NAT/069
PRIORITY SUBSTANCES IN THE FIELD OF WATER POLICY

Brussels, 12 July 2000

OPINION
of the
Economic and Social Committee
on the
Proposal for a European Parliament and Council Decision establishing the list of priority substances in the field of water policy
(COM(2000) 47 final - 2000/0035 COD)

On 13 March 2000 the Council decided to consult the Economic and Social Committee, under Article 175 of the Treaty establishing the European Economic Community, on the

> *Proposal for a European Parliament and Council Decision establishing the list of priority substances in the field of water policy*
> (COM(2000) 47 final - 2000/0035 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 21 June 2000. The rapporteur was **Mrs Sánchez Miguel**.

At its 374th plenary session (meeting of 12 July) the Economic and Social Committee adopted the following opinion by 114 votes to one with one abstention.

1. Introduction

1.1 One of the main obstacles to achieving the objectives set out in the WFD (Water Framework Directive) is the presence of increasing quantities of - and ever more diverse - chemical substances in water, posing a serious risk to the balance of eco-systems, the environment and human health. The European Inventory of Existing Commercial Chemical Substances (EINECS) has more than 100,000 entries and is growing yearly.

1.2 Despite the slowness with which risks are assessed, there is increasingly firm evidence that exposure to even small quantities of these substances is dangerous. At the moment there is considerable concern over those substances which act as endocrine disrupters and affect, among other functions, the reproductive capacity of living species, including human beings.

1.3 Accordingly the primary objective of the Commission proposal is to establish a new list of priority substances to replace the list established under Directive 76/464/EEC, in accordance with the proposed WFD.

1.4 The method used for establishing this list combines a procedure known under the abbreviated title COMMPS (combined monitoring-based and modelling-based priority setting) and an open and transparent discussion of the substances or groups of substances selected, culminating in the list of priority substances.

1.5 The objective of establishing a new list is totally justified on account of the crucial role in future monitoring to be played by the WFD, basically because:

1.5.1 In the considerable time which has elapsed since the adoption of Directive 76/464/EEC we have become more knowledgeable - and socially concerned - about the effects of new and historic substances in the aquatic environment, especially those regarded as endocrine disrupters, which are currently being regulated (including the UNEP-POP Convention).

1.5.2 The WFD establishes a "combined approach" requiring harmonised quality standards and substance emission limits to tackle the problems arising from point and diffuse pollution of water bodies. This approach increases the number of substances or groups of substances requiring more inspections and monitoring.

1.5.3 The application of the WFD in order to bring water bodies up to a "good ecological status" in all the Member States requires that the substances to be monitored be identified and water quality monitoring systems be adapted.

1.6 To draw up the new list a "simplified risk-based assessment procedure based on scientific principles" has been chosen which combines evidence regarding the intrinsic hazard of the substance, evidence from monitoring of environmental contamination, reinforced by other factors such as volume of production and use of the substance concerned. The other two - much more rigorous and demanding - options mentioned in the proposal have been discarded as too time-consuming.

1.6.1 This procedure combines a system of preselecting candidate substances (COMMPS), an assessment of "statistical relevancy" and arrangements for participation in the discussion of the final selection. Four classification lists have been used for organic pollutants and metallic pollutants, based on either modelling or monitoring of sediment and surface water.

2. General comments

2.1 Although the option chosen is correct, the Committee would make various comments:

2.1.1 The method chosen - according to which the use of different sources of dangerous substances to draw up the "list of priority substances in the field of water policy" is at present necessary and adequate for developing the WFD in a reasonable time - will not guarantee that the objectives are attained.

2.1.2 As noted in the joint report of the European Environment Agency and the European Regional Office of the UNEP (United Nations Environment Programme) of October 1998, and despite the existence of a very strict legal framework for assessing the risk of chemical substances, the reality is that:

- there is hardly any information on or surveillance of the dispersion of these substances in water, atmosphere, soil, food chain, etc. and in particular the effects of exposure of human beings to these substances;
- there are no toxicity or eco-toxicity data, including for the more than 3000 chemical substances produced in "large quantities" (more than 1000 t/year).

2.2 The definition of risk used, the way "statistical relevancy" is interpreted and the existence of inexplicable "confidentiality rules" agreed with the industry have reduced the number of substances and groups of substances to the 32 described in the annex. This number could be higher, giving better protection of water resources without creating excessive problems for the effective

application of the WFD. It must be borne in mind that the last two factors represent administrative or methodological limits to the extension of the list, not scientific limits.

2.3 The assessment of the "statistical relevancy" on the basis of data from three Member States or two trans-boundary river basins may be sufficient given present time constraints. Nevertheless, the next review should establish, for information purposes, a list of substances pre-selected for their hazardousness or concentration which have not managed to surmount this methodological barrier; at the same time it should propose action for further developing the method and reassessing these substances in the future. This initiative is necessary because some substances may be very important in specific areas (heavily industrialised cities, intensive farming areas, ...) but less relevant on a national scale. These pollutants should still be identified and action plans drawn up within the framework of the "river basin management plans" established by the WFD.

2.3.1 The data confidentiality agreements with industry for certain substances set a limit to the scientific risk assessment. The Commission should endeavour to remove this barrier by means of "voluntary agreements" wherever possible or otherwise by regulation. These agreements may not only place a serious responsibility on the shoulders of the Commission in respect of the possible effects on the aquatic environment and human health, but also run counter to the Commission's own proposed guidelines for the precautionary principle. This methodological limitation should be amended to ensure that substances falling under this heading can be properly reassessed in the next review.

3. Specific comments

3.1 The final result (annex) after the expert opinion should be regarded as sufficient for the initial deployment of the WFD. However, to comply with the Commission's guidelines on the precautionary principle, the WFD must be made more effective by supplementary initiatives, without this adding to the workload and cost involved in substance monitoring: for instance, support for research programmes on the risks of old and new substances, incentives for pilot programmes for replacing, eliminating or reducing the use of these substances.

3.2 The Committee would point out that there are three aspects which require special attention if the list of substances is to be properly added to in future; given their importance they must be highlighted, even though they are dealt with in one form or another in the proposal:

- the identification and assessment of the risk from substances which affect groundwater; this is urgent given the importance of such substances for the internal balance of river basins and their specific features (long hydrological cycle, extreme vulnerability of the quality of these waters);
- the need to standardise parameters and analysis methods and to coordinate Member States' monitoring programmes;
- the need to mitigate the lack of available, well-assessed scientific information so that the risk from those substances which have been omitted for precisely this reason can be adequately assessed.

3.3 Without these measures, the COMMPS procedure will not be able to do its job of continually improving the procedure for selecting substances which endanger the aquatic environment.

3.4 Finally, the idea that it is necessary to establish and implement effective contamination reduction programmes and measures for the selected priority substances prior to any increase in the number of substances should be regarded as a recommendation rather than a requirement. Circumstances may necessitate a revision of the list although the Commission and Member States have not reached the point where these programmes are sufficiently defined or developed.

Brussels, 12 July 2000

The President of the Economic and Social Committee	The Secretary-General of the Economic and Social Committee
Beatrice Rangoni Machiavelli	**Patrick Venturini**