with an upcoming water crisis which significantly increases the importance of the remaining water resources. Therefore their effective protection is of priority importance. This is recognised in recital 24 of the WFD: *'Good water quality will contribute to securing the drinking water supply for the population'*. The current protection of drinking water resources is not sufficient and has to be considerably improved if drinking water resources are to continue to provide good quality water for future generations, in line with recital 1 which states that water is a heritage which must be protected, defended and treated as such.



To achieve this goal, the WFD as the central instrument needs to be continued after 2027 and the safeguarding of water resources for drinking water supply needs to have priority. The ERM Coalition therefore wants to emphasise two main points:

- A. Higher prioritisation for protection of drinking water resources, and
- B. more focus on substances which are relevant for drinking water production



**A. Higher prioritisation for protection of drinking water resources**

The ERM Coalition regrets that the Environmental Quality Standards Directive (EQSD) and the Groundwater Directive do hardly list any drinking water relevant substances and do not provide any water quality standards related to the use of surface and groundwater as resource for drinking water supply. Substances which are (very) mobile and (very) persistent can pass purification steps in both waste water treatments and within the process of the production of drinking water. If those substances also have toxicological effects/impact, they can have an impact directly or indirectly on human health and the environment. The ERM Coalition would like to point out that article 191 of the Treaty on the Functioning of the European Union<sup>1</sup> and recital 11 of the Water Framework Directive (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 (...)"*. Furthermore, recital 25 of the WFD states that environmental



<sup>1</sup> [Official Journal of the European Union, C 83/47, 30 March 2010](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A2012O0033%3A001_20120330)

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objectives should be set to ensure that good status of surface water and groundwater is achieved throughout the EU and that deterioration in the status of waters is prevented at Community level. Therefore, the ERM Coalition advocates:

- to follow the priority steps targeting the protection of the drinking water resources, in the following order
  1. prevent that pollution and risks are generated,
  2. prevent that pollution is introduced in the environment/water cycle,
  3. prevent that pollution can reach drinking water resources;
- to meet the target values of the European River Memorandum;
- more coherence between the EQSD, the WFD, the Groundwater Directive (GWD) and the Drinking Water Directive (DWD);
- to make it easier to adapt the water quality criteria - such as EQS - in order to be able to react to new scientific findings and substances of emerging concern more quickly;
- to make the "Strategic approach to pharmaceuticals in the environment" a priority;
- establishing the approach for preventing water pollution by Persistent, Mobile and Toxic (PMT) and very Persistent, very Mobile (vPvM) substances which are registered under EU legislation (see section B.) and to introduce EQS and Groundwater Quality Standards for PMT and vPvM;
- reorientation of the EU's Common Agricultural Policy towards organic farming, implementation of the water protection objectives in Common Agricultural Practice and finance water protection measures using agricultural funding;
- systematic review of Common Agricultural Policy, REACH and EU regulations for placing pesticides, biocides and pharmaceuticals on the market in regard to their contribution to objectives of WFD;
- to introduce comprehensive licensing legislation for placing products on the market, including industrial chemicals (EU licensing legislation only exists in the fields of pesticides, biocides, pharmaceuticals, food/feed. REACH is only a registration procedure – this significant gap needs to be closed urgently).
- the legal obligation to implement measures specifically for the protection of drinking water resources according to article 7 of the WFD in the River Basin Management Plans and Programs of Measures.
- the implementation of a European discharge register including transboundary waters or waters of a certain size for discharge quantities of 300 kg or more per day to help pinpoint "hot spots" and better focus the actions taken in Programs of Measures (PoM) to achieve the WFD objectives.

#### **B. More focus on substances which are relevant for drinking water production**

The ERM Coalition recognises that the implementation of the WFD helped to improve water quality issues for some drinking water relevant substances in the past such as alachlor, atrazine, cadmium, chlorpyrifos, diuron, isoproturon and simazine. However, currently there is a considerable number of other substances emerging which can exhibit a great risk for the production of drinking water. Therefore, the ERM Coalition welcomes the proposal by the German Federal Environmental Agency (Umweltbundesamt, UBA) titled '*Protecting the sources of our drinking water - A revised proposal for implementing criteria and an assessment procedure to identify Persistent, Mobile and Toxic (PMT) and very Persistent, very Mobile (vPvM) substances registered under REACH*'<sup>2</sup>. The use of PMT/vPvM-criteria within REACH shall contribute towards a better protection of surface and groundwater used as resource for drinking water. The ERM Coalition supports the approach of prevention and precaution to minimise and eventually stop emissions of drinking water relevant substances into the environment. The economic consequences for the European chemical industry are expected to be limited when using the PMT/vPvM-criteria within REACH as it will affect only a small number of registered substances: possibly 167<sup>3</sup> or 240<sup>4</sup> out of 15,469 substances, of which 30 meet the vPvM-criteria and 23 meet the vPvM- and PMT-criteria. In the light of reaching the goals of article 7 of the WFD we claim:

<sup>2</sup> <https://www.umweltbundesamt.de/publikationen/protecting-the-sources-of-our-drinking-water-from>

<sup>3</sup> [https://www.umweltbundesamt.de/sites/default/files/medien/1410/publikationen/2018-02-12\\_texte\\_09-2018\\_pmt-of-167-reach-substances\\_v3.pdf](https://www.umweltbundesamt.de/sites/default/files/medien/1410/publikationen/2018-02-12_texte_09-2018_pmt-of-167-reach-substances_v3.pdf)

<sup>4</sup> <https://www.ngi.no/download/file/11567>



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- To give more attention to substances of emerging concern; information is often limited for these substances yet necessary to assess possible risks for drinking water. For precautionary reasons it is therefore advised to set a guideline value, signalling value or trigger value for anthropogenic substances which do not yet have an EQS;
- to keep the ban on deterioration and to set effective enforcement on this ban as well as to implement sanction mechanisms to ensure non-deterioration;
- to meet the expectations of the European Parliament which “calls on the Commission and the Member States to ensure that the ‘polluter pays’ principle is fully implemented and effectively enforced as regards the protection of water resources” from pesticides on 12 February 2019<sup>5</sup>.

All EU legislation for placing substances on the market should consider drinking water relevance as a criterion, such as:

- Regulation (EU) 1107/2009 concerning the placing of plant protection products on the market;
- The Biocidal Products Regulation (BPR, Regulation (EU) 528/2012).

If there are any questions or further discussions necessary, do not hesitate to contact the ERM Coalition via the IAWR<sup>6</sup>. We would be very interested in supporting the development of the WFD by our contribution at any time.



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<sup>5</sup> [P8\\_TA\(2019\)0082](#)/European Parliament resolution on the implementation of Directive 2009/128/EC on the sustainable use of pesticides

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